

**CITY OF SANTA MONICA
COLLECTION MANAGEMENT PROCEDURES:
GIFTS AND LOANS, COLLECTION MAINTENANCE AND
DEACCESSIONING**

I. GIFTS AND LOANS

A. Policy

Works of art are occasionally offered as gifts or long-term loans to the City of Santa Monica through the City Council, the Santa Monica Arts Commission, and other City departments. The City seeks to establish a standard measure for reviewing proposed gifts and loans by the Arts Commission and its PAC. The intent is to ensure that only works of the highest standard of excellence are accepted for the City's collection. The most important criterion is the inherent quality of the work itself.

B. Review Process

1. Application

All applicants will submit the materials listed below to the Cultural Affairs Division at least six months prior to the anticipated installation date of the project.

The application for review will consist of all of the following items:

- Completed application form
- Photographs, drawings, models, or designs of proposed artwork
- Description and samples (if available) of materials and colors
- Appraisal by professional art appraiser (if the work is existing)
- A site plan, to include photographs of site and neighborhood, drawings of the proposed site with the project to scale
- Proposed installation schedule
- Maintenance manual, including the long-term intent of artist for the preservation and maintenance of artwork
- Maintenance schedule prepared by professional art curator
- Budget for installation and maintenance
- Resume and examples of artist's previous work
- Proof of insurance sufficient to meet the requirements of the City's Risk Manager, if necessary
- Building permits, if necessary

2. Technical Criteria

The acquisition of an artwork by the City of Santa Monica means a commitment to its preservation, protection, and display for the public benefit. All materials used in the creation of the work must last in a public, non-archival setting. The work must be suitable for display in the proposed indoor or outdoor setting and must not have a limited life span due to either built-in obsolescence or inherent weakness.

Cultural Affairs Division staff and, when necessary, professional consultants, will review materials submitted by the applicant to determine the technical feasibility and needs of the work. A written report will be presented to the PAC addressing the following issues:

- Technical feasibility
- Budget
- Maintenance needs
- Durability and anticipated life span of the work
- Safety hazards and potential for vandalism
- Donor's conditions

3. Review Panel Process

The PAC will appoint a panel of three to five arts professionals to serve as a review panel. When artworks are proposed for donation this panel will prepare a written evaluation and recommendation based on the following criteria:

- Artistic quality
- Site
- Context within the City collection
- Professional credentials of the artist
- Collection diversity

4. Recommendation by PAC

CAD staff will transmit the application to the PAC at one of its regularly scheduled meetings. At this time, the Cultural Affairs Division will present its report on the technical aspects of the work including maintenance requirements and a representative from the Review Panel will present their recommendation to the PAC. The PAC will make a recommendation that will be forwarded to the Arts Commission for consideration.

5. Approval by the Santa Monica Arts Commission

The Chair of the PAC will present the Committee's recommendation at a regularly scheduled meeting. The Commission will vote to accept or decline the artwork.

6. Approval by other City Boards and Commissions

It is the responsibility of the applicant to submit the project for review and approval by any other boards and commissions deemed necessary for final approval. CAD staff will work with the applicant to identify such groups.

7. Final Acceptance

Final acceptance of gifts and loans will be made by the Arts Commission and the City Council will be informed of the decision.

Final acceptance of gifts will require:

- An executed contract transferring title of the artwork and clearly defining the rights and responsibilities of all parties.
- Complete records of accession including, but not limited to, a signed deed of gift, acknowledgment of receipt, registration information, location card, exhibition record, photographs or slides, and independent appraisal.
- Verification that the work is unique and an edition of one (unless stated to the contrary in the contract and accepted by the City).
- An endowment fund for the art work in the event that the City's maintenance budget is not sufficient or if the potential maintenance is deemed excessive.
- In general, works of art will be acquired without legal restrictions as to future use and disposition, except with respect to the State or Federal laws on preservation, copyright, and/or resale of works of art.

Final acceptance of loans will require:

- An executed contract clearly defining the terms and conditions of the loan and the rights and responsibilities of all parties.

C. Exemptions

The following will be exempt from the formal review and acceptance procedure:

Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States that may be accepted by the City Council or City Manager on behalf of the City. Permanent placement of any such artworks will be determined jointly by the Arts Commission and the appropriate City department. If not provided by the donor, maintenance of the art will be the responsibility of the host City department with assistance from the staff of the Cultural Affairs Division.

- Art or exhibitions loaned for display on public property for 90 days or less. Review and approval in these instances will be the responsibility of the CAD staff in consultation with the CCS Assistant Director and the department with jurisdiction over the site of the display or exhibition.
- Non City owned artworks in private offices or non-public areas of City facilities.

II. COLLECTION MAINTENANCE

A. Policy

The works of art created, purchased for or donated to the City's public art collection represent a significant asset that must be appropriately managed. The acquisition and display of works of art entail a commitment to care for and maintain the work adhering to the standards and practices of the art world. The following guidelines codify the overall approach to maintaining a majority of the work in the Collection.¹

B. Periodic Review and Assessment of the Collection:

Periodically, or at least once in every ten year period, the City's Public Art Collection will be evaluated by the PAC for the purpose of collection management and in order to assess the collection's future. The Committee's evaluation will be based on condition reports and financial considerations developed by CAD staff in conjunction with outside experts as needed. Murals will be evaluated as described in the Mural Conservation policy adopted November 17, 2003, by the Santa Monica Arts Commission.

C. Routine Care and Maintenance

The City of Santa Monica assumes the responsibility for ongoing conservation of artworks belonging to the City. The Cultural Affairs Division will oversee the maintenance and conservation of all artworks in the City's collection.

1. Artist or Donor Responsibilities

When an artwork is acquired by the City, whether by commission or donation, the artist or agent/donor will have certain responsibilities including, but not limited to, the following:

- Within the terms of the contract acquiring any specific artwork, the artist or agent will guarantee and maintain the work of art against all defects of

¹ For details regarding murals, please refer to the mural conservation policy

material or workmanship for a period of one year following installation or acquisition.

- Within the terms of the contract, the artist or agent will provide the Cultural Affairs Division with detailed instructions regarding routine maintenance of the artwork including a maintenance manual and maintenance schedule and will provide the Cultural Affairs Division with guidelines concerning the lifespan of the particular artwork.
- Within the terms of the contract, all repairs and restorations that are made during the lifetime of the artist will have the mutual agreement of the City and the artist where feasible. To the extent practical, the artist will be given the opportunity to accomplish such repairs.
- Mural maintenance and conservation will follow the Mural Conservation Policy guidelines adopted by the Arts Commission on November 17, 2003.

2. City Responsibilities

a. Cultural Affairs Division

- Establishing guidelines and schedules for routine maintenance such as cleaning, changing the light bulbs, etc.
- Advising the artist or donor about the removal of artwork from a site for which it was selected or from public display.
- Advising the artist or donor when artworks require extraordinary maintenance or repairs.
- Periodically inspecting and preparing a report on each work of art in the City collection which will include the following:
 - ◇ Present location of the artwork
 - ◇ Present condition of the artwork
 - ◇ Recommendation regarding needed maintenance or repairs
 - ◇ Annually, as part of the development of the Annual Work Plan, the PAC will review the condition reports and will recommend specific restoration projects for consideration by the Arts Commission as a part of the PFA Budget approval process.

b. City Departments or Entities

- Routine maintenance including regular cleaning of artwork. Such work will be completed in accordance with maintenance schedules and guidelines prepared by the Cultural Affairs Division.

D. Transportation

City departments should not move any artwork from the site at which it was installed, nor remove any artwork from display, without the prior approval of the Cultural Affairs Division.

Professional care will be taken in moving and transporting all City owned artwork. Whenever feasible such relocation will be contracted to or supervised by the artist or a professional art handler.

III. DEACCESSIONING

A. Policy

Deaccessioning is the process by which the Santa Monica Arts Commission decides and declares that an object may be removed from the City's collection. It is the primary responsibility of the Arts Commission to preserve and protect the collections under its management for the people of the City of Santa Monica. The City will dispose of works of art in its collections only in the public interest and as a means of improving the quality of the collection. Since artworks are acquired by the City through a thorough review process, deaccessioning should be considered only after five years following acceptance. The need for relocation or the temporary removal from public display does not automatically necessitate deaccession. Deaccessioning should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence of fluctuations of taste and the premature removal of an artwork from the collection.

CAD staff will manage the deaccession process working with the PAC and the Arts Commission. The process will ensure that the interests of the public, the intent in the broadest sense of the donor (if any), and the interests of the scholarly and the cultural communities are all given careful consideration. Because of its complex legal and ethical nature, the deaccession process requires even greater deliberation than the acquisition of objects and will be handled in an open and candid manner. All final decisions regarding the deaccession of any artwork will be made at regularly scheduled public meetings of the Arts Commission.

All proceeds from any sale or auction of a work of art, less any payment due the artist under the California Resale Royalties Act, will be used for the exclusive purpose of acquiring or maintaining one or more other works of art for the same public structure or purpose for which the original work of art was acquired. If that is not possible, then the proceeds will be used to acquire or maintain a work of art at another city facility.

B. Removal of an Artwork from Public Display

1. Cause for a review

While the intent of acquisition of artwork or creation of public art is for permanent public display, circumstances and/or conditions may arise that make it prudent for the Commission, on behalf of the public interest to remove an artwork from public display. One or more of the following conditions must apply in order for an artwork to be considered for deaccession:

- The work presents a threat to public safety.
- The condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- The work requires excessive or unreasonable maintenance.
- The work has serious or dangerous faults in design or workmanship.
- The condition of the work requires restoration in gross excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false.
- The work is of poor quality.
- A similar but superior example exists in the collection.
- The work is a forgery.
- No suitable site for the work is available.
- Significant adverse public reaction is documented over an extended period of time (5 years or more).
- The work is judged to have little or no aesthetic and/or historical or cultural value.
- The Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- The work can be sold to finance, or can be traded for, a work of greater importance.
- A written request from the artist has been received to remove the work from public display.
- The work is not, or is rarely displayed.
- The artwork has been determined to be incompatible with the rest of the collection.

2. Review Process

Prior to the deaccession of a work of art, CAD staff will make all reasonable efforts to ascertain that the City is legally free to dispose of the work in question and complete a report with the following information:

- Acquisition method and purchase price.
- Any restrictions that may apply to the specific work, based on contract review.

- An analysis of the reasons for recommending deaccessioning.
- Alternatives to deaccessioning.
- Suggested methods of deaccession.
- Appraised value of the work by two independent consultants, if obtainable.
- Documentation of correspondence, including media or other evidence of public debate documenting extended adverse public reaction.
- Documentation of discussions with the artist or donor or any stakeholder groups the circumstances prompting the review.
- Documentation of discussions with the affected department.

The report will be presented to the PAC who will be asked to make a recommendation to the Arts Commission. CAD staff may seek additional information regarding the work from the artist, art galleries, curators, appraisers or other professionals prior to making a recommendation to the Arts Commission. The PAC's recommendation will be presented to the Arts Commission at a regular public meeting for action.

3. Deaccession Considerations

- a. Sale at public auction is strongly encouraged. Whenever works are deaccessioned by means other than public auction, no fewer than two independent estimates of fair market value must be secured.
- b. Artworks may not be given or sold privately to City employees, officers, volunteers or members of City commissions, committees, boards, affiliate groups, or their representatives unless they are sold at public auction and with appropriate disclosures.
- c. Consideration should be given to placing the art objects, through gift, exchange or sale, in another tax-exempt public institution wherein they may serve the purpose for which they were acquired initially by the City. The Arts Commission may exchange a work of art on such terms as the Commission, by a 2/3 vote of the members, determines appropriate.
- d. A work of art may be sold privately under the following circumstances:
 - If the work is offered at public auction and no bids are received, or if the bids are rejected. A work of art on which bids have been rejected will not thereafter be sold through private sale for less than the amount of the highest bid received.
 - If the Arts Commission determines, by a 2/3 vote of the members, that the work may be sold on terms more advantageous to the City if sold through private sale.

- If the artist of the work chooses to purchase it at the original purchase price.
 - e. An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the records of the Cultural Affairs Division.
 - f. The City must abide by the California Resale Royalties Act with respect to notification and payment of artists.
 - g. When a gift is deaccessioned, the donor's name should be recognized in the label copy for the object or objects acquired in its place.
 - h. Destruction of work deteriorated or damaged beyond repair at a reasonable cost, and deemed to be of no or only a negligible value, will take place in accordance with national standards for conservation and deaccession.
 - i. All recommendations for deaccession are subject to appeal. All appeals must be made in writing to the office of the Director of Community and Cultural Services and the City Manager.