

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 20, 2003
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*
SUBJECT: PROPOSED MARTIN LUTHER KING, JR. MEMORIAL

ISSUE: Proposed Martin Luther King, Jr. Memorial.

RECOMMENDATION: That City Council:

- (1) Approve the placement of a memorial to Martin Luther King, Jr. in Market Square and the installation of an interactive display with in-depth information about Dr. King at the Black History Resource Center at the time the Market Square memorial is completed;
- (2) Request the City Manager to appoint a Martin Luther King, Jr. Committee consisting of the members of the Martin Luther King, Jr. Work Group and representation from the Commission for the Arts' Public Art Committee and other community groups to prepare a Request for Proposals (RFP) for a memorial to Dr. King that meets the criteria, objectives and/or principles established by the Committee. The RFP would be released once the funds raised have reached \$200,000 or at a time determined by the City Manager. The Committee would review and obtain public input on the submissions made in response to the RFP in accord with the City's public art policy, and select and recommend to Council one of the submitted memorial designs for placement in Market Square. The Committee would also raise funds for the design, production and placement of the memorial and the interactive display; and
- (3) Authorize a City contribution of \$10,000 be used to initiate the fund raising campaign for the memorial.

DISCUSSION: At its May 13 legislative meeting Council received the report of the City's Martin Luther King Jr. Work Group (Attachment 1). The report recommended that a permanent memorial to Dr. King be established in the City, that a bronze sculpture of Dr. King sitting on a bench be erected in one of the gardens in Market Square, following the upcoming renovation of the Square, and that an interactive historical display with in-depth information about Dr. King be installed at the Black History Resource Center. Council was also asked to provide a small amount of City money to assist in funding the memorial, with the remaining funds being raised by the Work Group.

Council received additional staff (Attachment 2) and citizen comments on the Work Group recommendations at its June 14 public hearing meeting. Staff's memorandum provided Council with the schedule for consideration of the proposed Visitor Center, which could have an impact on Market Square and the schedule for its renovation.

Several citizens and representatives from the Commission from the Arts who testified at the public hearing expressed concern about the detailed description of the type of memorial (a bronze sculpture of Dr. King sitting on a bench) recommended by the Work Group and noted that the design of a sculpture or other memorial generally is within the domain of the artist who is commissioned to do the work. The speakers also pointed out that the Council has adopted a Policy on Acquired Art (Attachment 3), which defines a role for the Public Art Committee of the Alexandria Commission on the Arts. As the speakers noted, it is possible to achieve the goals of the Work Group by defining the broad objectives of the memorial and involving the Work Group and representatives of the Public Art Committee in the selection process.

The City has recent experience in such an endeavor in the development of the Captain Rocky Versace Vietnam Veterans Memorial Plaza at the Mt. Vernon Recreation Center. The Versace Committee included similar representation as recommended above and also included other community members. The Versace Committee established broad guidelines for its memorial and was able to accomplish its goal with artistic assistance from the Public Art Committee representative. The Versace Committee also participated in the raising of funds for the memorial.

We recommend a similar approach for the Martin Luther King, Jr. Memorial. Thus, it is recommended that an expanded Martin Luther King, Jr. Memorial Committee be formed to include the members of the Martin Luther King, Jr. Work Group, two representatives from the Public Arts Committee, and up to three community representatives to be designated by the City Manager.

The Committee would prepare a Request for Proposals for a memorial to Dr. King that contains the criteria, objectives and/or principles defined by the Committee. The final RFP will note that the Martin Luther King, Jr. Work Group recommended that Dr. King be honored in a memorial that includes a sculpture of Dr. King sitting on a bench in one of the gardens in Market Square. The RFP would be issued once the funds raised have reached \$200,000 or at a time determined by the Manager. (The schedule for the Market Square renovation will determine when the Dr. King memorial could actually be placed in the square.) The Committee will also review and obtain public input on the submissions made in response to the RFP in accord with the City's public art policy, select and recommend to Council one of the submitted memorial designs for placement in Market Square, and raise funds to cover the cost of the memorial and the interactive display to be located in the Black History Resource Center.

STAFF:

Rosc Williams Boyd, Director of Citizen Assistance

ATTACHMENTS:

Attachment 1: May 13 docket item.

Attachment 2: June 14 docket item.

Attachment 3: Policy on Acquired Art

EXHIBIT NO. 1

City of Alexandria, Virginia

17
5-13-03

MEMORANDUM

DATE: MAY 8, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: RECOMMENDATIONS OF THE MARTIN LUTHER KING, JR. WORK GROUP

ISSUE: Consideration of Martin Luther King, Jr. Work Group recommendations regarding a memorial to Dr. King in the City of Alexandria.

RECOMMENDATIONS: That City Council:

- (1) Receive the Work Group's report which recommends that: (a) a permanent memorial to Dr. King be established in the City; (b) as part of the planned renovation of Market Square, a bench with a bronze sculpture of Dr. King sitting on the bench be installed in a garden area that is lighted, secure and visible; (c) an interactive historical display which provides in-depth information on Dr. King be installed at the Black History Resource Center; and (d) this report be distributed to all civic associations and set for public hearing on June 14 and Council action on June 24. The bench would be similar to the one in front of the Printing Industries of America building on Diagonal Road (see attachment for picture); and
- (2) Consider providing a small amount of City funds toward this memorial, with the remaining funds being raised by the Work Group which is committed to doing so.

BACKGROUND: At the October 9, 2001 City Council meeting, Council authorized the creation of a Martin Luther King, Jr. Work Group to work, under the auspices of the Martin Luther King Memorial Planning Committee, on recommendations for a permanent memorial to Dr. King in the City. The Work Group's mission is to determine whether a memorial is appropriate, and if so, to consider the type of memorial and possible locations.

The Work Group included three members from the Martin Luther King, Jr. Memorial Planning Committee, two members of City Council (Vice Mayor William Cleveland and Councilman William Buille), and one representative from the following groups: Alexandria Black and

Hispanic Concerned Women, Alexandria Interfaith Association, Alexandria NAACP, Alexandria Youth Council, and the Alexandria Chamber of Commerce. The Work Group's initial meeting was held on November 20, 2001. During that meeting the Work Group adopted a statement of work that would lead to recommendations with respect to:

- whether a permanent memorial to Dr. King in Alexandria is appropriate, and if so, the purpose to be achieved by the memorial;
- the general nature of the memorial;
- potential locations for the memorial;
- potential funding sources for the memorial; and
- a process for ensuring that the memorial becomes a reality.

DISCUSSION: The Work Group held its first meeting on November 29, 2001, and continued to meet through February 12, 2003. The Group decided that a permanent memorial to Dr. King was appropriate in the City of Alexandria. During its deliberations, the Work Group considered the various alternative formats for a memorial, including a statue or some other commemorative presence such as a garden, a plaque in a meaningful location, media presentation/educational center, or the naming/renaming of a street or City facility. Four potential locations for a memorial were reviewed which included the Black Heritage Park, Delaney Gardens in the PTO complex, Oronoco Bay Park, and Market Square.

A briefing was held on November 7, 2002 to advise the community of the Work Group's mission and seek citizen input on the options for a memorial (Attachment 2). Following the briefing, which was attended by 20 to 25 citizens, the consensus was that a permanent memorial should be erected in the City and that the memorial should be in a prominent location accessible to citizens and visitors.

The Work Group concluded that a Martin Luther King, Jr. sculpture, similar to the "Ben Franklin" in front of the Printers Association was appropriate for siting in one of the planters in the renovated Market Square. The garden setting would allow individuals to sit and contemplate Mr. King's life in a highly visible area that is frequently visited by residents and visitors. The Work Group's backup or alternate site is the Black Heritage Park.

The Work Group believes that Market Square is also a good location because of the historic activities that occurred there. Slaves were sold in Market Square prior to the beginning of trading at upper Duke Street sites slightly later in the 19th century. According to Director of Historic Alexandria Jean Federico, three specific sales occurred in the Square. Historic Alexandria Office staff welcome a presentation, using a large screen computer, in the Watson Reading Room of the Black History Resource Center, which will provide an interactive historical

media display to complement the statue.

Staff contacted representatives of the Printing Industries of America to obtain information about the sculpture in front of their building. "Ben Franklin" is a George W. Lundeen sculpture. Mr. Lundeen notes that the sculpture was one of a limited edition of 21. Those pieces were \$45,000 each. He estimates the cost of an original, one-of-a-kind sculpture to be \$150,000 to \$200,000.

If Council were to approve the Work Group's recommendations, and when and if a reasonable portion of the funding needed for the sculpture were pledged, we would proceed as follows, adhering to the City's Policy on Acquired Gifts:

- An open competition would be held for an artist who would design the sculpture.
- Public comment would be invited on the artists who enter the competition and the preliminary design they have submitted.
- An artist would be chosen by the Work Group (likely with its membership's supplemented by additional members).
- The City would enter into a contract with the artist which would clearly specify the items to be delivered by the artist and the items to be delivered by the City (e.g., other nearby benches, landscaping, pavers).
- The Work Group would receive and review periodic reports from the artist on his/her progress, as would City staff to ensure complete compatibility between the sculpture and the planned renovations of Market Square.
- The Work Group would eventually accept the artist's final work.

The Work Group is committed to raising the necessary funds, via a public/private partnership, to cover the costs of the sculpture and the interactive historical display at the Black History Resource Center. Grants from foundations will be sought and private donations will be solicited. Several of the civic associations represented at the community briefing indicated a willingness to make financial contributions in support of this project.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

Attachment 1. Graphic of "Ben Franklin"

Attachment 2. Briefing Paper for Community Groups

STAFF:

Rose Williams Boyd, Director of Citizen Assistance

George W. Lundeen

Lundeen Sculpture

"Ben
Franklin "

Pewter

8" x 10" x 7"

Bronze Edition
of 1990



To place an order or for more information contact:

Lundeen Sculptures, Ltd.

338 E. 4th Street
Loveland, Colorado 80537
(970) 669-7176

Or

E-Mail george@lundeensculpture.com

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<http://www.lundeensculpture.com/george/Works/benfranklinpewter.html>

4/3/2003

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City of Alexandria, Virginia



November 6, 2002

MARTIN LUTHER KING, JR. WORK GROUP
BRIEFING PAPER

Statement of Work:

The Martin Luther King, Jr. Work Group was established by City Council in October 2001 to make recommendations to the Council regarding a permanent memorial to Dr. King to be located in the City. Specifically, the Work Group will address and make recommendations regarding:

- (1) whether a permanent memorial to Dr. King is appropriate;
- (2) the general nature of the memorial;
- (3) potential locations for the memorial;
- (4) potential funding sources for the memorial; and
- (5) a process for ensuring that the memorial becomes a reality.

Consensus Items:

- There should be a permanent memorial in Alexandria to Dr. King
- Memorial can take the form of a statue or some other commemorative presence such as a garden, plaque in a meaningful location, media presentation/educational center, or the naming/renaming a street or City facility
- Potential locations for a memorial being considered by the Work Group are:
 - Black Heritage Park
 - Market Square
 - Delaney Gardens in the PTO complex
 - Oronoco Bay Park

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 11, 2003
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*
SUBJECT: TIMEFRAME FOR PROPOSED MARTIN LUTHER KING, JR. MEMORIAL

ISSUE: Timeframe for the renovation of Market Square and the installation of the proposed sculpture of Dr. King.

RECOMMENDATION: That Council receive this report, and take final action on the proposed memorial at the June 24 council meeting.

BACKGROUND: At its May 13 legislative meeting, Council received the report from the Martin Luther King, Jr. Work Group which recommended that: (a) a permanent memorial to Dr. King be established in the City; (b) as part of the planned renovation of Market Square, a bench with a bronze sculpture of Dr. King sitting on the bench be installed in a garden area that is lighted, secure and visible; (c) an interactive historical display which provides in-depth information on Dr. King at the Black History Resource Center; and (d) staff would distribute the report to all civic associations and notify the groups that the report was set for public hearing on June 14 with final action on June 24 (see docket item #17/Attachment 1). During the discussion, Councilwoman Woodson requested that staff provide a timeframe for the renovations of Market Square, which may include a visitors center, and relate this schedule to the proposed placement of the memorial in a garden area. Staff was also asked to comment on the feasibility of installing the sculpture in another location until the Market Square renovations are completed.

DISCUSSION: Copies of the docket item and press release announcing the public hearing on the report were distributed to the civic associations. One written response from the Historic Alexandria Resources Commission (Attachment 2) was submitted prior to the public hearing.

Based on recommendations contained in the Visitors Center Report docket item (June 10, 2003, item 17), Council is scheduled to make a decision on the possible relocation of the visitors center by the end of this calendar year. The renovation timeline for Market Square provided in this memorandum has two scenarios (without a visitors center and with a visitors center).

According to Director of General Services Edward Mandley the schedule for the renovation of Market Square, if the visitors center is placed at Market Square, is the following:

1. Late Fall 2003 - RFP for architectural services issued
2. Winter 2003/4 - Execute contract for architectural services
3. Winter 2004/5 to Fall 2005 - Architectural design process
4. Fall 2005 - Bid invitation issued for construction services
5. Spring 2005 - Begin construction
6. Fall 2006 - Construction completed

If the visitors center at Market Square is not the site option chosen then the above project schedule shortens by about six months.

Staff recommends that the open competition to select an artist who would design the sculpture not begin until the Work Group has raised \$200,000 to ensure that there is enough money on hand to cover all phases of the project (including sculpture design work, bronze casting, and transportation of sculpture to final site). The City would cover the costs of site preparation, special treatment lighting, and landscaping. In addition, staff would assist in writing grants to seek funds from foundations and other groups that may provide financial assistance.

Because of the costs associated with site preparation, special treatment lighting, and landscaping, I do not recommend installing the sculpture in a temporary location while the Market Square renovations are completed. In addition, I believe that the Work Group will need some time to raise the necessary funds (\$200,000) which will trigger the open competition process outlined in the attached docket item to select an artist to design the sculpture of Dr. King.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

Attachment 1. Docket Item #17 from the May 13, 2003 City Council meeting

Attachment 2. Letter from Kleber S. Masterson, Jr. to the Mayor and Members of City Council

STAFF:

Rose Williams Boyd, Director of Citizen Assistance

Edward Mandley, Director of General Services

Mark Jinks, Assistant City Manager

**Policy
On
Acquired Art**

City of Alexandria

Adopted by City Council
September 8, 1987
(art.pol 04/95)

**POLICY
FOR THE PURCHASE OF WORKS OF ART
BY THE CITY OF ALEXANDRIA**

SECTION ONE -- PROCEDURE

- 1.1. **RESPONSIBILITY.** The ultimate responsibility for the purchase, including the commissioning of works of art by the City of Alexandria (the "City") rests with the City Council. It shall be the policy and practice for the City Council to seek a formal recommendation from the Alexandria Commission for the Arts (the "Commission") when a work of art is to be purchased. The Commission and its subordinate bodies shall act in accordance with this Policy Statement and any internal guidelines established by the Commission.
- 1.2. **REVIEW PANEL.** The Commission shall establish and appoint the members of a Public Art Committee (the "Committee") to advise the Commission on the purchase of works of art.
 - 1.2.1. The Committee will consist of five members, as follows:
 - two artists or arts professional who reside or work in the City;
 - two artists or art professional who may or may not reside in the City;
 - and
 - one citizen resident of the City.
 - 1.2.2. Committee members will serve three-year terms. Initial terms will be two three-year terms, two two-year terms and one one-year term to be determined by lot. Committee members may serve a maximum of one full three-year term.
 - 1.2.3. The Committee will have the right as it deems appropriate to appoint subordinate bodies and to consult Commission Resource Panels for advice on the acquisition of particular works of art.
 - 1.2.4. The Committee will make its recommendations regarding acquisitions of particular works of art at the next regular Commission meeting held after the Commission requests the Committee's assistance unless a different timetable is agreed upon by the Commission and the Committee.
 - 1.2.5. Members of the Committee are subjects to all conflict-of-interest policies of the Commission, the City of Alexandria and Commonwealth of Virginia as detailed in Appendix A.

- 1.3. **CITIZEN INVOLVEMENT.** The public will be encouraged to express opinions, in writing, to the Commission.
 - 1.3.1. A photograph or model of a prospective purchase (including as much information about the work as possible) will be displayed for public viewing in one or more prominent areas within the City at least two weeks before the Commission meets to consider the acquisition.
- 1.4. **COMMISSION RECOMMENDATION.** The Commission shall adopt a formal recommendation to the City Council relating to the proposed acquisition of any work of art by the City.
- 1.5. **FUNDING.** Commission funds will be set aside for the acquisition of art in accordance with this Policy Statement. The Commission may also seek other sources of funding for this purpose.
- 1.6. **REFUSAL.** The Commission reserves the right to recommend that the City Council refuse any work of art.
- 1.7. **WORKS OF HISTORIC VALUE.** This policy shall not apply to any existing or future policies and procedures of the City of Alexandria and the Office of Historic Alexandria relating to works of historic interest and/or value.
- 1.8. **COMMISSION REVIEW REQUIRED.** Except as provided for in Paragraph 1.7, all works of art purchased with City funds are subject to this Policy Statement.
- 1.9. **PRIOR APPROVAL OF CITY ATTORNEY.** No work of art owned by, under the control of or fabricated by a City employee shall be eligible for purchase or commission by the City without the prior approval of the City Attorney.

SECTION TWO - RIGHTS AND RESPONSIBILITIES OF THE ARTIST AND THE CITY

- 2.1. **PURCHASE AGREEMENT.** No work will be purchased without a written agreement between the artist and the City which has been approved by the City Council and signed by the City Manager. Such agreement shall, prior to its submission to the City Council, be approved by the Commission and, as to its legal sufficiency, by the City Attorney. Sample standard contracts indicative of a typical agreement for the purchase of a work of art and typical agreement for the Commission of a work of art are attached to this Policy Statement. The Commission and the City Council may vary the terms of either if these sample agreements as circumstances require.
- 2.2. **SITE-SPECIFIC WORKS OF ART.** Unless otherwise agreed by contract, the artist will be responsible for fabrication, transportation and installation of works. The City will not assume liability for injuries to persons or property during installation of works.
- 2.3. **DEACCESSIONING.** Deaccessioning means the formal process used to remove a work of art from the City's collection.
- 2.3.1. This Policy Statement specifically contemplates that works from the City's collection may, from time to time, be sold or otherwise disposed of.
- 2.3.2. Proposals to the City Council with respect to deaccession of works from the City's collection shall be previously considered by the Commission and the Panel.
- 2.3.3. In determining whether any work is to be deaccessioned, consideration is given to:
- The City's ability to continue properly to preserve or care for the work;
 - The extent to which the work may, in the context of the collection, be surplus, redundant, or a duplicate of inferior quality;
 - The extent to which the disposition of the work may, whether by exchange or through use of proceeds derived from its sale, permit the City to upgrade and refine the collection; and/or
 - Whether such work has been found to have been falsely documented, described or attributed and/or to be a forgery.
- 2.3.4. No work that has been acquired by the City with a restriction as to its retention may be deaccessioned while such restriction remain in force. The Commission of its agent shall be notified by the City Council of all such restrictions at the time of acquisition and will maintain a record of those restrictions.

- 2.3.5. If a work originally received as a gift for a still-living donor or purchase from a still-living artist, the City will, as a matter of courtesy, notify that person of any determination made by the City to deaccession that work.
- 2.3.6. The manner in which a collection work which has been deaccessioned is to disposed of shall be determined by the City Council with the advice of the commission. Except in the case of a work which has been found to have been falsely documented, described or attributed and/or to be forgery, no single method is considered preferable for every instance. Among the method which may be considered are:
- Exchange
 - Public auction; and
 - Private Sale.
- 2.3.7. In the case of a work which is found to have been falsely documented, described or attributed and/or to be a forgery and which is subsequently deaccessioned, additional consideration must be given to the protection of the public's interest. Depending upon the manner in which the work was originally acquired and all of the surrounding circumstances, consideration may be given to:
- Rescinding any purchase by which the work was required;
 - Depositing the work on a long-term basis in a scholarly archive devoted to the study of such material; and/or
 - Except in the case of a forgery and only if any error in the work's documentation, description or attribution will not thereby be perpetuated, public auction or private sale.
- 2.3.8. The details of the manner in which any deaccessioned work has been disposed of shall be a matter of public record.
- 2.3.9. If a work of art was purchased by the City from an artist is sold by the City during the lifetime of that artist, the artist shall be entitled to a royalty equal to seven (7) per cent of the difference between the City's purchase price and the gross sale price or fair market value of any property received in exchange for the work. This paragraph will not apply to the following:
- 2.3.9.1. The resale of a work for a gross sale price less than \$500, or in exchange for property with a fair market value of less than \$500; and
- 2.3.9.2. The resale of a work for a gross sale price of less than 140 per cent of the purchase price paid by the City, or in exchange for property with fair market value of less than 140 per cent of the purchase paid by the City.

- 2.3.10. Proceeds from the disposition of deaccessioned works will be returned to the Commission's purchase fund.
- 2.4. **RECORDS.** The Commission of its agent(s) will maintain a permanent record of works owned by the City.
- 2.4.1. The Artist must complete a catalog worksheet supplied by the City before final payment for the work will be processed. The worksheet will include such information as the artist's name and the medium used.
- 2.5. **CREDITS.** A notice, including the artist's name and mentioning the City's ownership, will be publicly displayed and identified with the work. This notice will be fabricated, installed and paid for by the City. The Commission will approve the design of the notice.
- 2.6. **INSURANCE.** The City will insure, through commercial insurance or its own policy of self-insurance, all completed works of art purchased by the City for amounts and under conditions the City, with the advice of the Commission, deems appropriate.

**POLICY
FOR THE ACCEPTANCE OF DONATIONS
OF WORKS OF ART
BY THE CITY OF ALEXANDRIA**

SECTION ONE -- PROCEDURE

- 1.1. **RESPONSIBILITY.** The ultimate responsibility for the acceptance of donations of works of art by the City of Alexandria (the "City") rests with the City Council. It shall be the policy and practice for the City Council to seek a formal recommendation from the Alexandria Commission for the Arts (the "Commission") when a work of art is offered to the City as a gift. The Commission and its subordinate bodies shall act in accordance with this Policy Statement and any internal guidelines established by the Commission.
- 1.2. **REVIEW PANEL.** The Commission shall establish and appoint the members of a Public Art Committee (the "Committee") to advise the Commission on the acceptance of donated works of art.
- 1.2.1. The Committee will consist of five members, as follows:
- two artists or arts professionals who reside or work in the City;
 - two artists or arts professionals who may or may not reside or work in the City; and
 - one citizen resident of the City.
- 1.2.2. Committee members will serve three-year terms. Initial terms will be two three-year terms, two two-year terms and one one-year term, to be assigned by lot. Committee members may serve a maximum of one full three-year term.
- 1.2.3. The Committee will have the right as it deems appropriate to appoint subordinate bodies and to consult Commission Resource Panels for advice on the acquisition of particular works of art.
- 1.2.4. The Committee will make its recommendations regarding acquisitions of particular works of art at the next regular monthly Commission meeting held after the Commission requests the Committee's assistance, unless a different timetable is agreed upon by the Commission and the Committee.

- 1.2.5. Members of the Committee are subject to all conflict-of-interest policies of the Commission, the City of Alexandria and the Commonwealth of Virginia as detailed in Appendix A.
- 1.3. **CITIZEN INVOLVEMENT.** The public will be encouraged to express opinions, in writing, to the Commission.
 - 1.3.1. A photograph or model of prospective donation (including as much information about the work as possible) will be displayed for public viewing in one or more prominent areas within the City at least two weeks before the commission meets to consider the acquisition.
- 1.4. **COMMISSION RECOMMENDATION.** The Commission shall adopt a formal recommendation to the City Council relating to the proposed acquisition of any work of art by the City.
- 1.5. **REFUSAL.** The Commission reserves the right to recommend that the City Council refuse any work of art.
- 1.6. **WORKS OF HISTORIC VALUE.** This policy shall not apply to any existing or future policies and procedures of the City of Alexandria and the Office of Historic Alexandria relating to works of historic interest and/or value.
- 1.7. **COMMISSION REVIEW REQUIRED.** Except as provided in paragraph 1.6, all works of art offered as gifts to the City are subject to this Policy Statement.
- 1.8. **PRIOR APPROVAL OF CITY ATTORNEY.** No work of art owned by, under the control of or fabricated by a City employee shall be eligible for purchase or commission by the City without the prior approval of the City Attorney.

SECTION TWO -- RIGHTS AND RESPONSIBILITIES OF THE DONOR AND THE CITY

- 2.1. **LOANS.** The City will consider accepting works of art on loan where it determines that acceptance of loan of the work will benefit the City. All such loans shall be for a definite time period based on the life of the donor.
- 2.2. **LIFE ESTATES.** The City will consider accepting the donation of any work of art in which the donor or one other person retains an interest for life where it determines that acceptance of the work will benefit the City.
- 2.3. **FRACTIONAL INTERESTS.** The City will consider accepting the donation of fractional interest of any work of art where it determines that acceptance of the work will benefit the City.
- 2.4. **COPYRIGHT.** Each donation must be accompanied by a clear statement from the donor regarding ownership of the copyright for that work of art.
- 2.5. **DEACCESSIONING.** Deaccessioning means the formal process used to remove a work of art from the City's collection.
 - 2.5.1. This Policy Statement specifically contemplates that works from the City's collection may, from time to time, be sold or otherwise disposed of.
 - 2.5.2. Proposals to the City Council with respect to deaccession of works from the City's collection shall be previously considered by the Commission and the Panel.
 - 2.5.3. In determining whether any work is to be deaccessioned, consideration is given to:
 - The City's ability to continue to properly preserve or care for the work;
 - The extent to which the work may, in the context of the collection, be surplus, redundant, or a duplicate of inferior quality;
 - The extent to which the disposition of the work may, whether by exchange or through the use of proceeds derived from its sale, permit the City to upgrade and refine the collection; and/or
 - Whether such work has been found to have been falsely documented, described or attributed and/or to be a forgery.
 - 2.5.4. No work which has been acquired by the City with a restriction as to its retention may be deaccessioned while such restriction remains in force. The

Commission or its agent shall be notified by the City Council of all such restrictions at the time of acquisition and shall maintain a record of those restrictions.

- 2.5.5. If a work was originally received as a gift from a still-living donor or purchased from still-living artist, the City will, as a matter of courtesy, notify that person of any determination made by the City to deaccession that work.
- 2.5.6. The manner in which a collection of work that has been accursed is to be disposed of shall be determined by the City Council with the advice of the Commission. Except in the case of a work that has been found to have been falsely documented, described or attributed and/or to be forgery, no single method is considered preferable for every instance. Among the methods which may be considered are: Exchange; Public auction; and Private sale.
- 2.5.7. In the case of work which is found to have been falsely documented, described or attributed and/or to be a forgery and which is subsequently deaccessioned, additional consideration must be given to the protection of the public's interest. Depending upon the manner in which the work was originally acquired and all of the surrounding circumstances, consideration may be given to:
- Rescinding any purchase by which the work was acquired;
 - Depositing the work on a long-term basis in a scholarly archive devoted to the study of such material; and/or
 - Except in the case of a forgery and only if an error in the work's documentation, description or attribution will not hereby be perpetuated, public auction or private sale.
- 2.5.8. The details of the manner in which any deaccessioned work has been disposed of shall be a matter of public record.
- 2.5.9. If a work which was donated to the City by an artist is sold by the City during the lifetime of that artist, the artist shall be entitled to a royalty equal to seven (7) per cent of the difference between the City's purchase price and the gross sale price or the fair market value of any property received in exchange for the work. This paragraph will not apply to the following:
- 2.5.9.1. The resale of a work for a gross sale price of less than \$500, or in exchange for property with a fair market value of less than \$500; and

- 2.5.9.2. The resale of a work for a gross sale price of less than 140 per cent of the purchase price paid by the City, or in exchange for property with a fair market value of less than 140 per cent of the purchase price paid by the City.
- 2.5.10. Proceeds from the disposition of deaccessioned works will be returned to the Commission's purchase fund.
- 2.6. **RECORDS.** The Commission or its agent(s) shall maintain a permanent record of works owned by the City.
- 2.6.1. Donors will complete a catalog worksheet for each work of art, including such information as the artist's name and the medium used.
- 2.7. **CREDITS.** The donor will be named in the City's permanent record and whenever a work of art is exhibited unless the donor requests to be anonymous.
- 2.8. **APPRAISALS.** Neither the Commission nor the Panel will provide to donors appraisals of donated works of art. The Commission will require a donor to submit an appraisal of the donated work by a member of the American Society of Appraisers for insurance purposes. This requirement may be waived at the discretion of the Commission.
- 2.9. **INSURANCE.** The City will insure, through commercial insurance or its own policy of self-insurance, all completed works of art accepted for its collection for amounts and under conditions the City, with the advice of the Commission, deems appropriate. The City will not necessarily insure works or art for the amount at which such works are valued in appraisals submitted by donors or solicited by the city or the Commission.

ALEXANDRIA COMMISSION FOR THE ARTS

PUBLIC ART GUIDELINES

The following questions shall be asked whenever an artwork is reviewed by the Public Art Committee for acceptance or rejection by the City. Each query has equal weight in the decision-making process and is not listed in order of importance.

1. **AESTHETIC QUALITY:**
 - Is the work well designed and well crafted?
 - Are the composition and the proportions compatible with, and do they reflect, the symbolic content and purpose of the design?
 - Is the work of suitable and appropriate material?
 - Does it enhance the site? Is the design responsive to the particular characteristics of the site?

2. **REPRESENTATION:**
 - Is the artist's work already represented in the City collection or in a public space? (See limitations in the policy.)
 - What are the artist's qualifications? What is the artist's expertise?
 - Does the artist have experience in creating large scale work?
 - Does the committee have the necessary resume and slides of the artist's work?
 - Can a visit be made to see other projects accomplished by the artist?

3. **RELATIONSHIP TO THE COLLECTION AS A WHOLE:**
 - Is the proposed piece compatible with the City's collection?
 - Would the piece enhance the collection or is it a repeat of a style already represented?
 - How will the piece look and feel in 10 years? (Does the design relate more to generalized aesthetic concepts or to a specific commercial or stylistic period? Is it too safe or superficial to stand the test of time?)

4. **SITE COORDINATION:**
 - Has the site been selected for the artwork?
 - Has the site been cleared and approved by the appropriate City agencies?
 - If the artwork is intended for permanent siting, have the appropriate City departments been contacted?
 - Is a Special Use Permit (SUP) necessary?
 - Has this Department been represented at the planning sessions?
 - Has a site plan been prepared and submitted for the proposed site indicating limits of construction?
 - Does the site present any obstacles that must be overcome?
 - Who maintains and manages the site?

5. COMMUNITY INVOLVEMENT:

By what competitive process was the artist chosen?

If the artwork proposed has been generated by a community group:

- a) was the selection run as an open competition?
- b) how has the community been consulted or involved in the process?
- c) how will the community in which the artwork is placed perceive the piece?
(Will it be welcomed, criticized or ignored?)
- d) Is the work accessible to the handicapped? To the population as a whole?

6. TECHNICAL FEASIBILITY:

Can the artworks be built and installed as proposed?

Does the artist have the technical expertise to properly complete and install the work as proposed?

Will additional technical assistance be necessary? If so, has this expense been included in the budget?

Have written estimates been obtained from technical support and fabrication contractors?

7. TECHNICAL SPECIFICATIONS:

The Public Art Committee must review detailed construction/fabrication drawings consisting of a site plan, elevation and section view of artwork describing:

- a) existing adjacent and surrounding site conditions
- b) dimensions, materials and colors used in the artwork
- c) any utilities required during and following installation
- d) proposed construction and installation methods
- e) construction and installation schedules.

The Public Art Committee may request additional support materials such as text verbally describing the artwork and specifications, models or presentation drawings.

8. BUDGET:

Is the budget realistic for the size and the scale of the artwork and the site conditions?

Will the artist be paid? How much of the total budget is for this payment?

Are all fees and costs for technical support accurate and realistic?

Are the cost estimates guaranteed for the duration of the project?

If the work is commissioned is the funding source guaranteed?

If a new work is donated, can the donor guarantee the funding sources?

9. DURABILITY AND LIFE-SPAN:

How long are the materials expected to last?

Have engineers reviewed the drawings?

Have all seasonal and climatic conditions been addressed? Can the piece withstand hurricane force winds?

Does the work have a limited life span due to built-in obsolescence or inherent weakness?

- 10. SAFETY:
 - Is the piece resistant to vandalism?
 - Have all aspects of the public safety been considered?

- 11. MAINTENANCE AND PRESERVATION:
 - What are the proposed ongoing costs for maintenance?
 - Have funds, to be held in perpetuity, been provided for by the donor? the City?
 - Is a conservation plan in place? Are there accurate estimates for conservation?
 - Who will pay for the conservation?

- 12. TIMELINE:
 - How long will the project take?
 - Has the artist developed a realistic time line?
 - Are there incentives in place to maintain the time line? (Either financial, contractual or both?)
 - If a proposed project is not completed within the time line originally established and agreed upon by the artist and the City, or if significant changes to the proposed work occur, it must be reviewed again by the Public Art Committee.

CITY OF ALEXANDRIA'S PROCESS ON ACQUIRED ART/DONATIONS

1. Staff receives inquiry from donor.
2. Staff sends Guidelines for Donors of Proposed Donations of Works of Art to the City of Alexandria.
3. Receipt of completed forms and documentation from Donor received by staff.
4. Submission of Proposed donor's information to the Public Art Committee by staff.
5. Public Art Committee reviews the donor materials and reviews comments during a public comment period which is organized and sponsored by the Alexandria Commission for the Arts.
6. Public Art Committee reaches a decision using Public Art Policy/Public Art Guidelines and Public comments (also may use information from other committees and/or City staff).
7. Public Art Committee gives recommendation to the Alexandria Commission for the Arts.
8. Alexandria Commission for the Arts votes to accept or reject piece of art.
9. Alexandria Commission for the Arts sends recommendation to the Alexandria City Council.
10. Alexandria City Council reviews recommendation and votes to accept or decline the piece of art.
11. ACA staff advises/ notifies the prospective donor of the Alexandria City Council's decision.