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ART DONATION AGREEMENT

PURPOSE: The City of La Crosse Parks, Recreation and Forestry Department receives numerous inquiries from individuals and organizations with regards to donations of art to the City park system. The City Park system features a variety of art that bring character to each individual space. This agreement will assist the city to ensure that every art piece is properly evaluated and the accepted donation can be appropriately maintained through their useful life. The intent of this agreement is to provide a flexible and responsive means for donors to contribute. The established policies and procedures for accepting donations of art for the benefit of the City park system are defined herein.

DEFINITIONS:

- A. City: La Crosse, Wisconsin
- B. Department: The City of La Crosse Parks, Recreation, and Forestry Department
- C. Director: The City of La Crosse Parks, Recreation, and Forestry Department Director or Department Designee
- D. Donation: A gift of art, sculpture, statue, mural, mosaic, monument, physical object(s), or structure(s)
- E. Park(s): Any city-owned park, facility/building, natural area, trail and open space managed for recreational use and/or resource protection.

POLICY:

- A. The Department shall be responsible for administering the Art Donation Program; including the review process for approving donations. The Department may coordinate with other City departments or governing boards as needed.
- B. The City and Department encourages donations that support the Parks, Recreation, and Forestry service to the City. Donations can be accepted from public and private sources for the purpose of enhancing City parks and programs.
- C. Donations will be considered for all Parks with the exception of those where human activity is discouraged to protect habitat and sensitive lands. Not all Parks have needs for a particular amenity, and the Department may decline or recommend alternatives with the donor.
- D. Maintenance and installation funds, endowments, and insurance may be necessary on a case by case basis dependent on the nature of the request.

General Criteria:

- 1) Donations must be consistent with the mission, policies and goals of the Department, and not be limited to any special restrictions, impose budgetary obligations, or increased maintenance responsibilities.
- 2) Donations must be compatible with and meet a specific Park facility need identified in the approved Park master plan.
- 3) In areas not covered by master plans, compatibility with existing facilities and local conditions shall be considered as long as the Donations meet a specific Park need.
- 4) Age, life expectancy, art material, durability and anticipated general condition of the donation are an integral part of the evaluation process.
- 5) Anticipated maintenance requirements of the Donation over the course of its useful life and who is responsible.

Specific Criteria:

- 1) Monetary Donations or endowment funds may be required for installation and maintenance related costs. Given the responsibility of preserving and maintaining accepted pieces of artwork, the Department cannot in good faith accept works of art which present an unreasonable maintenance burden.
- 2) Insurance requirements may be necessary on a case by case basis. The cost to insure art in public parks is an unforeseen cost associated with Donations.

Maintenance, Damage & Term of Donation:

- 1) The Department can offer no guarantee or obligation, legal or otherwise, to maintain or replace Donations that are vandalized, lost, stolen, or otherwise damaged or destroyed.
- 2) Maintenance of donated items may occur as follows: The City, in conjunction with the Donor, will attempt to repair damaged Donations as outlined in the maintenance plan that accompanies the Donation and was adopted as terms for approving the donation. However, the City is not responsible for replacing items, due to excessive damage or loss. The City will attempt to contact the Donor using the information on file to inform them of such damage or loss. The Donor may replace the item(s) at their own expense.
- 3) Donors shall be aware that staff are unable to carry out higher levels of care such as, but not limited to, cleaning, sanding, polishing, oiling, or other treatments that address normal age and use.
- 4) The Department reserves the right to remove or relocate a Donation when reasonably required as a result of necessary park operations.
- 5) The term of the Donation may be adjusted by Department staff if there are insufficient funds available to maintain or repair the art. For example, if a donated piece of art is destroyed or deteriorates then it may be removed.

- 6) If the Donation is deemed a hazard to public health it will be removed promptly.
- 7) The Donation may be removed upon written request from the Donor at the Donor's expense.
- 8) Once the life expectancy of the art has expired the art will be removed unless an amended agreement is created and accepted to reflect the current condition and maintenance needs of the Donation.

IV. PROCEDURE

- A. The Donor shall submit a completed Art Donation Request Form with photos and/or rendering including the proposed location to the Department, see attached form.
- B. After receipt of the Park Donation Request Form, Department staff will contact the Donor, review the Park Donation Request Form and determine the appropriateness of the request as measured in the criteria listed above.
 - a. If a Request does not meet the approval criteria the Donor will be notified.
 - b. If a Request does meet the criteria the Donor shall meet with Department staff. The purpose of the meeting is for open discussion regarding the request including the terms for delivery, installation, maintenance, funding, etc.
- C. Staff will direct the Donor to the Board of Park Commissioners for final review. Appropriate approval of the Donation must be obtained before installation may begin.

ART DONATION REQUEST FORM

(Attach additional pages as necessary)

Donor Name or Organization: _____ Date: _____

Address: _____ City, State, Zip: _____

Telephone: _____ E-mail: _____

Donation item: (please check appropriate boxes)

Statue Fountain Memorial Sculpture Mosaic Monument Mural

Other, please explain: _____

Artist information: Name: _____

Address: _____ City, State, Zip: _____

Telephone: _____ E-mail: _____

Proposed Location (*include site map*): _____

Does the donation meet the needs of the Department Strategic Plan? Yes No

Photos or Renderings Attached: Yes ___ No ___ Location map attached: Yes ___ No ___

Additional permits necessary: _____

Have all permits been attained? Yes ___ No ___

Is the proposed location in the floodplain or floodway: Yes ___ No ___

If Yes, has the floodplain manager reviewed the plan: Yes ___ N/a ___

Donation Value: _____ Donation Age: _____ Life Expectancy: _____

Are utilities needed: Yes ___ No ___ if Yes, who is financially responsible for utilities Donor City

Maintenance Responsibility: Donor City Insurance Responsibility: Donor City

Description of Request: _____

Description of Donation: _____
