

CITY OF SANTA FE – PUBLIC ART PROGRAM GUIDELINES

Art in Public Places

- I. Introduction**
- II. Ordinance**
- III. Goals**
- IV. Arts Commission**
- V. Administration**
- VI. Program Funding Sources**
- VII. Implementation**
- VIII. Portfolio Management**
- IX. Gifts and Loans**
- X. Outgoing Loans**
- XI. Art on Loan**
- XII. Records and Information Management**

APPENDIX A

Mural Best Practice Guidelines

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I. INTRODUCTION

“Culture embodies the shared complex and diverse heritage of a community, including its tangible and intangible virtues...It is the quiet and restless imagination that becomes expression, from which emanates writing, song, performance, painting, sculpture, cuisine, dance, design and story. When recognized, coalesced and leveraged, culture is transformative. It ignites creativity, consciousness and capacity.”
Culture Connects Roadmap

Through the Culture Connects lens of equity, inclusion and access, Art in Public Places is an interdisciplinary and collaborative process that reflects the diverse spectrum of beliefs, cultural heritage and tradition, and artistic expressions in Santa Fe. They are cultural resources created through transactional engagement meant to support resilient, vibrant and livable neighborhoods.

Since its inception in 1985, the Art in Public Places Program has built a significant Public Art Portfolio that serves as a valuable cultural resource for the community of Santa Fe. Consisting of more than seventy-three artworks, the Public Art Portfolio represents a variety of media, styles, and themes. Public art can be found in civic buildings, along the Santa Fe Trails transit system, and in public parks. In 2006, under the leadership of then Mayor Larry A. Delgado, the percentage dedicated to public art was increased to two percent.

The Arts and Culture Department manages the Art in Public Places program. These guidelines serve to define these duties as assigned to staff, Arts Commission members, other City agencies and the general public in understanding the procedures and policies of the public art program.

II. THE ORDINANCE

A. **Title:** The Art in Public Places Ordinance, often referred as the 2% for art ordinance, Chapter VI – Board, Committees and Commissions, 6-1.4

B. **Purpose**

The purpose of this subsection is to promote and encourage private and public programs to further the development and public awareness of, and interest in, the fine arts and cultural properties, to increase employment opportunities in the arts, and to encourage the integration of art into the architecture of municipal structures, or other public property, if approved by the governing body.

C. **Definitions**

Administrative costs means program management, facilitation of public planning and art/artist selection processes, project coordination, and related operating expenses.

Arts Commission means the arts commission of the city of Santa Fe as set forth in subsection [6-1.1](#) SFCC 1987.

Capital improvement project means a facility with a life expectancy of ten (10) or more years and is owned and operated by, or on behalf of, the city including, but not limited to:

Buildings and related structures;

Roadway facilities, including roads, bridges, bike and pedestrian trails, bus bays, rights-of-way, landscaping; or

Parks and related areas and facilities, open space and trails.

Revenue bond means special limited obligations of the city, whether designated as bonds or loans, that are payable from general gross receipts tax revenues, lodgers' tax or convention center fees, or project revenues. Revenue bond does not include conduit bonds issued by the city or bonds that are payable from utility system revenues, gross receipts tax revenues that are restricted as to use or other specific revenues that may not be legally expended for works of art.

Work of art means any work of visual art including, but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including a collage, assemblage, or a combination of the foregoing art media). Work of art may include a combination of landscaping and landscape design, including some natural and manufactured materials such as rocks, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture. Except as provided herein, work of art does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above.

III. GOALS FOR ART IN PUBLIC PLACES PROGRAM

At its core, the Art in Public Places is about people. The Department will examine the question of what community is and how it is reflected in Santa Fe. This focus includes all aspects of community including its identity (or identities), its varied connections and communications, its relationship with the environment, the diversity of communities in Santa Fe, the evolving and changing nature and composition of community in Santa Fe, as well as the collective memory and history of the community of Santa Fe.

In developing the Public Art Portfolio of the City of Santa Fe, the following are goals to guide the Arts Commission, staff of the Arts and Culture Department and the City:

- A. The Arts and Culture Department will develop public art projects which enhance the urban environment of public spaces as well as the visual design, form, and content of the city; which enhance the full community; and foster the creative economy.
- B. The Public Art Portfolio will reflect the diverse spectrums of beliefs, cultural heritage and traditions, and artistic expressions of Santa Fe and New Mexico.
- C. The Public Art Portfolio will include Works of Art representing a broad variety of media and styles and support community interests in having an aesthetically enhanced environment.
- D. The Arts and Culture Department will adhere to all federal, state and local laws related to inclusion and non-discrimination and procurement codes.
- E. The Arts and Culture Department will identify and pursue additional sources of funds and donations of Works of Art to the City of Santa Fe.
- F. The Arts and Culture Department will inform the public regarding public art including opportunities for public participation in all phases of the public art process.
- G. The Arts and Culture Department will promote the arts and culture of Santa Fe (and New Mexico) while informing and increasing community understanding about the purposes and meaning of the Works of Art in the Public Art Portfolio through art outreach, education, media and social events.
- H. The Arts and Culture Department will document, maintain and conserve Works of Art in the Public Art Portfolio, regardless of the source of acquisition, and make the Public Art Portfolio available to the public through a variety of media.

- I. The Arts and Culture Department will develop opportunities for local artists through participation in Santa Fe Arts and Culture Department professional development workshops and educational events.
- J. The Arts and Culture Department will work with local artists and galleries to engage them in the selection and acquisition process of the Public Art Portfolio, activating the local arts economy.
- K. The Arts and Culture Department will work with other organizations to promote the cultural assets of Santa Fe.

IV. THE CITY OF SANTA FE ARTS COMMISSION

Established per Ordinance 6-1 Arts Commission:

A. Purpose:

The commission shall be advisory to the governing body and shall initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, public programs to further the development and public awareness of, and interest in the fine and performing arts and cultural properties. The commission shall organize and adopt administrative rules and procedures necessary to accomplish its purposes.

B. Membership:

The commission shall consist of nine (9) members. On the first commission, four (4) of the members shall be appointed for one (1) year terms and five (5) shall be appointed for two (2) year terms. Subsequent terms shall be for two (2) years to maintain staggering of terms. Vacancies, other than by expiration of terms, shall be filled for the unexpired term in the same manner as original appointments. The mayor, with the advice and consent of the city council, shall appoint the commission members and the commission chairperson. All terms expire in October.

All members of the commission shall reside in the County of Santa Fe and shall be actively involved in the arts. Members of the commission shall be broadly representative of all fields of the fine and performing arts. They shall include knowledgeable laypersons and persons who are widely known for their professional competence and experience in the arts. It is recommended that the following disciplines and activities be represented on the commission: the performing arts, the visual arts, the communication arts, arts education, the literary arts, the occupancy tax advisory board, private sector development, citizen at-large, and persons with fundraising expertise.

After three (3) consecutive unexcused absences a commission member shall be automatically removed thereof by the chairman.

C. Arts Commission Duties:

In carrying out its duties and powers, the commission shall:

- survey and assess the needs of the arts, both visual and performing within the city of Santa Fe;
- identify existing legislation, policies and programs which affect the arts and evaluate their effectiveness;
- encourage the use of local resources for the development and support of the arts;
- accept offers or gifts or grants from the United States, the state of New Mexico, their agencies or officers including without limitations the National Endowment of the Arts; and from any person, firm or corporation, of services, equipment, supplies, materials or funds, and may make grants in accordance with the law;
- advise the city concerning the receipt of or purchase of works of art to be placed on municipal property;

- advise and assist the city and the occupancy tax advisory board in connection with the administration of those occupancy tax revenues which are designated for the nonprofit performing arts and attractions;
- utilize the services of the executive director and such other staff as are available to said commission;
- advise and assist the city in connection with such other artistic activities as may be referred to it by the city.

The commission shall formulate and submit, annually, a budget request and a proposal for utilization of its funds.

D. Code of Ethics

Municipal Chapter, Article II. Policy Statements

2.01. - Code of ethics

The proper administration of democratic government requires public officials to exercise a high degree of integrity and honesty, free from undue and inappropriate influence and further requires that government decisions and policy be made in a fair manner, guided by the best interests of the people and the community, so that the public may have confidence in its government. To effect these ends, the governing body shall by ordinance establish standards for the ethical conduct of all elected and appointed officials and all employees of the city, and provide consequences for violating such ethical standards.

The City's Code of Ethics applies to appointed members to advisory committees. Through the appointment process, each advisory member has acknowledged that they have reviewed those provisions of the City Charter and certified that they have no known conflict of interest that would disqualify them from serving on the advisory committee via the City's Confidentiality and Conflict of Interest Agreement. If a conflict of interest should arise during their term of service, the advisory member has agreed to disclose such conflict to the Mayor's Office and shall not participate in any official action of the advisory committee related to the subject matter that is the source of the conflict of interest.

V. ADMINISTRATION

The City of Santa Fe's Art in Public Places is administered by staff of the City's Arts and Culture Department. Staff is responsible for identifying Projects and carrying out the guidelines and City administrative procedures. Arts and Culture Department staff members are not eligible to apply for public art projects.

VI. PROGRAM FUNDING SOURCES

- A. Capital Improvement Project (CIP) Bond (2% for Arts Funds): The funds that provide the basic source for projects of the City's Art in Public Places are those referred to as the 2% for Arts Funds. This refers to the set aside 2% of the costs for capital projects funded by voter-approved Capital Improvement Project Bonds. The 2% are to be used for the acquisition and installation of artworks for a facility of the same department as specified by the bond purpose. No more than 20% and no less than 15% of the total amount for the works of art may be expended for the administrative costs of the program.
- B. Other Funds: Public Sector or Private Sector: Participating funds for public art projects may be identified or solicited from other public sector agencies, private foundations and granting bodies, businesses, organizations or individuals.

1. The Arts and Culture Department and/or the Commission may seek private donations of funds, Works of Art, publicly awarded funds or other services including in-kind services necessary for the development of the Program.
2. The Commission may recommend approval or denial of projects on the appropriateness of any financial contributions towards an art project.
3. Donations of funds and/or Works of Art are subject to the same administrative procedures and criteria, including User Department approval, as projects generated from City public funds.

VII. IMPLEMENTATION OF ART IN PUBLIC PLACES PROGRAM

Arts and Culture Department will work with the Public Works Department, Finance Department and client departments to identify Art In Public Places projects, conservation projects, community outreach and public education efforts, and any other activities anticipated to be undertaken in the upcoming fiscal year through Capital Improvement Projects (CIP) in fulfillment of the 2% public art requirement. Staff will implement a preliminary planning process to identify the preferred approach to the selection of an artist for the project for the associated capital project. Once the preferred approach is determined, the Arts and Culture staff will establish a Project Coordination Committee, if appropriate.

A distinct Project Coordination Committee will be established at the beginning of each new Art in Public Places project and will participate in the project from artist selection through dedication, and work to ensure close coordination among Departments. The Project Coordination Committee shall consist of the minimum representatives: Arts Commission, Client Department, Project Architect team, community member and professional artist or arts administrator. The Project Coordination Committee will meet to review and approve the following:

A. Artists can be selected in one of the following ways:

1. Selection from the Pre-Qualified List by Project Coordination Committee

The Arts and Culture Department staff will consider the overall project and make recommendations regarding artist eligibility requirements. The Project Coordination Committee will then meet to review the artists on the prequalified list that meet the eligibility requirements and will establish a short list of finalists. The artist may be selected directly from the Prequalified List, or the Project Coordination Committee may elect to interview finalists or request preliminary proposals.

2. Selection by the Project Coordination Committee through a Call for Artists

In some instances due to the scale, importance or unique nature of a project, the Project Coordination Committee may decide to develop a call for artists for that specific project. Artist(s) selected by this method may or may not be on the Prequalified List. The Project Coordination Committee may elect to select an artist through an open competitive Call for Artists. The Call for Artists will identify the anticipated project budget, scope of work, estimated project timeline and eligibility requirements. A shortlist of artists responding to the Call for Artists may be interviewed or requested to develop preliminary proposals.

3. Selection from a Limited Invitational Competition

A limited number of artists from the Pre-Qualified List, or artists with professional experience in a specific discipline appropriate to the project may be invited for interview or to develop preliminary proposals.

4. Direct Selection

In some situations, it may be appropriate to directly select an artist for a public art commission opportunity. The recommended artist may be interviewed or may be requested to develop a preliminary proposal.

5. Establishment of Pre-Qualified List

The Arts and Culture Department may establish a Prequalified List of artists for Art in Public Places projects. The list will be updated on an as-needed basis or, every two years, and will include categories

for established as well as emerging artists. The list will include local, regional and national artists. Artists interested in being considered for City projects will be invited to submit their qualifications. A selection panel, composed of five to seven people from the list of panelists approved by the Arts and Culture Department, will be convened to review and select the applicants. Once selected, artists will be able to remain on the eligibility list for four years before they need to re-apply.

B. The Project Coordination Committee will review and approve the following:

1. Artist qualifications to create a shortlist, if applicable
2. The Artist's proposals at the conceptual and final design phases. In some cases, the conceptual design review may take place as part of the Artist selection process. After comments are received at each phase, Arts and Culture Department staff will work with the Artist to refine the design. If the Artist is not in agreement with the Committee's recommendations, Arts and Culture Department staff will mediate discussions to arrive at a consensus among all parties. In each case, if revisions are called for, the revised conceptual or final design will be presented to the Project Coordination Committee for approval.
3. Proposed alterations to the final design. The Artist's contract will contain language specifying that no change to the approved final design may take place without written permission.
4. Plans for the dedication and unveiling of the facility. These include placement of appropriate informational signage at the project site, the inclusion of the Artist and information regarding the artwork at any unveiling ceremonies or community outreach events associated with the dedication of the new facility.

C. Selection Criteria for Evaluating Artists

30% Aesthetic Quality

Artistic merit, innovation of materials, and/or transformation of user experience

30% Ability to Respond to Project Specifics

Attention to specific contextual issues and considerations of the project, its community, any stakeholder groups and users

20% Experience and Training

Demonstrated through professional, academic or self-taught training, exhibitions and/or other professional recognition

20% Ability and Capacity

Ability to work collaboratively with diverse professionals, successfully manage all aspects of a project, including budgets, committees, sub-contractors, installers and other construction and administrative logistics and meet deadlines

D. Selection Criteria for Evaluating Conceptual Proposals

50% Artist Merit

Dynamic portfolio, quality of work, success of art practice in relation to the site/project, site specificity, maintenance and longevity

25% Appropriate for Project

Experience working with diverse stakeholders, ability to communicate effectively, impact on project goals

25% Community Engagement Plan

Scope of engagement plan to reach its intended audience, how plan will help inform and/or inspire the Artist's proposal for the design of the artwork, standards or criteria in which to measure success and proposed budget for the community engagement plan

Artist finalists will be paid an honorarium to develop conceptual proposals.

VIII. PORTFOLIO MANAGEMENT

The works of art created or purchased for the City's Public Art Portfolio represent a significant asset that must be appropriately managed. The acquisition and display of works of art entail a commitment to care for and maintain the work adhering to the standards and practices of the art world. Some of these are codified in law, such as the Federal "Visual Artists' Rights" Act of 1990, while others are based on policy decisions recommended by the Arts Commission and adopted by City Council. Because of this commitment and the ensuing obligations, gifts of art need to be carefully considered prior to acceptance; professional standards need to be applied in handling, maintaining and/or restoring all of the art in the Portfolio; and a strict process needs to be adhered to prior to relocating or disposing of any work in the Portfolio.

A. MAINTENANCE

The Arts and Culture Department encourages the design of public art that will require limited maintenance. Commissioned artists are required to provide written maintenance instructions and detailed methods of fabrication for their artworks as part of their fabrication contract. When a commissioned artwork is completed and accessioned, or when an existing artwork is conserved or repaired, Arts and Culture Department staff will provide the city department with written maintenance instructions.

1. Recipients (user agency) of works of art must notify the Santa Fe Arts and Culture Department immediately if a work of art is damaged, stolen, or not in compliance with the project.
2. Routine maintenance of artworks (i.e., cleaning and repair) shall be the responsibility of the department that houses the artwork, as specified in the acceptance agreement and user agency may consult with the Arts and Culture Department on other necessary maintenance.

B. Conservation, Restoration, and Repair

Based on periodic condition assessments, Arts and Culture Department staff will work with the city departments to identify conservation projects and priorities. Arts and Culture Department staff, in conjunction with the city departments will oversee artwork conservation projects.

Although routine maintenance will be the responsibility of the city departments (see above), Arts and Culture Department staff will review condition assessments and recommend priority conservation, restoration or repair projects for consideration by the Governing Body during the city's annual budget process. Funding approved by the Governing Body for extraordinary conservation activities will be included in the Arts and Culture Department's budget in a designated account.

Arts and Culture Department staff will attempt to contact the artist for recommendations prior to engaging in any repair or conservation efforts. Departments will consult with Arts and Culture Department staff for conservation standards to be followed, regardless of the funding source for the conservation or restoration project.

C. INSURANCE

All permanent artworks in the City's Public Art Portfolio are included in the City of Santa Fe's insurance policy (General Liability \$1M with City of Santa Fe as Additionally Insured). Artworks in the Art on Loan Program are covered by a separate insurance rider for the Community Gallery supplemental to the City of Santa Fe's insurance policy.

D. DEACCESSIONING

1. Introduction

As an agent of public trust, Arts and Culture Department is charged with overseeing the acquisition, proper conservation, and maintenance of the City's Public Art Portfolio. While recognizing the serious and wide-reaching implications associated with removing a work of art from the Public Art Portfolio, it is the City's intent that the deaccessioning of work of art be a careful and deliberate procedure. The removal of objects from the City's Public Art Portfolio shall be undertaken only after careful consideration. The objectives of the deaccessioning process are to ensure that the Portfolio is representative of the City's mission; to safeguard the Public Art Portfolio, and the staff and public; to reflect changes in the City's mission or Portfolio Procedures; or to maintain sound portfolio management practices.

2. Purpose

Deaccessioning is considered an integral and necessary and responsible part of the Public Art Portfolio management policy. The City recognizes the importance of protecting the deaccessioning process from being employed merely on the grounds of fluctuations in taste, as the merits of a work of art are often only recognized with the passage of time. Time frequently helps a community to embrace a work of art that may have initially inspired controversy. It is the City of Santa Fe's Procedures that no work of art in a public place be considered for deaccessioning within five (5) years of acquisition unless presentation of the work or public safety requires otherwise. Similarly, at least once every ten years, the entire City of Santa Fe Permanent Collection shall be evaluated, and its potential expansion shall be assessed. This evaluation shall be performed under the auspices of the Arts and Culture Department; independent expertise shall be sought as required.

3. Evaluation or Conditions of Deaccessioning:

In order for the deaccessioning of a work of art to be considered, the City of Santa Fe must undertake a careful evaluation of the work of art. Based on that evaluation, a work of art may be considered for deaccessioning if one or more of the following conditions are found to be applicable:

- a. The site for the artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or altered in a significant way.
- b. The work of art has deteriorated beyond usefulness or is irreparably damaged to an extent where repair is either unreasonable or impractical.
- c. The artwork possesses substantial and irrevocable faults of workmanship which have been documented by a licensed conservator.
- d. An independent appraisal of the current value of the work of art, if the intent is to sell or trade the work of art.
- e. An evaluation and recommendation as to the appropriateness or need of public opinion and cultural significance and the need for a public hearing related to the deaccession in context to the overall Public Art Portfolio.
- f. Public opinion has deemed the work of art to be of substandard quality and/or incompatible with its historical, social or cultural context.
- g. The work of art is duplicative of a substantial holding of work of that type or by a particular artist.

- h. The work of art has been documented by a licensed conservator or curator as fraudulent or not an authentic work.
- i. The work of art requires excessive or unreasonable maintenance on an on-going basis, exceeding the anticipated maintenance requirements.
- j. A suitable and appropriate place for the display of the work of art no longer exists.
- k. The work of art is not displayed or has not been consistently displayed for a period of ten years.
- l. The work of art does not exist due to theft, accident or natural disaster.
- m. The work of art has consistently received adverse public reaction for a period of five years.
- n. The City has received a written request for deaccessioning from the artist or one or more artists who co-authored a work of art, citing a specific reason for the request.

4. Deaccessioning Procedure

All requests for consideration of the deaccessioning of a work of art in the City's Public Art Portfolio must be filed in writing with the Arts and Culture Department assigned staff person. The City may also initiate a request for consideration of deaccession according to the same procedure. This written request must be initiated by a resident of the City, artist, or Arts and Culture Department staff, and specifically state the grounds on which deaccessioning is being requested, as well as the relationship of the individual(s) making the request to the work of art. If the request is made by the artist, the residency requirement does not apply. Once a deaccessioning request is filed, the City shall prepare a written report within ninety (90) days regarding:

- a. Deaccessioning proceedings by the Arts Commission shall be publicized in advance and open to the public at all times. In addition, all reasonable attempts shall be made to notify the artist and/or donors whose work is being considered for deaccessioning, to invite participation in the process.
- b. The City department responsible for displaying the work of art shall also be notified and invited to attend. General public input at these proceedings shall also be permitted. All notifications and public proceedings shall be conducted in compliance with Federal and State laws.
- c. The Arts Commission may initiate deaccessioning by a majority vote. The findings from the Arts Commission discussion will be forwarded to the City Manager. If a majority of the Arts Commission votes in favor of deaccessioning a work of art, this recommendation or notification shall be forwarded to the City Council with a written explanation outlining the relevant facts. A decision by the Santa Fe Arts and Culture Department to deaccession a work of art must be approved by adoption of a resolution by the Santa Fe Arts Commission; however, the City of Santa Fe Arts and Culture Department Director is authorized to remove artwork from the Public Art Portfolio if the value of the art is equal to or less than his /her purchasing authority.

5. Deaccessioning Options

The Arts Commission shall be assembled to oversee the deaccessioning proceedings and will make a recommendation to the City Manager. The following courses of action are listed as possibilities, but are not intended to be comprehensive:

- a. Relocate the work of art to another appropriate site.
- b. Provide the artist at least 90 days notice prior to removal and be given the opportunity to purchase the art at its current appraised value if the artwork is able to be reasonably and safely removed. If the removal will cause expense or hardship to the City, then the artist will be responsible for the costs and arrangements involved in removing the artwork. The artist must also ensure that all state, local, and federal safety laws are followed in the removal of an artwork (Visual Arts Rights Act).
- c. Seek bonafide appraisal and advertise the sale of the work, or sell through acceptable, sealed competitive bids.
- d. Dispose of the work through the City of Santa Fe surplus property procedures.

- e. The work of art can be used to finance the acquisition of a work of art of greater importance in the context of the City's Collection, either through sale or trade, provided that this is permissible under the contractual agreement associated with the work of art. This must be accompanied by an independent expert determination of the relative value of both works of art within the context of the Collection.
- f. The work of art may be donated to another government agency, municipality, museum or nonprofit.
- g. The artwork may be destroyed if it is tied to a site scheduled for demolition or if it is structurally or economically infeasible to be removed safely and still maintain the integrity of the work.

6. Deaccessioning a Work of Art

If the deaccessioning of a work of art is accomplished through the sale of the piece then the proceeds from the sale of the piece shall be deposited in the appropriate Arts and Culture Department Fund. These funds shall subsequently be used for the purposes of maintenance, repairs, conservation of existing public artworks or for the creation of new public artworks. Sale of the work at an appreciated value shall be included and negotiated in all contracts related to the acquisition of a work of art.

If the deaccessioning of a work of art is because it creates a public safety concern or poses a threat to other items in the Public Art Portfolio, the City of Santa Fe may implement procedures to ensure the safety of the public and the safety of other works of art during the deaccession process. In the event that the work of art creates an imminent public hazard and it is not possible to contain the hazard without immediately removing the work of art, the work of art may be removed immediately and the decision regarding deaccession may be made subsequently.

An object shall be deaccessioned from the Public Art Portfolio upon recommendation by the Art Commission to the City Manager and approval by the Governing Body of the City Council.

7. RELOCATION OR MODIFICATION

a. The City retains the right to relocate or modify an artwork at any time. While the Arts and Culture Department will attempt to maintain an artist's original intentions for an artwork, several conditions may necessitate a modification to an artwork's original design or location.

- 1. A City building or facility is repurposed;
- 2. A City building or facility is renovated or remodeled;
- 3. After installation, it is apparent that an artwork creates safety problems for the public or City staff;
- 4. After installation, it is apparent that an artwork creates severe inconvenience or hardship for the public or City staff;
- 5. An artwork is being severely degraded by its present environment;
- 6. An artwork's security can no longer be guaranteed in its present location; or
- 7. After installation, it is apparent that an artwork would serve the public better in a different location at the site.

b. Relocation and Modification Procedure

- 1. If there is a recommendation or request for relocation or modification, Arts and Culture Department staff will work with the City department and consult with City Attorney's Office to weigh the need for relocation and modification with the possible consequences of harm occurring to the artwork or to the artist's original intent.
- 2. A report will be created by Arts and Culture Department staff that includes information about the artwork, the artist, the current site, any applicable restrictions or legal provisions, relevant comments and opinions from the public and/or City staff, relevant information from the artist about the artwork, and a summary of the potential modifications and relocations under discussion. Based on the information in this report, the Director of Arts and Culture Department will make the final decision on whether to relocate or modify the artwork. If the City department does not concur with the recommendation of the Director of Arts and Culture Department, the matter may be referred to the City Manager whose decision will be final.

3. If an artwork is determined to be relocated or modified, Arts and Culture Department staff will work with the department to ensure that qualified arts professionals handle the move or the modifications with care.
4. If an artwork poses a hazard or imminent threat to public safety, public health, or property, the Arts and Culture Department may choose to immediately relocate, remove, or modify the artwork without following the above procedure.
5. This process for evaluating whether to relocate or modify artworks does not apply to portable artworks, temporary artworks, or exhibits.

IX. GIFTS AND LOANS STATEMENT

In keeping with its Mission Statement, the City will seek to obtain incoming gift or loans of objects which complement those in its Public Art Portfolio, which are related to the current narrative, well-being, or history of Santa Fe or are exemplary of objects used by past residents of Santa Fe. Prior to acceptance of any gift or loan of public art, the Arts and Culture Department and the recipient department must review and approve the gift. The main role of the Arts and Culture Department is to ensure that all gifts or loans of public art are of high quality, are appropriate for their site and audience, and that funds are secured so that the artwork will be adequately maintained. Additionally, the Arts and Culture Department will use its expertise to evaluate the legal instrument of conveyance or loan that addresses the title of the artwork and defines the rights and responsibilities of all parties.

A. Arts Commission Role

The Arts Commission will receive a staff report along with a copy of submitted materials. If needed, Commissioners may hear a summary presentation by the donor before taking action. The Arts Commission may approve, reject or refer the proposed gift or loan back to Arts and Culture Department staff for further evaluation.

B. Arts and Culture Department Staff Role

Arts and Culture Department staff will respond to all donor inquiries and educate donors on the requirements, especially financial commitments, and processes for approval of gifts or loans of existing or proposed civic art. Staff will assist donors in assessing whether the donation is feasible. If the donation seems feasible and the donor's interest strong, staff will meet with the donor and review in detail the required submittals and explain the Arts Commission's approval process.

After meeting the donor, staff will work with the recipient department to:

1. Determine that the gift or loan is compatible with the recipient department's site or facility;
2. Assess whether the gift or loan is likely to be approved by the recipient department;
3. Provide technical assistance in negotiating the terms of the legal instrument of conveyance or loan; and
4. Provide guidance on establishment of a maintenance fund for the donated or loaned artwork. A report summarizing the proposed gift or loan will be prepared by staff and, using the criteria below, staff will recommend that the Arts Commission approve, reject or refer the proposed gift or loan back to staff for further evaluation. Staff will also include the gifted or loaned artwork on the Arts and Culture Department web page so that the public may learn more about it.

C. Criteria for Evaluating a Gift

The following criteria will be used in evaluating existing or proposed artwork by Arts and Culture Department staff when preparing its report to the Arts Commission and by the Arts Commission when determining whether to approve, reject or refer the proposed gift or loan:

1. Existing Artwork
 - a. The artwork is of high quality.
 - b. The artwork fits the proposed location in terms of the physical setting and audience.
 - c. The artwork will have a plaque consistent with Arts and Culture Department standards.
 - d. The donor has committed to cover all costs associated with delivery and installation of the artwork.
 - e. The Arts Commission has evaluated routine and future maintenance and conservation requirements of the artwork and has determined an amount that will cover all these costs.

- f. The donor and the recipient department have established a maintenance fund to cover all routine and future maintenance costs.
- g. The proposed legal agreement between the donor, the recipient department, and the Arts and Culture Department adequately addresses issues of ownership or loan, copyright, liabilities, maintenance and deaccessioning.

2. Proposed Artwork

- a. The artwork is of high quality and well designed.
- b. The artist's qualifications demonstrate the experience and skill necessary to complete a project of this scale and scope.
- c. Proposal is sufficiently detailed so that it can be fully evaluated.
- d. The artwork is appropriate for the proposed site in terms of the physical setting and potential audience.
- e. The scale, form, context and design of the artwork are appropriate for the setting (local design standards may be taken into consideration).
- f. Informational and other plaques have been included and are consistent with Arts and Culture Department standards.
- g. The donor has identified all costs associated with design, fabrication, permits, bonding, insurance, transportation and installation of the artwork and has identified sources for funding.
- h. The Arts Commission has evaluated routine and future maintenance and conservation requirements of the artwork and has determined an amount that will cover all these costs.
- i. The legal agreement between the donor, the recipient department, and the Arts and Culture Department adequately addresses issues of ownership, copyright, liabilities, maintenance and deaccessioning.

D. Required Donor Submittals

The following should be submitted to the Arts and Culture Department:

1. Existing Artwork

- a. Donor Information: Donor name, address, phone, fax and email. If the donor is an organization or a committee, provide information on all board or committee members and a copy of the organization's non-profit status forms, if applicable.
- b. Artist/Designer Biography: Summary of the artist or designer's qualifications.
- c. Description: Written description of the artwork: the concept behind the work; the relationship of the artwork to the site and the anticipated audience; materials to be used in the fabrication and installation of the artwork; the size, color and texture of each artwork element; and the schedule for completion of the artwork.
- d. Photograph: A photograph of the artwork with enough detail so that the work can be fully evaluated.
- e. Costs: Detailed budget listing all costs associated with delivery and installation.
- f. Maintenance Fund: Amount of maintenance funds and any conditions of the fund.

2. Proposed Artwork

- a. Donor Information: Donor name, address, phone, fax and email. If the donor is an organization or a committee, provide information on all board or committee members and a copy of the organization's non-profit status forms, if applicable.
- b. Artist/Designer Resume: Resume of the artist or designer listing education, employment, exhibitions, reviews, commissions, etc.
- c. Examples of Artist/Designer Past Work: Slides or digital images of completed work by the artist or designer.
- d. Description: Written description of the artwork: the concept behind the work; the relationship of the artwork to the site and the anticipated audience; materials to be used in the fabrication and installation of the artwork; the size, color and texture of each artwork element; and the schedule for completion of the artwork. If the artwork is a memorial honoring an individual or event, include background information on the individual or event.

- e. Visual Representation: A visual representation (computer generated or hand-drawn rendering) of the artwork showing detailed and overall views; and a maquette, model, photograph and/or map showing the artwork in context.
- f. Budget: Detailed budget listing all costs associated with the gift and identification of sources for funding.
- g. Conservator Report: Report from an art conservator summarizing the materials to be used and describing anticipated routine maintenance and long-term conservation requirements. The art conservator should be a professional member of The American Institute for Conservation (AIC).
- h. Maintenance Fund: Amount of maintenance fund and any conditions of the fund.

E. Sequence of Approvals

Evaluation consists of:

- Artistic quality
- Compatibility with the site
- Appropriateness to the site
- Materials' suitability and safety
- Contribution to the City's Public Art Portfolio
- Public safety
- Environmental impact

The sequence for approval of gifts or loans of civic artwork to the City is:

1. Approval by Recipient Department
2. Arts and Culture Department staff prepares report and makes recommendation to the Arts Commission
3. Approval of Arts Commission
4. Arts and Culture Department presents to City Council Committee, if applicable and to the Governing Body of City Council for approval of recommendation.

X. OUTGOING LOANS OF THE PUBLIC ART PORTFOLIO

1. The object's condition and the borrower's ability to ensure the proper care, physical stability, and security of the object are to be considered when evaluating an outgoing loan request. Objects which are extremely rare or fragile or are in need of extensive conservation may not be considered available for loan.
2. The borrower must be a bonafide art or educational institution, or a person of verifiable academic or curatorial credentials. In some cases, loans may be granted to other institutions when the good of the City and the edification of the general public will be served, this includes members of the community.
3. The borrower will furnish a certificate of insurance or a copy of the policy, a completed American Alliance of Museums Registrar's Facility report (or similar), and reimburse the City for any loss or damage incurred to the loaned object(s).
4. No alterations, embellishments, modifications, dismantling, or conservation treatment of loaned objects will be undertaken without the written consent of the Arts and Culture Department Director. An Out-going Loan Agreement form must be signed by the Director or the appropriate staff and an authorized representative of the lending institution.

D. OBJECTS LEFT IN THE CUSTODY OF THE CITY

- a. An object may be left in the temporary custody of the City by the owner for services such as attribution, identification, examination, or conservation evaluation.

2. The condition of the artifact must be documented at the time of acceptance.
3. Objects Left in the Custody of the City will be given the same care as objects in the Public Art Portfolio unless otherwise specified in the agreement with the owner. An agreement must be signed by the City of Santa Fe and an authorized representative of the lending institution or the owner.
4. No alterations, embellishments, modifications, dismantling, or conservation treatment of Objects Left in the Custody of the City will be undertaken without written consent to the owner.
5. If the owner fails to take possession of an object upon termination of the agreement, the disposition of the object shall be governed by New Mexico Revised Statutes, Chapter XX, Unclaimed Property in the City:

§XX Acquiring title to loaned property
§XX City obligation to the lender
§XX Lender obligation to the city

XI. ART ON LOAN PROGRAM

The Public Art Loan facilitates the temporary display of privately-owned artworks on City-owned property. Artists working in all media suited for outdoor are encouraged to participate.

The goal of the program is to create opportunities for more art to be displayed publicly throughout the community and for more artists to take part in the Art in Public Places Program. Participating artists or private galleries contribute to the community by helping to enliven the visual landscape of Santa Fe, and by very generously lending their artworks to the City free of charge. In return, artists are able to share their art with a broader audience, which is particularly important to emerging or mid-career artists whose work is not viewed as widely as more established artists.

In addition to engaging local artists and private galleries, the program helps to ensure all areas of the community have public artworks on display. Artworks have been placed in rotation around the city as part of the Loaned Art Program, with most staying in place for a year or more.

A. Selection Process

The City of Santa Fe Arts and Culture Department issues an open call for existing artworks to artists and private galleries; however, loan proposals are accepted throughout the year. Any three-dimensional artwork in media appropriate for outdoor public display are considered.

After being reviewed by Arts and Culture Department staff, artworks are matched with appropriate sites based on availability, the lender's preferences, and feedback from community groups associated with the sites as well as other City Department staff (Parks, Public Works, etc.).

Evaluation consists of:

- Artistic quality
- Compatibility with the site
- Appropriateness to the site
- Materials' suitability and safety
- Contribution to the City's Public Art Portfolio
- Public safety
- Environmental impact

If approved by Arts and Culture staff, proposed loaned artworks and potential locations will be submitted to the Arts Commission for review and approval. Upon approval by Arts Commission, Arts and Culture Staff will process a (two-year minimum) contract with the Artist or private gallery. Artworks will be covered by Arts and Culture Department insurance rider during the terms of the contract.

XII. Records and Information Organization

A. Arts and Culture Department staff is responsible for documenting and archiving information about historic City artworks and new public art projects in the City's Public Art Portfolio. This includes documenting temporary and programming/education projects after they have concluded or have been de-installed. Information about the City's Collection is accessible to City staff and the public through the Arts and Culture Department's website. A report on the City's Collection is issued to the City Council at least once every five (5) years.

B. Scope of Documentation for a Commissioned Public Art Project

1. The following documents are retained in the City's Collection hard and/or electronic files after a new Public Art Project has been completed:

- a. Contracts;
- b. Artist's statements, proposals, biography, and any other relevant information;
- c. Artist selection process summaries;
- d. Press clippings the project received;
- e. Maintenance instructions and conservator reviews of materials used;
- f. Photographs and digital images;
- g. City Council letters;
- h. Artist's shop drawings of artwork; and
- i. As built drawings and diagrams.

C. Additionally, any artist design drawings, sketches, or models that a commissioned artist creates for a public artwork may be retained in the City's Public Art Portfolio. These will be considered part of an artwork's archive. These materials may occasionally be used for public exhibitions organized by the Arts and Culture Department.

D. Scope of Documentation for Historic City Artwork

The extent of documentation for historic City artworks depends on available documents and research. Digital photographs will be taken by Arts and Culture Department staff of the artwork and a condition assessment will be completed. Copies of documents discovered in research will also be retained.

E. Records Retention

All records are intended to be cared for in perpetuity. If an artwork is later removed, deaccessioned, or relocated, its records will still be held in the Public Art Portfolio files.

XIII. GRANTING PERMISSION TO USE IMAGES OF ARTWORK

A. General Guidelines

The City may grant permission to reproduce imagery of City-owned artworks, including the use of images for two-dimensional reproductions and for three dimensional derivatives of City-owned artworks.

"Reproductions" include the use of images of County-owned artworks in educational materials, reports, or communications about services, or other non-commercial use.

"Derivatives" are usually three-dimensional objects which are derived from, or based on, elements of an original artwork. The original artwork may not be reproduced exactly, at any scale, but portions of the artwork may be used in a new image or an object based on the artwork or artwork elements.

B. Permission to Use Images of City-owned Artwork for Reproduction for Non-Commercial Purposes

1. Requests to use artwork images for non-commercial purposes must be presented in writing to the Director of the Arts and Culture Department. Requests must include full contact information of the organization, its status as a government, non-profit or for profit entity, and its intended use for the images.
2. The request will be reviewed and approved by Arts Commission staff, artist, department, and Supervisorial office. The normal request and review process is 30 days.
3. The Arts Commission will grant permission in writing. No formal agreement is needed.

C. Permission to Make and Sell Derivatives or Reproductions of City-owned Artwork for Commercial Purposes

1. Requests for use of artwork images must be presented in writing to the Director of the Arts and Culture Department. Requests must include full contact information of the organization, its status as a government, nonprofit or for profit entity, its intended use for the images and an estimate of anticipated annual gross income.
2. The request will be reviewed and approved by Director of the Arts and Culture Department staff, artist, department, and City Manager. The normal request and review process is 60 days.
3. The Arts and Culture Department will enter into a three-party (artist, City and non-profit) agreement to grant permission.
4. The Arts and Culture Department will monitor sales on an annual basis.

D. Filming

Artworks are frequently included in locations used for filming. Since artists hold the copyright on City-owned artworks, film companies must get waivers or negotiate a royalty payment from the artist before including the artwork in the footage. Film companies may contact the Arts and Culture Department or the City's Film Office to receive contact information for artists.

APPENDIX A: Mural Best Practices

Murals commissioned through the Arts and Culture Department become automatically accessioned into the City Public Art Portfolio and follow the guidelines set forth in Section VII. IMPLEMENTATION OF ART IN PUBLIC PLACES PROGRAM.

Murals created through other City Departments or private property owners are not accessioned into the City Public Art Portfolio. Note currently the only review of murals on private property are those in the historically designated areas of the City and must comply with the Historic Preservation codes and guidelines.

Murals are considered temporary in nature with a lifespan of five years. Best practices can ensure their longevity.

Mural projects are an investment in cultural capital that goes far beyond tourism, improved aesthetics, increased business traffic and building occupancy, and eradication of blight. Murals are an investment in a city's unique identity and its cultural cohesiveness and contribute to its public art. To effectively implement a successful mural program, which will ensure consistency and aesthetic value in the community; it is important that applicants adhere to the following guidelines, which will ensure the best possible results. The guidelines that follow are intended to provide mural best practices for care and longevity.

Theme

1. Appropriate thematic and other relationships to the surrounding environment.
2. Appropriateness of scale.
3. When feasible, emphasis should be reflective of the specific area /neighborhood

Planning / Considerations:

Once a mural is installed on city property, it becomes public art. There are a number of factors that need to be taken into consideration before a mural is started:

1. Is the location restricted by covenants, historic design overlays or other design standards?
NOTE for historic buildings and districts, a permit is required from the City of Santa Fe Historic Preservation Division and Board. Careful consideration of the historic fabric and historic setting should be considered. Murals should not compromise the character-defining features of a historic building or district, as this may compromise its eligibility for the National Register of Historic Places now and/or in the future. In some cases, attaching plywood to the exterior of buildings can help protect historic fabric, but can also cause other preservation issues if not maintained.
2. A written contract should be developed between Arts and Culture Department and the selected artist(s) prior to work beginning, designating proposed content, costs, schedule of services and expectations.
3. The contract should designate the lifetime of the mural (three, five, seven or other, agreed-upon years) that the mural will be left undisturbed, after which the mural can be painted over without penalty.
4. Consider the location of the wall in which to attach plywood for the mural to be displayed. Reasoning for plywood/maintaining the integrity of a building.
5. Designate the most appropriate and durable paint and coatings for use per current national standards.
6. Determine who will maintain the mural if the work is damaged and/or needs attention and develop a policy for the reporting and repair of maintenance.
7. Take into account the surrounding businesses and residents when planning the mural.

Mural Making Process:

When painting a mural, it is important to choose an appropriate wall and location. Protecting the integrity of buildings of Santa Fe is of utmost importance; therefore, plywood* must be attached to the building for the

mural to be painted. Water leaks and cracks in the plywood may have adverse effects on the mural and should also be avoided. Murals, which face direct sunlight during the daytime hours fade and peel much faster than those which do not get direct sunlight or are protected by overhanging architecture. Murals located in heavily trafficked areas will be subject to more smog, dirt, and chemicals which may change the colors of the original paint.

Before painting, it is highly recommended that the surface be cleaned thoroughly. The cleaner the surface is, the longer the mural will last. After the surface has been cleaned, a coating such as gesso should be applied to create a smooth and consistent surface to which the paint can bond. Surface preparation, materials, paint, and anti-graffiti coating should be compatible with each other as well as with the surface. Consult manufacturers of products for specific information. One type of paint that may be used is mineral paint because it bonds extremely well with the wall and should last many years. Paint should be applied thinly and evenly. Thick layers of paint take longer to dry and tend to peel quickly.

While it is recommended that a protective anti-graffiti coating be applied to murals to protect them from graffiti and vandalism, the harsh environmental elements of Northern New Mexico should be taken into consideration regarding scaling, bubbling, fogging or discoloration of any coating. Several products that employ a sacrificial coat to the mural surface are on the market.

Consistent maintenance is extremely important to the durability of outdoor murals. It is recommended that a regular maintenance plan be devised for each mural.