

CULTURAL COMMISSION STAFF REPORT

MEETING DATE: May 3, 2016

AGENDA ITEM NUMBER: 3C

STAFF: Kendall Hardin, Idea Factory
Vern L. Krahn, Senior Park Planner

REQUEST: **For Possible Action:** To recommend to the Board of Supervisors approval of the best practices, policies, and procedures documents to implement the public art initiatives and programs in the Arts and Culture Master Plan.

GENERAL DISCUSSION:

As the Commission knows, the Carson City Visitors Bureau (CCVB) was awarded a \$933 Nevada Arts Council's Jackpot Grant on March 3, 2016. This grant requires a match and the Carson City Visitors Bureau has stepped up to provide a cash match in the amount of \$1,067 and an in-kind match using the Bureau's office space and supplies.

Parks and Recreation Department staff believes that a first and timely step after the adoption of the Arts and Culture Master Plan is to develop best practices, policies, and procedures to implement the public art initiatives and programs contained in the Master Plan. In order to do this effectively, the CCVB used the Jackpot Grant to hire Kendall Hardin (Idea Factory) to work with Cultural Commission representatives, Parks and Recreation Department staff, and Joel Dunn, Executive Director (CCVB) to develop these documents. On April 6, 2016 this working group met with Ms. Hardin (via a telephone conference call) to review her documents and provide policy direction. These documents have been completed and are ready for the Commission's review at this meeting (Exhibit A). If the Commission approves these documents at this meeting, Parks and Recreation Department staff will forward these documents and the adopted Arts and Culture Master Plan to the City's District Attorney's Office and request their assistance to update the Carson City Municipal Code (CCMC) Chapter 2.41 – Carson City Cultural Commission Ordinance. Currently, the District Attorney's Office is really busy with many other City legal matters. As a result, staff doesn't want to paint an unrealistic expectation for the Commission that revising the ordinance will be done quickly by the DA's Office.

All this effort is being done to lay the ground work for the new Arts and Culture Coordinator. Ideally, it is staff's hope to provide this individual upon their arrival with the City's new Arts and Culture Master Plan and approved best practices, policies, and procedures document(s) and a revised ordinance. Completing all this work prior to hiring the Arts and Culture Coordinator will assist with a more efficient implementation of the public art initiatives and programs in the Arts and Culture Master Plan.

RECOMMENDED ACTION: I move to recommend to the Board of Supervisors approval of the best practices, policies, and procedures document to implement the public art initiatives and programs in the Arts and Culture Master Plan.

Exhibit A

Carson City

PUBLIC ART AND CULTURE PROGRAM

DRAFT

1. Policy

Carson City supports public art in order to create a cityscape that contributes to the image and identity of the city. Carson City's Public Art and Culture Program aspires to meet the following goals:

- Promote civic pride through the high quality of Carson City's public art collection
- Celebrate local history, culture and traditions in the Silver State's capitol
- Provide information and support for artists interested in creating public art
- Involve neighborhoods, users and the general public in the public art process
- Complement and support Carson City's economic development, neighborhood development, and downtown revitalization efforts.

2. Definitions

- A. **Artworks:** Tangible art forms that may include, but not be limited to, drawings, prints, photographs, collages, paintings, mosaics, murals, fiber artworks, stained glass, relief or free-standing sculptures, fountains, arches, mobiles, and environments. Works of art may be temporary as well as permanent.

Artworks shall not include objects that are mass-produced of standard design, such as playground equipment or fountains; reproductions of works of art, unless a numbered addition of a limited series; or landscaping or signage, except when designed by an artist as an integral part of a project.

- B. **Conservation and Preservation:** Efforts made to maintain and save artworks from decay and decomposition. Such efforts involve maintenance repair and protection.
- C. **Deaccession:** To remove a work of art from the city's public art collection either by sale or demolition.
- D. **Department:** A city department having administrative jurisdiction over any site, facility, or building or other space, existing or planned, which may be a potential site for development of an art project.
- E. **Maquette:** A model of an intended work, such as a sculpture or piece of architecture.
- F. **Public Art Collection:** All artworks owned by Carson City.
- G. **Public Art and Culture Plan:** An annual written work plan for public art to be commissioned in Carson City for the following fiscal year.
- H. **Public Art Project Panel:** A group of individuals, of not less than seven members, who are selected for each art project and who represents constituencies and/or stakeholders in each art project. Through a consensus or voting process, the Panel selects the artist(s) for each art project and approves the design of the artist(s).

- I. **Public Art Staff:** The *Arts & Culture Coordinator* administers and coordinates the city's Public Art and Culture Program.
- J. **Public Art and Community Design (PACD) Commission:** A standing committee of CCCC, composed of not less than seven and not more than eleven voting members, that participates in the development and implementation of the Public Art Plan and promotes the Public Art and Culture Program. The PACD is appointed by the CCCC.
- K. **Carson City Cultural Commission (CCCC):** The Carson City Cultural Commission provides arts and cultural development services through direct funding, technical assistance, and commissions and contracts with artists and cultural organizations. Its mission is to foster an environment in which arts and culture are recognized as critical to the quality of life in Nevada's historic capitol. It is committed to the artistic expression, educational development and economic growth of Carson City's diverse community through support, promotion and advocacy of arts and culture. The Commission co-administers the city's Arts and Culture Master Plan.

3. General Provisions

- A. The Carson City Visitors Bureau (CCVB), in collaboration with the Carson City Cultural Commission (CCCC), is responsible for administering the city's Public Art and Culture Program.
- B. Regardless of the funding source, the guidelines set forth in the public art policies and procedures shall be followed in the commissioning or acceptance of any donations of public art into the city's public art collection.
- C. The Public Art and Culture Program is funded by 1% of the city's Transient Occupancy Tax.
- D. Artists and artwork will be chosen through a fair, equitable and informed public art selection process involving a broad array of stakeholders and the community at large.
- E. Because of its value, the city's public art collection will be periodically inventoried and monitored.
- F. The city will consider accepting gifts or donations of artwork from other parties (cf. *Public Art Gifts, Acquisition and Donations Policy*).

4. Roles and Responsibilities

- A. **The Board of Supervisors:**
 - 1. Establishes the Public Art and Culture Maintenance Program
 - 2. Appropriates an annual allocation of funds to maintain the city's public art collection
 - 3. Reviews and adopts the CIP annual budget allocated for public art maintenance.
- B. **Carson City Visitors Bureau (CCVB):**
 - 1. The Carson City Visitors Bureau is responsible for the overall funding of the Public Art and Culture Program
 - 2. The CCVB shall approve all agreements the Carson City Cultural Commission executes with artists and other appropriate contractors in obtaining and commissioning artworks.

C. Carson City Cultural Commission (CCCC):

1. Appoints seven (7) and not more than eleven (11) members of the PACD Committee
2. Reviews and approves an annual Public Art and Culture Program Plan
3. Reviews and approves the PACD Committee's recommendations of artists and/or artworks to be purchased or commissioned
4. Recommends professionals in the visual arts and design fields to serve on Public Art Project Panels which report to the PACD Committee.

D. CCCC Public Art and Community Design (PACD) Committee:

1. Participates in the development of the Public Art and Culture Plan, recommends changes to the plan and oversees its implementation
2. Conducts a program of community education for the Public Art and Culture Program in conjunction with the Arts and Culture Coordinator
3. Recommends professionals in the visual arts and design fields or related fields for Public Art Project Panels
4. Participates in the public involvement process for each art project.
5. Constitutes subcommittees as appropriate to address pertinent public art issues
6. Recommends polices to ensure the preservation of artworks that are purchased, commissioned or received as gifts
7. Prepares and implements a Public Involvement Plan in collaboration with the appropriate city department(s) and project consultants, as appropriate to the project
8. Prepares scope of services for the Requests for Qualifications (RFQs) or Requests for Proposals (RFPs) in consultation with city purchasing and contracts
9. Prepares project-related contracts, in consultation with the city's Contract Administrator, appropriate departmental staff, and the selected artist for approval and execution by the city's Procurement Department.
10. Convenes the Project Panel at intervals consistent with artist selection, design concept review, preliminary and final design reviews before the artist enters into production as appropriate to the project
11. Monitors production to assist artist in producing and installing artworks within established budgets.
12. Inspects the art project to certify progress and authorize payments to the artists as scheduled in the contract.
13. Provides information from the initial risk review to the Project Manager and artist
14. Tracks expenses against art project allocations and monitor administrative costs
15. Facilitates a program of community education for the Public Art and Culture Program with the PACD Committee
16. Prepares estimated and actual costs for elements of the program
17. Performs other duties as required to effectively coordinate the Public Art and Culture Program.

References:

Public Art and Culture Program Funding Policy
Public Art and Culture Program Involvement Policy
Public Art and Culture Program Selection Policy
Public Art and Culture Program Gifts, Acquisitions and Donations Policy
Public Art and Culture Program Maintenance, Conservation and Preservation Policy
Public Art and Culture Program Relocation and Deaccession Policy

Carson City Public Art and Culture Program
PUBLIC ART INVOLVEMENT POLICY

1. Purpose

The purpose of this administrative directive is to develop protocols for public involvement in public art.

2. Policy involvement Through the Public Art Project Panel

It is the policy of Carson City's Public Art and Culture Program to engage stakeholders by providing opportunities for stakeholders to participate in the public art selection process and become fully informed about the process. The Public Art Project Panel is the primary point of interface with the public.

3. Public Involvement Process

- A. All calls-to-artists and artist contracts shall state that the selected artist(s) may be required to attend one or more public meetings for the project.
 - 1. The Public Art Project Panel shall be convened as appropriate to review the artist's preliminary designs.
 - 2. The artist must attend a public meeting to present a drawing and/or maquette of the proposed artwork.
- D. The Public Art Project Panel shall be reconvened to review the artist's proposed design and consider comments from the public meeting for the purpose of approving the artwork to proceed to the production phase.
- E. The artist will be notified to proceed to the production phase by the Arts and Culture Coordinator following the Public Art Project Panel's approval of the design-to-production phase.

4. Instance of Controversy

In the instance of a high level of controversy, the Arts & Culture Coordinator, in consultation with the CCVB and CCCC, shall determine the appropriate course of action which could include, but is not limited to, cancellation, redesign, or re-submission for additional public input.

Carson City Public Art and Culture Program

FUNDING POLICY

1. Funding Policy

The Carson City Visitors Bureau (CCVB) will fund the city's Public Art and Culture Program, in collaboration with the Carson City Cultural Commission (CCCC), from 1% of Carson City's annual Transient Occupancy Tax, subject to the eligibility requirements describe below.

2. Eligible Projects

- A. Projects that meet the following criteria shall have 1% of the city's CIP or permit fee funding reserved for public art maintenance:
 - 1. The project is within the city limits
 - 2. The project has appreciable public visibility.

3. Projects Included on a Discretionary Basis

- A. The Carson City Cultural Commission may initiate art for projects that are otherwise funded by outside funding sources or funded on private property.
- B. For these projects, the Carson City Visitors Bureau (CCVB) and Carson City Cultural Commission (CCCC) shall perform the same functions for projects included on a discretionary basis as they do for publically commissioned art proposals, including administering the selection procedure.

References: *Carson City Arts and Culture Master Plan*

Carson City Public Art and Culture Program

SELECTION POLICY

1. Purpose of a Public Art Project Panel

- A. The Public Art Project Panel is responsible for recommending to the CCCC's Public Art and Design Committee the artist or artists to provide design services or to create artworks. The Panel must consider appropriateness of the content of the artwork, design and materials of the artwork, potential risk issues, expense of maintaining and operating the artwork, and demonstrated commitment to engage in the public involvement process.
- B. The Panel will be convened as many times as necessary throughout the project and specifically to:
 - 1. Review the completed design
 - 2. Recommend any changes to the design based on their expertise and the response to community input
 - 3. Recommend that the artist proceed to production when satisfied that all design issues have been resolved and that the Public Involvement Plan has been implemented.

2. Policy

- A. For public commissions, artists shall be selected to provide design services and/or create artworks on the basis of their qualifications to provide services or create artworks appropriate to the project. Artists shall be selected by open competition.
 - 1. Where the budget for artwork is more than the competitive bid threshold, an open competitive call-to-artists shall be issued.
- B. For grant-funded projects, the artist shall be selected from a roster of prequalified artists, which has been selected through open competition, potentially with consideration of additional artist recommendations made by the grant recipient, determined to be the entity stated on the grant application. The grant recipient must provide the artist information as requested in calls-to-artists for Panel consideration. Artists may be selected by an open competition if the CCCC and grant recipient determine that this process is preferable.
- C. Artists may be selected from a roster of prequalified artists or by a recommendation of members of the Public Art Selection Panel. All artists recommended by the Panel must provide the artist information requested in calls-to-artists for Panel consideration.

3. New Selection Panel for Each Art Project

CCCC shall convene a new Public Art Project Panel for each art project based on the prescribed composition in the Public Art Selection Policy.

4. Composition of the Public Art Project Panel

- A. CCCC will seek and accept throughout the community recommendations for potential public Art Project Panel members. The number and composition of the Public Art Project Panel shall be part of the Public Involvement Plan and shall include stakeholders and/or stakeholder representatives.
- B. The Panel will be comprised of an *odd* number of participants, contain a *minimum* of seven members, and shall have, as a minimum, representatives from the following:
 1. One visual art professional who is knowledgeable about the discipline or project scope of the project.
 2. One person representing the city.
 3. Two persons who are working artists not interested in applying for the art project.
 4. Three persons representing involved stakeholders of the art project. Stakeholders may include neighborhood representatives, facility user groups, project designer(s) and architect(s), and departmental support groups.

5. Advisors

Individuals whose knowledge and experience could enhance the Panel's ability to select an outstanding artist and/or artwork may advise Public Art Project Panels. If not selected as a member of the Public Art Project Panel, the project manager, architect or engineer may act as an advisor to the Public Art Project Panel.

6. Conflict of Interest

The provisions of conflicts of interest of officers and employees apply to all decisions and transactions made by selection panels.

7. Call-to-Artists

- A. **Call-to-Artists** - depending on the nature of the art project, a call-to-artists may be either:
 - **Request for Proposal (RFP)** - artist is retained to propose artwork, or
 - **Request for Qualifications (RFQ)** - artist is retained to work on a design team.
- B. **Initiation of the Call to Artists** - To initiate the call to artists, the Arts and Culture Coordinator and the project manager shall meet with the stakeholders and/or stakeholder representatives and/or additional project consultants as appropriate to the project. At this meeting, the Coordinator will solicit input for the scope of work of the call to artists, which may include input concerning community culture, pertinent history, interests and aesthetic preferences of the stakeholders.

- C. **Development of the Scope of Work in the Call-to-Artists** - The information and input gathered in this or these meetings should be incorporated into the scope of work for the call-to-artists, as well as the role and responsibility of the selected artists in the Public Involvement Plan. The call-to-artists may suggest possible themes, concepts, and/or materials to be used in the public art project, as well as define the nature and context of the improvement.

8. Selecting the Artist Procedure

- A. **Public Art Project Panel's Responsibility** - The Public Art Project Panel is responsible for selecting an artist to be recommended to provide design services and/or create artwork. The process of selecting artists and artwork for eligible projects and discretionary projects must adhere to the guidelines detailed below.
- B. **Public Art Staff** - The Arts and Culture Coordinator shall assemble and facilitate Panel sessions, which shall be open to the public. The Coordinator shall provide instructions to the Panel describing its duties and review the scope of work as described in the call-to-artists.
- C. **Review Process** - The Panel shall review the artists' submissions and select the finalists. The Panel shall select finalists based on prior artwork, written statements, and/or ideas or approaches for the project that are consistent with the scope of work in the call to artists.
- D. **On-site Meeting with Finalists** - In certain circumstances, it may be desirable for the Arts and Culture Coordinator to call a meeting of the finalists at the site of the artwork prior to finalists developing their presentations. This meeting may include some or all involved stakeholders and have as its purpose the future clarification of site requirements and stakeholder expectations.
- E. **Presentation by Finalists**
 - 1. The finalists may prepare artwork proposals for presentation to the Panel during a meeting that is open to the public. Under some circumstances, the Panel may interview artists without requiring specific artwork proposals. Finalists' proposals may be displayed at public venues with comment cards made available.
 - 2. As part of his or her proposal, each finalist shall prepare a budget. Project costs may include:
 - a. The artist's fee
 - b. Labor of assistants, materials, and contracted services required for the production and installation of the artwork
 - c. Permit fees, as required
 - d. Business, insurance, and legal costs directly related to the project
 - e. Costs for community outreach
 - f. Transportation and travel expenses, if any
 - g. Possible costs associated with site preparation and installation
 - h. Any applicable taxes

F. **Public Input** - All Panel meetings shall be open to the public, and public input will be solicited.

G. **Artist Selection**

1. Each Panel member shall have one vote, and no member shall have the right to veto. In the absence of unanimity, a majority shall carry the decision.
2. The Panel shall have the option of making no selection. If the Panel decides that the proposals presented by the finalists are not acceptable, the Panel may ask the finalists to submit new proposals. If the Panel does not recommend asking artists to submit new proposals, CCCC will initiate a new selection process.

H. **Risk Assessment** - During the selection process, the Arts and Culture Coordinator will submit the Panel's recommendation to the city's Risk Manager. The Risk Manager shall review the proposed artwork from a public safety standpoint and shall submit his report, in writing, to the public art staff.

I. **Formal Vote** - The Panel's recommendation shall be submitted to CCCC's Public Art and Community Design (PACD) Committee, and, if approved, shall be recommended to the Cultural Commission for review and approval.

J. **Notice to Contract** - After the final approval, the Arts and Culture Coordinator will work with the city's Purchases and Contracts Department to prepare a contract with the artist.

9. Developing the Contract with the Artist

A. **City Contract Development**

After an artist has been selected and approved, the contract with the artist can be developed. The city contract is prepared in collaboration with CCCC staff, the project manager, the artist and the city's procurement contract officer assigned to public art contracts.

B. **Terms**

1. The city contract may include the following items:
 - a. Description of the art elements
 - b. Schedule for the design and production of the artwork
 - c. Payment arrangements based on the artist's budget, which has been reviewed by CCCC staff and project manager
 - d. Responsibilities for site preparation and installation of the artwork
 - e. Terms and conditions of ownership of the artwork and any associated models insurance coverage required by the city
 - f. Any other requirements from the Purchasing and Contracts Department.
2. The city contract shall specify the artist's roles and responsibilities in meeting the stakeholder involvement goals outlined in the Public Involvement Plan.
3. The city contract shall specify the payment milestones.

C. Execution of Contract

1. The Purchasing and Contracts Department shall send copies of the executed contract and the purchase order to the Arts and Culture Coordinator and the CCCC.
2. Following the execution of the contract, the Arts and Culture Coordinator shall be responsible for issuing all Notice to Proceed letters to the artist(s), with a copy to the CCVB and CCCC.

10. Producing the Artwork Procedure

- A. **Contract Oversight** - the CCVB, in collaboration with the CCCC, shall be responsible for implementing the contract. When executing the city contract and producing the artwork the requirements described below must be met.
- B. **Certification** - the Arts and Culture Coordinator shall be responsible for inspecting the art project at required intervals to certify progress and authorize payments to the artist as scheduled in the contract. The project manager shall certify that all requirements established by the city's Risk Manager are met.
- C. **Installation** - the Arts and Culture Coordinator shall coordinate any on-site activity in conjunction with the artwork installation. The Coordinator shall serve as a resource to the city's designated project manager and to the artist in all matters relating to the installation of the artwork.
- D. **Dedication** - At the completion of the artwork installation and when appropriate, a public celebration or dedication will be planned and coordinated by the CCCC and project stakeholders. At any dedication or celebration event, the CCCC shall make the presentation of the public art component.
- E. **City Acceptance**
 1. The artist must submit the the Arts and Culture Coordinator a maintenance protocol before the city accepts the artwork. The Coordinator shall forward a completed protocol to the appropriate city designated project manager. who shall prepare a letter of acceptance to the artist. A copy of the final payment shall be sent to the CCVB and CCCC.
 2. By using the *Public Fixed Asset Form*, the Arts and Culture Coordinator shall request the necessary information from the designated project manager to place the artwork on the city's asset register at the Finance Department. Once on the city's asset register, the artwork become part of the city's Public Art Collection and subject to all inventory procedures and maintenance guidelines.

Attachment 1 - *Public Art Fixed Asset Form*

Attachment 2 - *Instructions for Completing Public Art Fixed Asset Form*

Carson City Public Art and Culture Program

MAINTENANCE, CONSERVATION AND PRESERVATION POLICY

1. Policy

Since Carson City's public art collection is a valuable and appreciating asset, the city allocates funds to maintain, conserve and preserve its public art collection. The city shall by the Arts and Culture Coordinator:

- A. Maintain an inventory of its public art collection in compliance with the requirements of the city's Finance Department.
- B. Conduct an annual inventory and periodic conservation assessment of its public art collection through the engagement of qualified personnel.
- C. Develop an annual plan to assure a regular schedule of maintenance for its public art collection.

2. Guidelines

The process for the maintenance, conservation and preservation of public art shall adhere to the following guidelines:

- A. Any repair and preservation of public art shall comply with any contractual obligations that may have been entered into at the time of acquisition of the artworks.
- B. If artwork is in need of repair, the city shall give the artist the opportunity to do the repair work if practicable.
- C. In making repairs, the artistic integrity of the work shall not be violated. To ensure proper repair, departments shall consult with appropriate art staff or contractor before beginning any conservation, preservation, or maintenance of artwork in the public art collection, including artwork that predate the Public Art and Culture Program.
- D. City departments must follow the approved policy for relocation or deaccession of artwork to ensure the integrity of the artwork and the interests of the artist and public are respected.

Carson City Public Art and Culture Program
FIXED ASSETS FORM INSTRUCTIONS

Type: The art form such as painting, sculpture, prints, photographs, mixed media, etc.

Title of Artwork: The title that the artist has given the artwork.

Medium: The material used to create the artwork such as wood, metal, concrete, oil or acrylic paint, etc.

Artist Name: The name of the artist or artists that created the artwork.

Edition Number of Signed Artwork: The number assigned by the artist to the edition of the artwork purchased by the city.

Size of Artwork: The dimensions of the artwork and whether the artwork was purchased framed or unframed.

Location: The exact location of the artwork. Example: The Major's Office, 2nd Floor City Hall, Room 1A.

Acquisition Method: The method by which the artwork was acquired. Was the work commissioned through the CCVB or donated to the city's collection?

Date of Purchase/Receipt: The date on which the city accepted a piece of commissioned artwork or the date on which the city received the artwork as a donation.

Purchase Order Number: The purchase order number used to purchase the artwork.

Amount of the Contract: The total amount for the purchase, which includes the design, production and installation of the artwork. If applicable, the amount should also include freight for shipping and/or framing the artwork.

Valuation Amount: In the case of donated artwork, the amount shall be the appraised market value of the artwork at the time it is donated to the city.

Contact Person: The Arts and Culture Coordinator for future information on the artwork.

Additional Comments: The area can be used for additional relevant information about the artwork.

Fixed Asset Number: For account department use. The department will assign a Fixed Asset System number by which the artwork will be identified in the annual fixed asset inventory.

Carson City Public Art and Culture Program

FIXED ASSET FORM

Type: _____

Title of Artwork: _____

Medium: _____

Artist Name: _____

Edition Number of Signed Work: _____

Size of Artwork: _____

Location: _____

Acquisition Method: _____

Date of Purchase/Receipt: _____

Purchase Order Number: _____

Amount of the Contract: _____

Valuation Amount: _____

Responsible Department: _____

Contact Person: _____

Additional Comments: _____

Fixed Asset Number (for Accounting Use Only): _____

Carson City Public Art and Culture Program

RELOCATION AND DEACCESSION

1. Policy

- A. It is the policy of Carson City to ensure the ongoing presence and integrity of its public collection and the sites for which the artwork was created. The intention of the city is to preserve the vision of the artists who created the artwork to honor civic interests that were involved in the creation and siting of the artwork, and to assure public safety and reasonable access to the artworks in the city's collection. In any conflict with federal copyright law and this policy, the federal law will control.
- B. On rare occasions, circumstances warrant relocation or deaccession of a work of art in the city's collection. The Carson City Cultural Commission (CCCC), acting as manager of the city's Public Art and Culture Program, shall follow a process for relocation or deaccession to ensure that the integrity of the artwork and the interests of artists and the public are respected. Relocation and deaccession requests involve careful consideration of public opinion, professional judgement and legal advice.

2. Guidelines

- A. Deaccession will be considered only after a careful and impartial evaluation of the artwork within the context of the city's collection as a whole. Consideration of removal or relocation of artwork must involve the same degree of careful review as the decision to commission the artwork. Therefore, professional judgement and public interest must inform decisions.
- B. At the beginning of the process, a reasonable effort will be made to notify any living artist whose work is being considered for deaccession or relocation.
- C. Deaccession should be considered only after five years have elapsed from the date of installation for permanent works or acceptance of the artwork in the case of portable works (unless otherwise specified in the artist's contract). Deaccession may also be considered under special circumstances, such as when artwork has been damaged beyond repair or presents a public safety hazard.

3. Eligible Artworks

This policy applies to all artworks owned by Carson City, whether acquired through the Public Art and Culture Program, donation, or any other method. In the case of donated artworks, all level documents relating to the donation circumstances and donor obligations will be consulted prior to beginning the process. In the case of commissioned artwork, the artist's contract must be reviewed.

4. Relocation/Deaccession Process

- A. City staff, elected officials, private citizens or other interested parties may contact CCCC with a specific request for deaccession or relocation. CCCC staff may also recommend artworks for consideration/evaluation for deaccession. Any deaccession request must be submitted in writing to CCCC and accompanied by photo documentation and/or pertinent graphic materials.

- B. After review the request, a Relocation/Deaccession Subcommittee of the Public Art and Community Design (PACD) Committee will be appointed. This Subcommittee will consist of not more than seven members with up to five professionals (including members of PACD, art conservators or curators) and up to two city staff members from department(s) directly responsible for the artwork. The Relocation/Deaccession Subcommittee may seek expert advice in this process as appropriate.
- C. As part of the ongoing evaluation of the collection, the Relocation/Deaccession Subcommittee may review the entire collection when deemed appropriate.

5. Criteria for Relocation and Deaccession

- A. The PACD and Relocation/Deaccession Subcommittee must consider relocating the artwork or repairing the artwork if damaged.
- B. Deaccession or relocation of artwork may be consider for one or more of the following reasons:
 - 1. Artwork is not, or is rarely, on display because of lack of a suitable site.
 - 2. The condition or security of the artwork cannot be reasonably guaranteed.
 - 3. The artwork has been damaged, or has deteriorated, and repair is impractical or unfeasible.
 - 4. The artwork endangers public safety.
 - 5. In the case of site specific artwork, no suitable site is available, or significant changes in the use, character, or design of the site have occurred which affect the integrity of the artwork.
 - 6. The artwork has been determined to be significantly incompatible or inferior in the context of the collection.
 - 7. The city wishes to replace the artwork with a work of more significance by the same artist.
 - 8. The artwork required excessive maintenance or has faults of design or workmanship, and repair is impractical or unfeasible.
 - 9. There has been sustained and overwhelming public objection to the artwork.
 - 10. Written request from the artist.

6. Application of Relocation/Deaccession Criteria

- A. The process chosen for relocation/deaccession of any given item will be determined by the CCCC Board of Directors and may include fewer than all of the following steps:
 - 1. CCCC staff will notify the Chair of PACD to include the item on the agenda of the next available meeting or as soon as practicable. The PACD will review the concern to determine if one of the circumstances listed above exists, and if so, will submit it to a Relocation/Deaccession Subcommittee appointed by the PACD.
 - 2. If possible, the artist will be advised of the circumstances prompting the review. The artist's contract, along with any other agreements or pertinent documents, will be reviewed and sent to the City Attorney's Office.
 - 3. Opinions of independent professionals qualified to comment on the concern prompting the review (conservators, engineers, architects, art historians, legal counsel, etc.) will be solicited, as appropriate. If the concern is substantiated, reasonable efforts to address the concern, relocation, or deaccession should be pursued.

4. If reasonable efforts to resolve the concern have gone as far as they can go and have failed to resolve the concern, relocation or deaccession should be pursued.
5. If practicable, a public hearing to discuss relocation/deaccession options will be scheduled with community members.
6. CCCC staff should prepare a written report to include:
 - a. Determination that the city holds clear legal title to the artwork considered for deaccession.
 - b. The opinion of the City Attorney on any restrictions which may apply to the specific work.
 - c. Approval/recommendation from the appropriate city department(s).
 - d. Documentation of community input.
 - e. Attachments from independent reviewers.
7. The Relocation/Deaccession Subcommittee will make a recommendation to the PACD.
8. The PACD will review the report at a regularly scheduled meeting. The PACD may seek additional information regarding the work from artists, art gallery managers, appraisers, or other professionals prior to making a recommendation to the full CCCC Board of Directors.
9. The recommendation will then be forwarded to the CCCC board for approval at a regularly scheduled meeting.
10. The recommendation from the CCCC Board will then be forwarded to the department head with jurisdiction over the artwork considered for relocation or deaccession.
11. If city personnel disagree with the recommendation, the matter will be referred to the CCCC Board of Directors for further review and action.
12. CCCC will forward its final recommendation to the City Manager for decision or the City Manager may choose to refer the matter to the Board of Supervisors for consideration.
13. Upon final decision, CCCC will coordinate the relocation or deaccession activities, including notifying the appropriate departments of the decision.

7. Disposition

- A. The manner of disposition will be in the best interest of the city and its collection. CCCC shall consider the following action in order of priority:
 1. *Relocation of the artwork*

If the work was designed for a specific site, relocation must be to a new site consistent with the artist's intention.
 2. *Sale, loan or trade of the artwork*
 - a. The artist will be given first option to purchase or trade the artwork.
 - b. Sale may be through auction, gallery resale, or dirt bidding by individuals, in compliance with city law and policies governing advertising and disposition of surplus property. The artwork must bear at least one written appraisal by a qualified independent dealer or appraiser.
 - c. Trade or expended loan may be through artist, gallery, museum or other institutions for one of more artwork(s) or comparable value by the same artist.
 3. *Donation of work*

The work may also be donated, relocated or loaned to a nonprofit organization.
 4. *Destruction of artwork*

If sale, trade, gift, extended loan, or relocation is not feasible, the artwork will be destroyed. Destruction is appropriate if the artwork is deteriorated or damaged beyond repair and deemed to be of negligible value.

- B. The disposition of works by living artists will be accomplished in such a manner that it will not impugn the reputation of the artist or his or her body of work.
- C. Full record of all exchanges and sales will be maintained, and records will document the removal of any object from the city's collection and the nature of disposal.

8. Conflict of Interest

No works of art shall be given, sold, or otherwise transferred, publicly or privately, to officers, directors, staff or other contracted workers of CCCC, or their immediate families or representatives of CCCC or the city, consistent with State, City and CCCC conflict of interest policies.

9. Proceeds

If acquired through the Public Art and Culture Program, proceeds from the sale of artwork shall be retained in a city account as determined by the finance department. Funds in this account and from the sale of gifts shall be spent on future artwork purchases or projects. Any pre-existing contractual agreements between the artist and the city regarding resale shall be honored.

Carson City Public Art and Culture Program

DONATIONS AND PRIVATELY-FUNDED PROJECTS

1. Purpose

The purpose of this administrative directive is to develop a protocol for donated and privately funded art projects on public property.

2. Policy

Carson City will consider accepting donations of artwork into the city's public art collections and will consider siting privately funded projects on public property. The city will also consider accepting works of art for display in city-owned facilities or on public property.

3. Guidelines

- A. The process for accepting donations, temporary works of art, and privately funded objects must adhere to the following guidelines:
 - a. The Carson City Cultural Commission's Public Art and Community Design (PACD) Committee shall review and comment on the proposed artwork.
 - b. Artists and others requesting review of artwork for donation or siting shall provide the following information:
 1. Design of the Proposal Artwork - Information Required
 - a. Site plan or photo of the site
 - b. Drawing and/or photo of the artwork with dimensions
 - c. Description or indication of proposed location
 - d. Description of how the artwork has been or will be produced, including materials
 - e. Description of how the artwork will be installed including materials and/or hardware
 - f. Artwork materials sample, if applicable
 - g. Statement of whether the artwork is being donated with ownership transferred to the city or installed temporarily with ownership not conveyed to the city
 - h. Value of artwork
 - i. Maintenance and conservation recommendations (to be formalized through completion of the Artwork Maintenance Protocol)
 - j. Statement of maintenance responsibilities (privately maintained or requesting that city maintain)
 - k. Anticipated annual maintenance cost, if applicable
 - l. Letter stating agreement with the project from neighborhood association if in a registered or formalized neighborhood
 2. The PACD shall review the proposed artwork using, but not limited to, the following criteria:
 - a. Relationship of proposed artwork to existing artwork in the vicinity or future artwork proposed as part of any other publically funded project.

- b. Constructability of the proposed artwork
 - c. Durability and craftsmanship in fabrication and production quality
 - d. The intended length of display of the artwork, whether permanent or temporary
 - e. Appropriateness of the artwork location
 - f. Appropriateness of the artwork scale to the proposed site
 - g. Appropriateness of the artwork to other aspects of its surroundings
 - h. Maintenance, preservation and conservation implications
 - i. Applicable neighborhood design guidelines
3. The Arts and Culture Coordinator shall facilitate the city's Risk Manager evaluation of the public safety, insurance and liability implications of the donated artwork.
 4. The Arts and Culture Coordinator shall present the comments and recommendations of the PACD to the appropriate city department for its review and comments
 5. The Arts and Culture Coordinator shall review the comments of the PACD, department, and the Risk Manager to determine if the artwork shall be accepted.
 6. Artists shall retain their exclusive copyrights as expressed in the city's public art contract.
 7. The Arts and Culture Coordinator shall respond to the PACD's recommendation with a letter of approval or denial.
- B. Any and all public art that is accepted into the city's public art collection or is sited on public property, outside the Selection Policy, regardless of funding sources, shall follow this policy.