



ADMINISTRATIVE DIRECTIVE

PUBLIC ART PROGRAM RELOCATION AND DEACCESSION

NUMBER

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EFFECTIVE DATE

September 16, 2006

I. POLICY

- A.** It is the policy of the City of Tucson 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. Arts Foundation for Tucson and Southern Arizona (AFTSA), acting as manager of the City's Public Art Program, shall follow a process for relocation or deaccession to ensure that the integrity of the artwork and the interests of the artists and the public are respected. Relocation and deaccession requests involve careful consideration of public opinion, professional judgement, and legal advice.

II. 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.

III. ELIGIBLE ARTWORKS

This policy applies to all artworks owned by the City of Tucson whether acquired through the Public Art Program, donation, or any other method. In the case of donated artworks, all legal 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.



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IV. RELOCATION/DEACCESSION PROCESS

- A. City staff, elected officials, private citizens, or other interested parties may contact AFTSA with a specific request for deaccession or relocation. AFTSA staff may also recommend artworks for consideration/evaluation for deaccession. Any deaccession request must be submitted in writing to AFTSA and accompanied by photo documentation and/or pertinent graphic materials.
- B. After reviewing the request, a Relocation/Deaccession Subcommittee of the Public Art and Community Design Committee (PACD) will be appointed. This Relocation/Deaccession Subcommittee will consist of no more than seven members with up to five arts professionals (including members of the PACD, art conservators or curators) and up to two City staff members from the 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.

V. CRITERIA FOR RELOCATION/DEACCESSION

- A. The PACD and the Relocation/Deaccession Subcommittee must consider relocating the artwork or repairing the artwork if damaged.
- B. Deaccession or relocation of artwork may be considered 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.



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8. The artwork requires 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.

VI. APPLICATION OF RELOCATION/DEACCESSION CRITERIA

- A. The process chosen for relocation/deaccession of any given item will be determined by the AFTSA Board of Directors and may include fewer than all of the following steps.
 1. Upon receipt of a relocation/deaccession request, the AFTSA Executive Director will refer the matter to the public art staff.
 2. The public art staff will notify the Chair of the 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.
 3. 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.
 4. 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, including repair and/or relocation should be considered.
 5. 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.
 6. If practicable, a public hearing to discuss relocation/deaccession options will be scheduled with community members.
 7. AFTSA 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 artwork.
 - c. Approval/recommendation from the appropriate City department(s).
 - d. Documentation of community input.



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- e. Attachments from independent reviewers.
8. The Relocation/Deaccession Subcommittee will make a recommendation to the PACD.
9. 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, curators, appraisers, or other professionals prior to making a recommendation to the full AFTSA Board of Directors.
10. The recommendation will then be forwarded to the AFTSA Board for approval at a regularly scheduled meeting.
11. The recommendation from the AFTSA Board will then be forwarded to the department head with jurisdiction over the artwork considered for relocation or deaccession.
12. If City personnel disagree with the recommendation, the matter will be referred back to the AFTSA Board of Directors for further review and action.
13. AFTSA will forward its final recommendation to the City Manager for decision or the City Manager may choose to refer the matter to the Mayor and Council for consideration.
14. Upon final decision, AFTSA will coordinate the relocation or deaccession activities including notifying the appropriate departments of the decision.

VII. DISPOSITION

- A. The manner of disposition will be in the best interest of the City and its collection. AFTSA shall consider the following actions 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 direct 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 extended loan may be through artist, gallery, museum, or other institutions for one or more artwork(s) of comparable value by the same artist.



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- 3. *Donation of artwork.* The work may also be donated, relocated or loaned to a non-profit 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.

VIII. CONFLICT OF INTEREST

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

IX. PROCEEDS

If acquired through the Public Art 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.

Appendices None

References Mayor and Council Memorandum (SS/June19-00-289) - Tucson-Pima Arts Council Proposals for Public Art Program (City-Wide)

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized



 City Manager' Office



 Date

Michael Ortega