

CITY OF DALLAS –ADMINISTRATIVE POLICIES AND PROCEDURES
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A. ACCEPTANCE OF GIFTS AND LOANS

Works of art will occasionally be offered as gifts or long-term loans to the City of Dallas through the City Council, the community groups, and other city departments. This policy establishes a standard measure for reviewing proposed gifts and loans. The intent of the policy is to ensure that only works of the highest standard of excellence are accepted for the City's collection.

a. REVIEW PROCESS

i. Application

All applicants will submit the materials listed below to the Office of Arts and Culture ("OAC") at least nine months prior to the anticipated installation date of the project. The application, including copies of all visual materials, will become the property of the City upon submission.

All persons or organizations wishing to gift or loan works of art to the

- City shall submit the materials listed below:
 - Completed application form including:
 - clear proof of ownership or title to the work
 - copyright and VARA information
 - Photographs, drawings, models, or designs of proposed artwork
 - Description and samples (if available) of materials and colors
 - Appraised value of the work by professional art appraiser (if the work is existing)
 - Preferred installation location

- Installation schedule
- Maintenance manual and schedule prepared by professional conservator
- All costs associated with the acceptance of the work by City
- Artist's resume and examples of artist's previous work
- Engineering or drawings for installation, signed by a State of Texas Licensed engineer
- Proof of insurance sufficient to meet the requirements of the City's Risk Manager, if applicable
- Building permits, if applicable
- Any other issue pertaining to the acceptance of the artwork

ii. Technical Criteria

The acquisition of an artwork by the City means a commitment to its preservation, protection, and display for the public benefit. All materials used in the creation of the work must be durable and appropriate for a public, non-archival setting. The work must be suitable for display in the proposed setting and must not have a limited life span due to either built-in obsolescence or inherent weakness, with the exception of temporary projects or short-term loans.

The Collection Manager and, when necessary, professional consultants, will review the materials submitted by the applicant to

determine the technical feasibility and needs of the work. A written report will be presented to the Office of Arts and Culture addressing the following issues, among others:

- Technical feasibility of installation including sealed engineering drawings and plans
- Costs associated with project
- Maintenance needs
- Durability and anticipated life span of the work
- Safety hazards and potential for vandalism
- Donor's conditions

iii. Review Panel Process

The Office of Arts and Culture can appoint three to five arts professionals to serve as an ad-hoc review panel. When artworks are proposed for donation or loan, this panel will prepare a written evaluation and recommendation based on the following criteria:

- Artistic quality
- Site
- Context within the City collection
- Professional credentials of the artist

iv. Approval

Staff will transmit the application to the Public Art Committee and Arts and Culture Advisory Commission for consideration at one of its

meetings. At this time, OAC staff will present a report on the technical aspects of the work.

v. Approval by other City Boards and Commissions

It is the responsibility of the applicant to submit the project for review and approval by any other Boards and Commissions deemed necessary for final approval. This will take place subsequent to preliminary approval of the work by the Office of Arts and Culture.

vi. Final Acceptance

Upon the recommendation of the OAC, final acceptance of gifts will be made by the City Council and acknowledged through a written statement.

Final acceptance of gifts will require:

- An executed contract transferring title of the artwork and clearly defining the rights and responsibilities of all parties.
- Complete records of accession including, but not limited to, a signed deed of gift, acknowledgment of receipt, registration information, location card, exhibition record, photographs or slides, and independent appraisal.
- Verification that the work is unique and an edition of one (unless stated to the contrary in the agreement and accepted by the City).
- The establishment of an endowment fund if the City's existing maintenance budget is not sufficient or if the potential maintenance is deemed excessive.

- In general, works of art will be acquired without legal restrictions as to future use and disposition, except with respect to State or Federal laws on preservation, copyright, and/or resale of works of art.

vii. Exceptions

The following will be exempt from the formal review and acceptance procedure:

- Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States that may be accepted by City Council or the City Manager on behalf of the City. The OAC and the appropriate City department will determine permanent placement of any such artworks jointly. If not provided by the donor, maintenance of the art will be the responsibility of the host City department with assistance from the OAC and/or the Director of the OAC (“Director”).
- Art or exhibitions (limited term temporary art) created or loaned for display on public property for 365 days or less. Review and approval in these instances will be the responsibility of the Public Art Manager in conjunction with the City department with jurisdiction over the site of the display or exhibition.
- Artworks not owned by the City that are displayed in private offices or in non-public areas of City facilities.

B. ACCEPTANCE OF COMMISSIONED WORK

Commissioned work follows the same protocols of collection management once it has been accepted into the collection.

Commissioned art will be accepted once the artwork is inspected, and artist's required documentation is complete.

C. COLLECTION MANAGEMENT

a. Periodic Review and Assessment of the Collection:

Periodically, or at least once in every ten-year period, the City's Art Collection will be evaluated for the purposes of collection management and in order to assess the collection's future.

The Director will establish a review process meeting the following objectives:

- Assessing the condition and needs for restoration or repair of works in the collection.
- Evaluating the value, whether monetary or artistic, of the collection.
- Alignment with mission of OAC.

b. Collection Maintenance

▪ Routine Care and Maintenance

The City of Dallas assumes the responsibility for the ongoing conservation of artworks in its collection. The Collection Manager will oversee the maintenance and conservation of artworks in the City's

collection. The stewardship department will pay for routine maintenance costs (such as cleaning or changing the light bulbs). Conservation costs will be paid for out of the public art fund established by the donor at the time of the donation. It will be at least 10% of the value of the artwork.

▪ **Artist or Donor Responsibilities**

When the City acquires an artwork, whether by commission or donation, the artist or donor shall have certain responsibilities including, but not limited to, the following:

- Within the terms of the contract acquiring any specific artwork, the artist or donor will guarantee and maintain the work of art against all defects of material or workmanship for a period of two years following installation or acquisition.
- Within the terms of the contract, the artist or donor will provide the OAC with detailed instructions regarding routine maintenance of the artwork including a maintenance manual and maintenance schedule.
- The City shall reserve the right to perform routine maintenance or make minor and/or emergency repairs without consulting the artist(s), provided this work is done according to maintenance and materials information provided by the artist at the time of acquisition or abides by the American Institute of Conservation Code of Ethics and/or meets the approval of the relevant OAC staff.

- The City's standard of care will be to consult and contract with trained conservators who abide by the AIC code of ethics or the artist when practical.

i. City Responsibilities

Administrative Authority (Director)

- Establishing guidelines and schedules for routine maintenance such as cleaning, waxing, etc.
- Notifying the artist or donor in writing in the event it becomes necessary for the City to alter, modify, rearrange, remove, or relocate the artwork from a site for which it was selected or from public display.
- Advising the artist or donor when artworks require extraordinary maintenance or repairs.
- Periodically, or at least every five years, inspecting and preparing a report on each work of art in the City Collection which will include the following:
 - Present location of the artwork.
 - Present condition of the artwork.
 - Recommendation regarding needed maintenance or repairs.
 - Recommendations regarding potential deaccessioning.
 - The OAC will review the comprehensive condition report every 3-5 years as part of the development of the annual

work plan and will recommend specific conservation projects for inclusion in the plan and budget.

- OAC will maintain a safe and appropriate art storage facility.

- City Departments

Routine maintenance including regular cleaning of artwork. Such work will be completed in accordance with maintenance schedules and guidelines prepared by the Collection Manager.

c. Transportation

City departments will not move any artwork from the site at which it was installed, nor remove any artwork from display, without the prior authorization of the OAC.

Depending upon the impetus of the move, payment for moving artwork may be borne by the Public Art Program or by the department requesting the move. Professional care will be taken in moving and transporting all City owned artwork. Whenever feasible such relocation will be contracted to or supervised by the artist or a professional art handler.

D. Deaccessioning Art

Deaccessioning is the act of lawfully removing an object from a collection.

It is the primary responsibility of the OAC to preserve and protect the collections under its management for the people of Dallas. The City shall dispose of works of art in its collections only in the public interest and as a means of improving the overall quality of the collection. Since the City through a thorough review process acquires artworks by impartial peer panels, based on the quality of the artwork and the value of the work to the collection as a whole, deaccessioning should be considered only after five years following acceptance. The need for relocation or the temporary removal from public display does not automatically necessitate deaccession.

Deaccessioning should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence of fluctuations of taste and the premature removal of an artwork from the collection. Prior to the deaccession of any work, the OAC must weigh carefully the interests of the public, the intent in the broadest sense of the donor (if any), and the interests of the scholarly and the cultural communities.

All proceeds from any sale or auction of a work of art will be used for the exclusive purpose of acquiring one or more other works of art for the same public structure or purpose for which the original work of art was acquired or created. If that is not possible, then the proceeds shall be used to acquire a work of art at another City facility.

a. Causes for Review

While the intent of acquisition of artwork is for permanent public display, circumstances and/or conditions may arise that make it prudent for OAC, on behalf of the public interest, to remove an artwork

from public display. In general, it shall be the policy of the OAC not to remove an artwork from display or relocate it prior to it having been in place for at least five years, unless public safety or other technical circumstances are involved.

One or more of the following conditions must apply in order for an artwork to be considered for permanent removal or deaccession:

- If the location where the artwork is located is destroyed, altered, or repurposed, the review process will be to inform the artists and the Public Art Committee and the Arts and Culture Advisory Commission.
- The work presents a threat to public safety.
- The condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- The work requires excessive or unreasonable maintenance.
- The work has serious or dangerous faults in design or workmanship.
- The condition of the work requires restoration in gross excess of its monetary value or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false.
- The work is of poor quality or is judged to have little aesthetic and/or historical or cultural value.

- A similar but superior example exists in the collection.
- The work is a forgery.
- No suitable site for the work is available.
- Significant adverse public reaction is documented over an extended period of time (5 years or more).
- A written request from the artist has been received to remove the work from public display.
- The work is not, or is rarely, displayed.

a. Process for Review

Prior to deaccessioning an artwork, the OAC must observe the following procedures.

- Provide a process for public feedback. This could include listening sessions, surveys, scholarly commentary.
- Prepare a report that indicates:
 - Acquisition method and purchase price.
 - Any restrictions that may apply to the specific work based on contract review.
 - An analysis of the reasons for deaccessioning.
 - Alternatives to deaccessioning.
 - Suggested methods of deaccession.
 - Appraised value of the work by two independent consultants, if obtainable, when being sold off through the city's procurement procedures.

- Documentation of correspondence, press or other evidence of public debate documenting extended adverse public reaction.
 - Discuss with artist or donor the circumstances prompting the review.
 - Discuss the circumstances with the affected City department and document their input.
 - Make all reasonable efforts to ascertain that the City is legally free to dispose of the work in question.
 - Staff may seek additional information regarding the work from the artist, art galleries, curators, appraisers, or other professionals.
 - Public comment and feedback will be gathered.
 - Ad hoc research and listening committees can be requested.
- b. The report shall then be presented to the OAC for action at a
- c. Public Art Committee and the Arts and Culture Advisory Commission.

i. **Deaccessioning Process**

Upon a recommendation of deaccession, City staff will work with the OAC to determine the manner of disposition. Every effort will be made to ensure that this process is fair and open. The public art staff will follow the procurement rules set forth by the City. Artworks may not be given or sold privately to City employees, officers, volunteers or members of commissions, committees, boards, affiliate groups or their representatives unless they are sold at public auction and with

appropriate disclosures.

Consideration should be given to placing the art objects, through gift, exchange or sale, in another tax-exempt public institution wherein they may serve the purpose for which the Art Project initially served. The OAC may exchange a work of art following City procedures.

The sale of artwork will follow City Procurement procedures

- If the artist of the work chooses to purchase it at the original purchase price.

An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the records of the City's Collection.

When a gift is deaccessioned, the donor's name should be recognized in the label copy for the object or objects acquired in its place.

All recommendations for deaccession are subject to appeal to the City Council. All appeals must be made in writing to the City Secretary within ten business days of the decision by the OAC to deaccession the artwork.