

Artwork Deaccession Procedure

No:		Type:	Procedure
Department:		Cultural Affairs Office	
Approval Date:		Approval:	

1. Purpose

To establish a procedure for the deaccession of artwork in the Permanent Art Collection of the City implementing the Artwork Deaccession Policy adopted by the City.

2. Scope

To employees of the City and members of the Art Commission.

3. Definitions

For purposes of this Policy, the following definitions shall apply:

“Arts Commission” means the City of Las Vegas Arts Commission created pursuant to Chapter 2.34 of the Las Vegas Municipal Code.

“Artwork” means an original work, or limited edition of permanent or temporary art, conceived in any medium or combination of media. An artwork may be a functional amenity or object, and/or part of an architectural or landscape design if an artist was involved in the design or creation of the work. Photomechanical and other kinds of reproductions, such as printed banners, which are not part of a numbered series, are not considered to be original pieces of artwork subject to the deaccession procedure set forth in this Policy.

“Deaccession” means the process of withdrawing artwork which is part of the Permanent Art Collection and determining its future disposition, including disposition by public auction, public or private sale, exchange or donation, or disposing of the artwork if its physical condition is so poor that it has no aesthetic or academic value.

“PAAC” means the Public Art Advisory Committee, an ad hoc committee of the Arts Commission.

“Permanent Art Collection” means the collection of artwork that is listed as part of the written inventory of artwork owned by the City.

4. Deaccession Review Process

4.1 Sequence of Action. The Cultural Affairs Office of the City may sua sponte, or after receiving a request from a member of the City Council, Arts Commission or the public, initiate

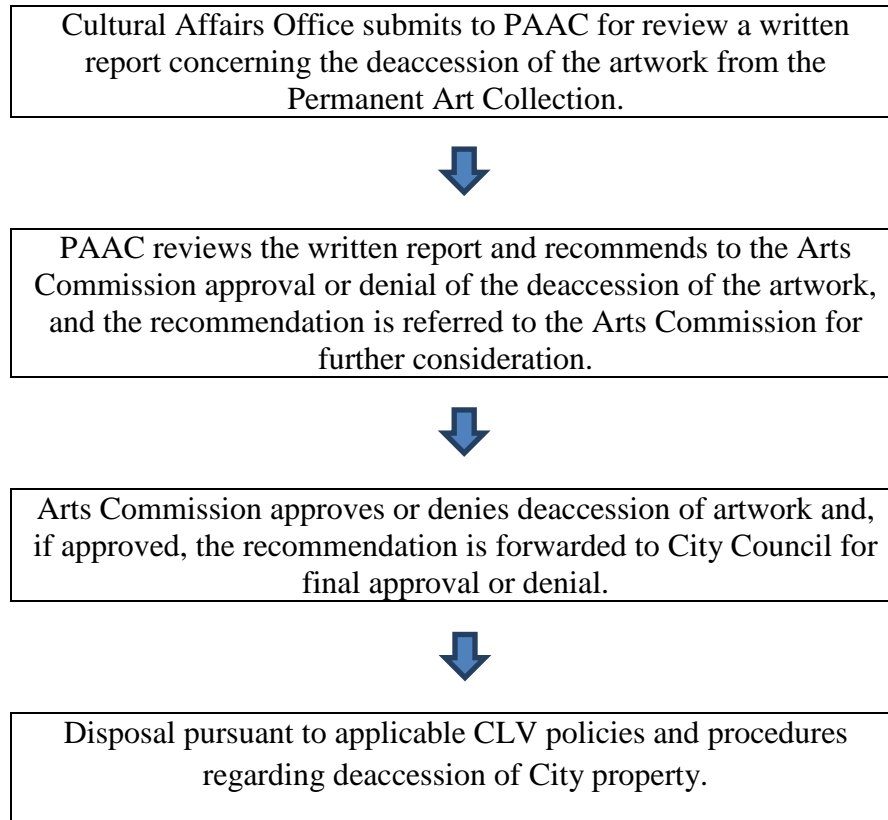
the deaccession process for any artwork which is part of the Permanent Art Collection. After the process has been initiated, the Cultural Affairs Office will prepare a written report that includes:

- a. The work sheet attached hereto as Exhibit 1, which identifies essential information concerning the artwork;
- b. A discussion of the criteria set forth in Section 4 below that may apply to the artwork;
- c. The recommendation of the Cultural Affairs Office as to whether or not the artwork should be deaccessioned from the Permanent Art Collection;
- d. The manner in which the artwork would be disposed if deaccession of the artwork is approved; and
- e. The opinion of the City Attorney on any restrictions, if any, that may apply to the artwork under consideration for deaccession.

The report and recommendation of the Cultural Affairs Office is to be submitted to the PAAC for consideration. The proposed removal of any piece of artwork must be carefully reviewed and discussed by PAAC. The PAAC shall determine if the artwork under consideration meets one or more of the criteria set forth in Section 5 below and whether or not that warrants deaccessing it from the Permanent Art Collection. As part of that review, the PAAC may also seek additional information regarding the artwork from the original artist, art galleries, curators, appraisers or other professionals prior to making a recommendation to the Arts Commission. If, after considering the report, the PAAC recommends approval or denial of the deaccession, the report, along with the recommendation, shall be referred to the Arts Commission for further consideration. The Arts Commission, after reviewing the written report by staff, and considering the recommendations of the PAAC, will vote whether to accept or deny the PAAC's recommendations concerning deaccession of the artwork. The proposed removal of any artwork from the Permanent Art Collection must be approved by majority vote of the members of the Arts Commission, regardless of any vacant positions on the Arts Commission at the time of the vote. For purposes of illustration, if the Arts Commission is authorized to have 12 members, then 7 members must vote in favor of the deaccession, and this number does not decrease because one or more of the authorized positions on the Art Commission is vacant at the time that the issue of deaccession is voted on by the membership.

If the Arts Commission approves the artwork for deaccession, the report of the Cultural Affairs Office, along with the recommendation of the Arts Commission, shall be forwarded to the City Council for final determination on whether or not the artwork should be deaccessioned from the Permanent Art Collection. If the Arts Commission does not recommend deaccession of the artwork, the process of deaccession shall cease, and the artwork removed from further consideration.

4.2 Diagram of Deaccession Process



5. Review Criteria for Deaccession of Artwork

Any artwork which is part of the Permanent Art Collection may be considered for deaccession if one or more of the following conditions apply:

- The artwork cannot be re-sited or re-siting would not be appropriate;
- The artwork is not, or is only rarely, on display because it lacks a suitable site;
- The condition or security of the artwork cannot be reasonably guaranteed;
- The artwork has deteriorated or been damaged, and repair is impractical or unfeasible;
- The artwork is found to be fraudulent;
- The artwork possesses demonstrated faults of design or workmanship;
- The artwork requires excessive or unreasonable maintenance;
- The artwork is rarely displayed for reasons other than lack of a suitable site;
- A written request for the deaccession of the artwork has been received from the artist.
- The artwork endangers public safety;
- In the case of site-specific artwork, the artwork is destroyed or its impact negated by alteration of its relationship to the site;
- The artwork has been determined to be significantly incompatible in the context of the Permanent Art Collection;
- The City wishes to replace the artwork with work of more significance by the same artist;
- The artwork requires excessive maintenance;

- There has been sustained and overwhelming public objection to the artwork;
- The period for the artwork's existence as agreed to by the artist and City is at an end.
- The artwork has been stolen

6 Artwork Disposition

6.1 Disposition According to Contractual or Donative Requirements. If, after considering the recommendations of the Arts Commission, the City Council agrees to the deaccession of the artwork, the artwork will be disposed of pursuant to the requirements, if any, set forth in the contract with the artist for the creation of the artwork, or according to any conditions requested by the donor and agreed to by the City in connection with accepting the artwork as a donation. If permitted by the provisions of such contract, or required by the conditions agreed to by the donor and the City as a condition to the making or acceptance of the artwork donation, the artist will be given the opportunity to purchase the artwork at its current appraised value. If the artwork has no appraised value, the artist can choose to incur the cost of removing the artwork, or paying the City the cost of such removal.

6.2 Disposition According to Recommendations of Arts Commission. The Arts Commission may consider recommending one or more of the following methods set forth below for disposing of the artwork approved for deaccession by the City Council.

6.2.1 Disposition to Artist: Sale or Exchange. Provided the sale or exchange complies with state and local laws, and policies governing disposition of municipal property adopted by the City, the Arts Commission may recommend that the artist, or the estate of the artist, be given the first option to purchase the artwork or to exchange the artwork for artwork of comparable value by the same artist. The exchange may be accomplished through the artist, or a gallery, museum or other institution owning artwork by the same artist of comparable value.

6.2.2 Sale to the Public. The Arts Commission may recommend that the artwork be disposed of pursuant to a sale to the public, which sale may be by means of a public auction, gallery resale, direct bidding by individuals or other form of sale in compliance with state and local laws, and policies adopted by the City, governing the disposition of surplus property.

6.2.3 Disposition to Non-Profit Organization. If the City is unable to dispose of the artwork in a manner outlined above, the PAAC may recommend the donation of the artwork to a non-profit organization or another method.

6.2.4 Destruction of Artwork. If the artwork has deteriorated or been damaged beyond repair, or deemed to be of negligible value, the Arts Commission may recommend its destruction.

6.3 Limitation on Disposition. No artwork shall be sold, or otherwise disposed of, to a member of the Arts Commission, employee of the City or any other person if such disposition would violate state or local laws, or the policies adopted by the City (such as any applicable conflict of interest prohibitions). Any previous member of the Arts Commission, who desires to

purchase artwork that has been deaccessioned by the City, must not have been a member thereof for a period of two years from the date of the proposed offer of purchase.

6.4 Proceeds from Artwork Sale. The proceeds from the sale of any artwork shall be placed in a City account designated towards the commissioning of public art. Any pre-existing contractual agreements between the artist and the City regarding resale shall be honored. An exception to these provisions may be required if the artwork was originally purchased with funds that carried with them some restriction, for example, bond funds for street and sidewalk improvements, in which case the proceeds shall be placed in an account designated for art allowed under such restriction(s).

7. Temporarily Displayed Artwork

The Arts Commission on occasion enters into a contract with an artist to create a work of art for temporary public display. The artist contract should provide direction for any agreed length of display and return of artwork to the artist. It is recommended that the timeframe, costs and responsibility for the return of the artwork is spelled out in each contract. If the City would like artwork to remain on display past its agreed timeframe, or to display the artwork at a different location, a loan agreement may need to be executed between the artist and the City.

If the Arts Commission and the artist agree to keep the temporarily displayed artwork for other uses (such as displaying a banner in a City cultural center), the City and the artist will enter into a loan contract. If, after the temporary display to the public pursuant to the loan agreement, the parties intend the artwork to become part of the Permanent Art Collection, the artwork must go through the donation review process to determine if the City will accept the donation. If accepted by the City, the title and possession of the artwork will be permanently transferred to the City by the artist, and the location and value of the artwork is then recorded in the City's asset management inventory. Once the artwork becomes part of the Permanent Art Collection, it may only be removed pursuant to the deaccession process set forth in this Policy.

8. Exemption of Banners

Graphically reproduced banners printed with an artist's design that are replaced due to normal wear and tear, do not need to endure deaccession review to be removed and disposed of by the City. However, the Arts Commission needs to approve whether a banner or series of banners will be permanently removed and if any special circumstances need to be addressed. If possible, the artist will be notified if the banners are to be permanently removed.

EXHIBIT 1

Public Artwork Deaccession Worksheet

Artist: _____

Title or description of Artwork: _____

Original Artwork location: _____

Current Artwork location: _____

Artist living or deceased: _____

Date Artist was contacted: _____

Artist address: _____

How Artist was notified: _____

Artist response received: Yes (include date) _____ No _____

Date of Artwork commissioning or purchase contract: _____

Artwork commission or purchase amount: _____

Artwork dimensions: Height: _____ Width: _____ Depth: _____ Weight: _____

Estimated current fair market value: _____

Source of estimation: _____

Proposed deaccession reviewed by City Attorney: Yes: _____ No: _____

Reason for deaccession: _____

Proposed deaccession method (include Section of Commissioning or purchase contract if applicable): _____

Artwork condition: _____ Excellent _____ Good _____ Fair _____ Poor

Artwork maintenance evaluation: _____
