City of Santa Fe

Agenda

ART IN PUBLIC PLACES

Thursday, June 27, 2019
City Council Conference Room
200 Lincoln Ave.
505-955-6707
5:30 PM

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
   a) May 23, 2019
5. Report of the Chair (*Andrea Hanley, Acting Chair, ahanley@iaia.edu 470-9607)*
   a) Managing Permanent Collections Documents Survey
6. Discussion Items
   a) Conversation regarding NuMu Art on Loan Project proposal (*Rod Lambert, Community Gallery Manager, rdlambert@santafenm.gov 955.6705)*
   b) Public Art Collection Field Trip / Survey (*Rod Lambert)*
7. Adjourn

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to meeting date

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: June 18, 2019
TIME: 11:12 AM

Cover Page	Action Item	Page 0
Call to Order	Andrea Hanley, Acting Chair called the meeting of the Art in Public Places committee to order at 5:30 pm in the City Councilor's Conference Room, Santa Fe, New Mexico. Quorum is reflected in roll call.	Page 1
Approval of Agenda	***Mr. Chase-Daniel moved to approve the agenda as presented, second by Drew Lenihan, motion carried by unanimous voice vote.***	Page 1
Approval of Minutes May 23, 2019	**Corrections: last name for Jeff: Norris** ***Mr. Chase-Daniel moved to approve the minutes of May 23, 2019 as amended, second by Mr. Rosen, motion carried by unanimous voice vote.***	Page 1
Report of the Chair	Informational	Page 1 - 2
Discussion Items a. Conversation regarding NuMu Art on Loan Project Proposal b. Public Art Collection Field Trip	*Informational*	Page 2 - 3
Adjourn and signature page	*There being no further business to come before the Art in Public Places Committee the Chair called for adjournment at 6:05pm*	Page 5

ART IN PUBLIC PLACES
MINUTES
June 27, 2019
5:30 pm - 6:05 pm

1. **Call to Order**
   Andrea Hanley, Acting Chair called the meeting of the Art in Public Places committee to order at 5:30 pm in the City Council Conference Room, Santa Fe, New Mexico. A quorum is reflected in roll call.

2. **Roll Call**

   Present:
   Andrea Hanley, Acting Chair
   Matthew Chase-Daniel
   Drew Lenihan
   Adam Rosen
   Terran Last Gun

   Excused:
   Alex Hanna, Chair
   Angie Rizzo

   Others Present:
   Rod Lambert, Gallery Director
   Fran Lucero, Stenographer

3. **Approval of Agenda**

   Matthew Chase Daniel moved to approve the agenda as presented, second by Drew Lenihan, motion carried by unanimous voice vote.

4. **Approval of Minutes – May 23, 2019**

   Correction: Add last name for Staff - Jeff: Norris

   Mr. Chase Daniel moved to approve the minutes of May 23, 2019 as amended, second by Mr. Rosen, motion carried by unanimous voice vote.

5. **Report of the Chair (Acting Chair, Andrea Hanley)**
   A) Managing Permanent Collections Documents Survey(Exhibit A)
   Ms. Hanley was asked by the Arts Commission. She detailed the list provided to the Arts Commission to put together two samples of Collections Management Policy by the city and museums and they are broad and detailed. She detailed from the example a museum condition report, a sample of the municipal ordinance on public art, different funding options for the purpose of advancing arts for the benefit of the public. Information was shared with staff to use as a guide to create Permanent Collections. Enclosed is a Resolution from the city of Tempe (Exhibit B). These guidelines are intended to govern offers to the City of Tempe ("City") of artwork that are acquired through the public art

process or other established acquisition procedures. The Resolution by the City Council of the City of Tempe, Arizona, amending section 1 of the Resolution No. 88.43 increasing the capital improvements budget contribution to public art to one percent (1%) and authorizing its use on art in all forms.

Section 1: Municipal Arts Fund - a) There is established in the City Treasury a non-departmental account designated "Municipal Arts Fund". An amount equal to one percent (1%) of the total capital improvement budget for each fiscal year shall be appropriated into this account on an annual basis. B) Money appropriated in the Municipal Arts Fund may be expended by the City Council for the purpose of advancing art in all its forms for the benefit of the public.

This is another way we may want to think about doing things in the future.

Mr. Chase-Daniel said, it is similar to the two percent (2%) of capital improvement funds.

Acting Chair noted that AZ is not that specific. The American Alliance of Museums document (Exhibit A) was passed on to staff to look at and hopefully use as a guide to create a Collections Management Policy for the City of Santa Fe.

6. Discussion Items

a. Conversation regarding NuMu Art on Loan Project proposal

Drew Lenihan said he was asked to take a step back by staff due to work load at this time. SITE was interested in having a conversation with AIPP, the Artist and probably the Registrar and Curator of SITE. The main issue is the insurance which the artist is willing to waive or sort of the budget that they have the for the piece possibly reallocate it for insurance. There was no timing issue, it is a matter of figuring out if SITE is willing to put in their budget a way to move it. They have de-installed it and they moved to the dock.

Mr. Lambert said due to the insurance stipulations and finding a location on city property needs to be researched. 3-4 years we were faced with a similar situation and the city said the artist should insure their piece. There is a space that the City has been looking at but the location next to Cowboys Restaurant, however it may be difficult due to the power lines.

Mr. Lenihan said if it was going to that location it would be driven from SITE. It does need electricity. Mr. Lenihan would like to see it at a park where it would have a safe electrical output. No special electrical requirements needed.

Mr. Chase Daniel liked the original idea of curation and changing presentations during the year. Another idea with the new Poet Laureate is to have local artists doing readings.

Mr. Lenihan said that the Guatemalan Artist would want to work with the city to curate it and continue their programming. This effort would go through the Gallery and Rod Lambert would work with them to calendar.

The consensus of the Art in Public Places members is the strong interest and they would like to pursue this. Mr. Lambert was directed to do more research as his time permits.

The Arts Commission will have a deferred meeting date so the time to review is sufficient. The insurance question is also a topic that needs further review. It was suggested to put it on the AIPP agenda for July.

Mr. Lenihan said SITE can hold it up to 4 months.

b. Public Art Collection Field Trip

Terran and Adam

Mr. Rosen felt they should start farthest from downtown and work back in to the city. Besides the Chavez and the Airport is a strip coming downtown.

Mr. Chase Daniel said that he has also noticed graffiti on a piece at Camino Carlos Rey. Mr. Lambert asked if they are interested in visiting and inventorying or adding a survey to make sure that everything is ok. The ones from the southside are well contained. What are we going to be doing or what are the expectations from the field trip? Parks would need to be included to let us know what parks are available.

It was also recommended that the possibility of identifying new locations would be good.

The Acting Chair asked how it would be structured? Is it a survey?

Mr. Rosen and Mr. Chase Daniel said they should concentrate on the areas that have been forgotten and need attention.

It was recommended that the field trip be done possibly in September.

Acting Chair asked the members to provide Mr. Lambert with what they would like to see. It was also recommended that this be held on a Saturday and include the new Director at that time. The field trip could be mid to late September.

Terran asked if he could see a list of the loan pieces. Mr. Lambert will get this to Terran.

Acting Chair would like to see other sites for monumental gateways vs. large scale sculptures. There are so many things we could do to express and show our public art.

Mr. Chase Daniel suggested murals at St. Michael's and St. Francis.

Mr. Lambert updated the members letting them know that the airport art is all in place. All of the images, socio bios and information for the artist is all in place to send out.

Mr. Lambert talked about administrative updates. More information to follow on the staffing.

7. Adjourn

There being no further business to come before the Art in Public Places Committee, the meeting was adjourned at 6:05 pm.

Signature Page:

Andrea Hanley, Acting Chair

Fran Lucero, Stenographer

American Alliance of Museums

ALLIANCE REFERENCE GUIDE

Developing a Collections Management Policy

This reference guide aims to help museums develop a collections management policy (CMP). A CMP is one of the five documents designated as core because they are fundamental for professional museum operations and embody core museum values and practices.

This guide explains what a collections management policy is, why it is important, and what to consider when developing one. It reflects the standards of the field that all museums should adhere to and aligns with the requirements of the Alliance's Core Documents Verification and Accreditation programs.

What It Is

A collections management policy addresses various aspects of the museum's collections stewardship responsibilities. This policy defines the scope of a museum's collection and how the museum cares for its collections and makes them available to the public. A collections management policy also explains the roles of the parties responsible for managing and caring for the museum's collections.

Why It Is Important

Collections advance the museum's mission while helping it to serve the public. Because collections are held in trust for the public and are made accessible for the public's benefit, the public expects museums to maintain the highest legal, ethical, and professional standards. To demonstrate adherence to these standards, museums establish policies to support their mission and operations and to guide decision-making. Policies give the governing authority, staff, and public the opportunity to learn about standards and help museums fulfill their responsibilities as stewards of collections.

Exhibit A

Required Elements of a Collections Management Policy

Each core document has a set of required elements associated with it that are based on the Core Standards. When writing or revising their collections management policies, museums should ensure that they align with those standards and contain the required elements listed below.

Required Elements of a Collections Management Policy:
Policies should be consistent with the established standards and practices issued by relevant discipline-specific organizations.

Institutions with both living and non-living collections must have policies that cover both collections. Institutions with living collections may use different terminology for collections management activities for plants or animals but should utilize the same principles as used for non-living collections.

Institutions with collections (both living and non-living):

- Bears date approved by the governing authority
- Scope and categories of collections
- Acquisitions and accessioning (including criteria and decision-making authority)
- Deaccessioning and disposal (including criteria and decision-making authority)
- Loans, incoming and outgoing (if the museum does not lend or borrow, it should state this)
- Collections documentation and records, including inventory
- Collections care and conservation
- Access and use of collections
- Responsibility and authority for collections-related decisions
- Collections-related ethical issues
- Statement on the use of funds from deaccessioning, limiting use to new acquisitions and/or the direct care of collections (language must be identical to that in the Code of Ethics)

If direct care is an allowed use of funds, the policy should include:

- the scope of "direct care of collections" for the museum
- the process the museum will follow to determine the use of funds, including who is involved in decision-making

Institutions that do not own or manage collections but borrow and use objects for exhibits, education, or research must submit the policy document that outlines custodial care and borrowing policies for objects it uses.

Institutions that do not own or manage collections but borrow and use objects for exhibits, education, or research:

- Care and documentation for objects in temporary custody
- Borrowing policies and criteria
- Access to and/or use of objects in temporary custody
- Responsibility and authority for decisions related to the objects
- Bears date approved by the governing authority

Anatomy of a Collections Management Policy

A strong policy is consistent in the day-to-day handling of an institution's collections and is written to meet the specific needs of the museum and its collection. It is important to take the necessary time and resources to think through and develop a realistic and usable document. Establishing a policy that is then not followed is detrimental to the museum and the community it serves.

There is no one perfect template for any document. Each of the museum's documents should be influenced by its unique history, community, collections, and governance. Interrelated policies and plans contribute to a cohesive vision and mission. While collections management policies vary in their organization and content, listed below are elements commonly found in these policies.

Mission, Vision and History

Policies, procedures, and plans should support the mission. Thus, many museums begin the policy by reiterating their mission, then following it with other introductory material, including the museum's vision and a brief history of the museum and its collections. This section provides readers of the policy with a better understanding of the museum's choices and the role of the mission in its collections stewardship. For more guidance, review the Alliance Reference Guide on Mission Statements.

Statement of Authority

The governing authority, relevant committees, and staff each help the museum fulfill its role as a steward of its collections. This section summarizes those roles and responsibilities. It usually includes the name of the museum, its purpose, and an identification of who is responsible for legal and fiduciary matters. Sometimes the statement of authority is found in the introductory sections, along with mission, vision, and history.

Legal and Ethical Issues

There are many laws regarding the ownership and protection of cultural and natural resources, including but not limited to: stolen, looted, or appropriated art; archaeological material removed from federally owned or controlled land; and issues relating to the Native American Graves Protection and Repatriation Act (NAGPRA). Museums usually state that they comply with local, state, and federal laws that affect their collections or collecting activities. A CMP should also address ethical issues related to the collections, including acquisition, deaccession, and preservation. The museum should have a separate Institutional Code of Ethics tailored

to its specific circumstances that sets out guiding principles for the conduct of the staff, volunteers, and governing authority and addresses the museum's responsibility as an institution in the public trust. The CMP can then refer to or quote that document. For more guidance on this, please review to the Alliance Reference Guide on Institutional Codes of Ethics.

Scope of Collections

This is a broad description of the museum's collections and an explanation of how and what the museum collects and perhaps how the collections are used. This section can include a brief history of the collections and a review of the collection's strengths and weaknesses. It often sets guidelines for growing and developing the collection, which museums can then use in collections planning.

Categories of Collections

These are the names and definitions of different categories of collections the museum cares for, documents, and uses. Some common collections categories include: permanent, education, archives or library, exhibition, research or collections held under a repository or management agreement. In this section, museums might explain how collections in that category are used, acquired, accessioned, cared for, deaccessioned, and disposed of.

Acquisitions and Accessioning

Acquisition is the act of acquiring an object for any of the museum's collections. Accessioning is the formal act of legally accepting an object or objects into the museum's permanent collection. Acquisition and accession policies must be written with the museum's mission in mind. The museum must ensure that each object acquired not only enhances or strengthens the museum's collections but that it can be properly cared for, stored, and used. This section outlines the specific criteria and decision-making process for adding objects to the collections. Having thoughtful acquisition and accession policies will yield a strong and cohesive collection, in addition to helping to avoid any misunderstanding between potential donors and the museum. If an object does not fit the criteria for accessioning, the museum staff can decline it and point to the policy for their rationale. The roles of relevant parties—curators, collections managers, collections committees, etc.—in acquisitions and accessions can be outlined here. Legal or ethical obligations or restrictions around acquisitions such as appraisals, gifts, exchanges, etc. should also be addressed.

Deaccessioning/Disposal

Deaccessioning is the opposite of accessioning; it is the removal of an object from a museum's permanent collection. There are many reasons for deaccessioning an object, but the practice is a typical part of collections stewardship and a way for the museum to refine its collection. It is important that the museum understand the legal and ethical implications of deaccessioning and write a policy that helps the museum be transparent and accountable to the public. The museum's policy should align with the Alliance's *Code of Ethics for Museums*, which states that the "disposal of collections through sale, trade, or research activities is solely for the advancement of the museum's mission." In thinking through the deaccessioning policy and subsequent procedures, it is important that museums clearly outline the specific criteria for removing an object from the collection as well as the decision-making and approval process. This section should

be explicit about the acceptable methods of disposal for deaccessioned objects and include a statement about the acceptable uses of proceeds from deaccessioning, which should be limited to new acquisitions and/or direct care of collections. For more information, see the Alliance's white paper *Direct Care of Collections: Ethics, Guidelines, and Recommendations*.

Loans

Loans help museums share information with each other and the communities they serve. This section delineates the conditions covering the temporary transfer of collection objects (not their ownership) from or to the museum. In this section, museums typically include information about loan approval and acceptance, loan fees, documentation, insurance, and monitoring. If relevant, museums can include sections about old loans and restricted works (i.e., objects not permitted to leave the museum except under special circumstances). For museums that do not own collections but borrow and use objects owned by others, this section will make up the bulk of the collections-related policy document.

Objects in Custody

Objects in custody are items that are found in collections, abandoned, or unclaimed. This section addresses how the museum will handle objects like these with unclear title. If the state in which the museum is located has a law that dictates how the museum can go about gaining title to these kinds of objects, the museum should include that information in this section.

Conservation/Care

Museums must properly preserve and care for the collections they hold in the public trust. In order to protect collections from deterioration, museums are encouraged to address the following in their collections management policy: storage, temperature, relative humidity, pest control, conservation, handling of objects, disaster planning, and inventory. If a museum has a long-range conservation plan, it can be mentioned here.

Insurance and Risk Management

Risk management is a major part of the museum's responsibility to minimize any potential dangers to the collections or collections records. This section is an overview of the museum's approach to safeguarding the collection (e.g., fire detection and suppression, security), the insurance coverage it carries, and the backup procedures for collections records. The museum should also develop a separate, more in-depth disaster preparedness/emergency response plan. For more information on developing a disaster preparedness/emergency response plan, see the Alliance Reference Guide on this topic.

Documentation and Records

Documentation captures an object's condition, history, use, and value. It is how a museum maintains physical and intellectual control over its collection. Without documentation, an object has no identity or provenance. Museums must therefore be diligent in creating legible and comprehensive documentation and in managing those records. In writing this section, museums typically reference the types of records created (e.g., accession, catalog, condition), what information is contained in each record, the parties responsible for maintaining and documenting the records, and any back-up systems. If the museum has not already addressed collections inventories, it can

indicate here how often inventories are conducted and how objects and records are reconciled.

Access

Museums must give the public reasonable access to collections and collections records. In this section, the museum usually explains who has access to what and why, noting any restrictions and safeguards. Museums may assess staff capacity, physical facilities, preservation, and awareness of legal issues (e.g., Americans with Disabilities Act, donor privacy, Freedom of Information Act) before shaping these policies.

Appraisals

Museum staff can appraise objects internally in order to establish a value for insurance. However, conducting an appraisal or authenticating an object for a member of the public is discouraged. There are serious legal and ethical considerations involved in this practice, so it is prudent to outline restrictions on staff appraising items donated to the collection and include a statement about not conducting appraisals for donors or the general public.

Intellectual Property

In order to protect themselves and any intellectual property, it is important for museums to be aware of intellectual property laws, rights, and concerns. Typically, this section addresses the acquisition of copyright for acquired and accessioned objects and the adherence to intellectual property laws, including: trademark, fair use, electronic use, licensing, image use, commercial use, royalties and fees, reproductions, privacy, Visual Artists Right Act, etc. Museums might consider including a statement about whether or not photography or filming in the museum or of specific objects is permitted and, if so, under what conditions.

Review/Revision

A collections management policy is a living document. Museum staff should regularly review the policy and, when necessary, revise it. A museum might include a schedule for the review and revision process in the policy.

Glossary

To familiarize all staff, volunteers, and board with the contents of the collections management policy, museums may include a glossary of terms.

Process

The process of developing a comprehensive collections management policy may be time-consuming, but it is necessary in order to align the policy with the standards of the museum field and to accurately reflect the museum's circumstances and those of its collection. While the collections staff may take the lead in the process of CMP creation or revision, they should also engage and incorporate the perspectives of other relevant participants. For a collections management policy to be effective, it must be accepted and understood by everyone at the museum. The staff, governing authority, and volunteers need to understand the purpose of the policy, the distinction between the policy and procedures, and how the procedures put the policy into action.

Keep in mind that:

» The process of creating and implementing a policy is as important and beneficial to the museum as the policy itself. The policy may seem like the end result but, in actuality, the end result is a broad understanding of ethics and procedures which then influences how the museum operates.

» There are many different ways to create policies. Every museum has its own set of challenges which require thoughtfulness in its policy-making. Museums should take time to explore their circumstances and articulate them accurately in their policies.

> "A collections management policy, like any other policy, is useless if it is outdated, ignored, too complex to be followed, too simplistic to be useful, or does not serve the museum's mission...Good policies help the museum achieve its mission and demonstrate its commitment to professional standards and best practices."
> John E. Simmons (Things Great and Small, 2018)

» Policy-making should be integrated in order to be effective. Each of the museum's official documents should speak to one another consistently and comprehensively to support the museum's mission.

Here are steps in the development of a collections management policy:

» *Assemble the team.* Select a team that has a manageable number of participants yet represents a variety of perspectives within the institution, such as governance, administration, collections, conservation, education, research, and security. Include the staff members who will have to implement the policy.

» *Review standards and resources.* Review relevant legal, ethical, and professional standards and collections management resources to determine what to include in the policy.

» *Develop the policy.* Use those resources and the museum's mission and other policy documents to develop a broad, institution-wide collections management policy.

» *Get feedback.* Ask staff and any other relevant people or groups to comment on the policy. Use that feedback to revise the policy as necessary.

» *Get governance endorsement.* Following the review and revision process, present the policy to the museum's governing authority for comment and ultimately approval.

» *Develop procedures.* Once the policy has been approved by the governing authority, develop any procedures that need to accompany it.

» *Implement.* Ensure that relevant staff understands how to implement the collections management policy and corresponding procedures.

» *Review and revise periodically.* The policy and procedures should evolve over time in response to any changes at the museum or in the focus of its collection activities. Procedures may need revision more often than policies.

Where to Find Out More

This reference guide includes content from *Things Great and Small: Collections Management Policies* and *National Standards and Best Practices for U.S. Museums.*

» *National Standards and Best Practices for U.S. Museums, edited by Elizabeth E. Merritt (AAM Press, 2008)*

This guide is an essential reference work for the museum community, presenting the ideals that should be upheld by every museum striving to maintain excellence in its operations. It includes a full outline of the standards, including the overarching Characteristics of Excellence for U.S. Museums, the seven areas of performance they address and commentary. This publication is available as a free PDF to all museum members.

» *Sample Documents*

AAM's online sample document collection is a valuable resource for Tier 3 member museums. The collection contains more than 1,000 samples of policies, plans and forms from museums of all types and sizes, most of which were written by accredited museums. Tier 3 museum members can use sample documents in order to stimulate a conversation about issues and challenges facing the museum and to explore how different museums approach issues. Using the sample documents should not replace the process of joining staff, governing authority, and stakeholders in fruitful and thoughtful planning and policy-making.

» *Things Great and Small: Collections Management Policies 2nd Edition, by John E. Simmons (AAM Press, 2017)*

This publication comprehensively addresses how to write such a collections management policy for museums of any type or size. It reviews the issues that a collections management policy should address and the pros and cons of choosing one policy option over another. It also includes many excerpted sample collections management policies.

» *Museum Registration Methods 5th Edition, edited by Rebecca Buck and Jean A. Gilmore (AAM Press, 2010)*

This tome encompasses all that needs to be known and done when a museum accessions, measures, marks, moves, displays or stores an object or artifact of any kind. The 5th Edition includes special teaching sections that challenge readers with questions about the process and procedures of accessioning and caring for objects. It also contains expert advice from more than 60 acknowledged leaders in their disciplines, a bibliography, a glossary and multiple sample forms.

Core Standards

Having a strong collections management policy helps museums adhere to standards for collections stewardship. Those standards and the other Core Standards for museums are available on the Alliance's website.

THE CITY OF TEMPE
GUIDELINES TO THE GIFT, LOAN AND/OR BEQUEST OF AN ARTWORK

I. GOALS AND OBJECTIVES:

These guidelines are intended to govern offers to the City of Tempe ("City") of artwork that are acquired through the public art process or other established acquisition procedures.

The guidelines outline the process for reviewing and evaluating a proposed gift, loans and/or bequest of artwork, and the City's requirements for its acceptance or non-acceptance, monitoring the appropriate locations for possible installation, and evaluating future maintenance and safety requirements.

The guidelines will help ensure that art accepted by the City is of the highest quality, enhances the aesthetic character of the City's public spaces, contributes to the City's existing public art collection, and advances the public understanding of art without placing an undue burden on the City for the artwork's maintenance, security or public safety.

II. APPLICATIONS FOR GIFTS AND BEQUESTS:

A. Eligible offers of artwork from artists, owners, businesses, organizations, individuals or other entities shall be submitted by the donor to the City Cultural Services Division Director, or its appropriate designee, for proper processing.

B. Eligible offers shall include the following elements:

1. A letter of intention stating that the donor wishes to donate, gift and, or bequest artwork to the City and requesting the artworks' specific placement on City property.

2. A written description of the artwork including specifications of the type of work, painting, sculpture, fabric hanging, etc.), medium (metal, fabric, mixed media, etc.), the date created, the name of the work if any, and, a brief resume of the artist who created the artwork; its dimensions, physical condition and any relevant background information about the artwork and the artist (provenance).

3. The name, address and telephone number of the prospective donor.

4. Visual documentation of the artwork (*i.e.* color photographs, digital images, DVDs, etc.).

Exhibit B.

5. Documentation verifying originality and donor's legal title to the work.

6. Statement of value for insurance purposes, including a professional written appraisal or artist's commissioned contract.

C. Immediately upon receipt of eligible offer, the City Cultural Services Division Director, or its appropriate designee, shall provide the prospective donor with a copy of these guidelines. Donor shall have ten (10) days to provide any additional information to City pursuant to the guidelines.

III. REVIEW PROCESS FOR GIFTS, LOANS OR BEQUESTS:

A. As soon as possible following completion of the application process, the City Cultural Services Division Director, or designee, shall schedule a review of the offer by the Tempe Municipal Arts Commission ("TMAC") Public Art Committee.

1. The TMAC Public Art Committee is a standing committee consisting of the Cultural Services Division Director, the City Public Art Specialist and members of the Tempe Municipal Arts Commission.

2. If necessary, the prospective donor will be afforded the opportunity to make a brief informational presentation before the TMAC Public Art Committee.

B. Upon reviewing and examining the artwork and evaluating the proposed gift, loan and/or bequest according to the criteria noted herein, as soon as is practicable, the City's Public Art Committee will make a recommendation to TMAC regarding the acceptance or non-acceptance of the artwork.

C. TMAC shall accept or decline the artwork for the City's art collection and will notify the prospective donor of its decision. The City reserves curatorial discretion in the acceptance of any donation of any artwork at all times.

D. Upon acceptance by the City, the City Cultural Services Division Director, or its appropriate designee, will formally notify the donor that the artwork has been accessioned into the City's public art collection.

IV. CRITERIA FOR EVALUATING THE ARTWORK:

Criteria for evaluating acceptance or non-acceptance of artwork includes:

- Artistic merit of the artwork.
- The physical condition of the artwork.
- History and provenance of the artwork.
- Compatibility with the City's public art program and public art collection.
- Appropriateness of donor's suggested location on City property.
- Practical needs, such as available, adequate and appropriate storage space, and maintenance, safety, and installation requirements.
- Liability and risk management, including insurance requirements.
- Costs associated with installation and annual maintenance, including a source of funding, if any.
- Issues concerning public safety, including public access and accomodations.
- Ecological impact.
- Accessibility to the public, including compliance with ADA standards.
- Any conditions imposed by the donor. Note that generally, gifts and bequests shall be accepted by the City without restrictions.

V. REVISIONS:

The City may, upon review, revise the guidelines and/or make recommendations for revisions as determined by the City in its sole discretion.

VI. AGREEMENT OF PARTIES:

Upon approval of the donation of artwork, the City and donor shall enter into an agreement for placement of the artwork. Such agreement shall include legal conveyance of title to the City and include appropriate warranties concerning originality. The agreement shall state any and all conditions imposed by donor and agreed upon by the City. Each party's responsibilities and obligations shall be outlined in the agreement, including specifications as to maintenance, installation and placement on City property.

VII. LOANED ARTWORK:

Artwork loaned to the City on a short-term or long-term basis, including portable works, shall be generally evaluated by the City under these guidelines. The City may exercise curatorial discretion as to the time, place and manner of display,

and shall consider any and all specific design criteria and special conditions imposed by any City location, as well as the artwork itself.

VIII. ADDITIONAL INFORMATION:

A. Prospective donors should understand that artwork will not be accepted by the City with attached conditions or restrictions, except in extraordinary circumstances which will be noted and approved in writing by the Tempe Municipal Arts Commission in advance of the acquisition.

B. The Tempe Municipal Arts Commission is in no way obligated to accept any or all bequested items.

C. No work will be accepted for the City's art collection if ownership is in question, or if any interest is claimed in the artwork in part or in whole, by any third party.

D. Artwork will be accessioned only when it has been collected, exported and imported in full compliance with the laws and regulations of the country or countries of origin, and with the laws and regulations of the City of Tempe, Maricopa County, the State of Arizona and the United States.

E. Under no circumstances will City staff provide appraisals of artwork.

F. Artists or their agents or assigns, must sign a waiver of proprietary rights for placement of artwork on City property.

T/Gifts and Loans/Gifts and Loans Guideline 4-29-09

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RESOLUTION NO. 95.43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING SECTION I OF RESOLUTION NO. 88.43 INCREASING THE CAPITAL IMPROVEMENTS BUDGET CONTRIBUTION TO PUBLIC ART TO ONE PERCENT (1%) AND AUTHORIZING ITS USE ON ART IN ALL ITS FORMS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION I. Municipal Arts Fund.

(A) There is established in the City Treasury a non-departmental account designated "Municipal Arts Fund". An amount equal to one percent (1%) of the total capital improvements budget for each fiscal year shall be appropriated into this account on an annual basis.

(B) Money appropriated in the Municipal Arts Fund may be expended by the City Council for the purpose of advancing art in all its forms for the benefit of the public.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 20th day of July, 1995.

Neil G. Giuliano
MAYOR

ATTEST:

Helen R. Dowler
City Clerk

APPROVED AS TO FORM:

David R. Merkel
City Attorney