

Town of Yucca Valley

Public Arts Policy

Recommended for approval by the Parks, Recreation & Cultural Commission: October, 2002
Adopted by the Town Council: October 17, 2002.

POLICY STATEMENT

The Town of Yucca Valley desires to enhance its identity as an artistic community. It is intended that the Town of Yucca Valley, through its Public Arts Program, will celebrate its artistic heritage and vital art community, embrace cultural responsibilities, and guarantee future generations a rich artistic legacy through the acquisition and exhibition of quality works of art.

POLICY OBJECTIVE

The Public Art Policy is directed, in part, towards developing a high-quality permanent art collection for the community. Art in public places is hereby defined as:

Any work of art displayed for two weeks or more in an open Town-controlled area, on the exterior of any Town-maintained facility, within any Town-owned facility, and/or in areas designated as public areas, lobbies, and public assembly areas. The work of art may include, but not be limited to murals, sculptures, monuments, lighting, frescoes, fountains, paintings, stained glass, and ceramics.

POLICY GOALS

The principal goals for acquiring and displaying works of art on public property are:

- To enrich the public environment for both residents and visitors through the incorporation of the arts.
- To nurture, enhance, and encourage the community's awareness and value of art.
- To enable Yucca Valley to enhance its recognition as a center for the arts.
- To increase public access to works of art and to promote an understanding and awareness of the arts in the public environment.
- To promote diversity through a variety of styles, designs and media.
- To create an environment for the investigation of funding avenues pertaining to public art.

POLICY PROCEDURES

1. Public Arts Advisory Committee (PAAC)

The PAAC is a seven-member committee of Yucca Valley residents which shall select, review, and make recommendations for the acquisition of all public art to the Town Council for approval. Members of the PAAC shall be recommended for appointment by the Parks, Recreation and Cultural Commission, and appointed by the Town Council. The PAAC shall operate under the authority of the appointed Parks, Recreation and Cultural Commission, and shall make every effort to recommend a broad variety of artistic disciplines and acknowledge the wealth of artists within the local community. The PAAC may from time to time be asked to participate with other appointed commissions or committees in matters related to art and community aesthetics.

2. Public Review Period

When the PAAC makes a recommendation to the Town Council to approve a piece of art for acquisition by purchase, loan or donation, there shall be a minimum 30 day public review period. During the public review period, the work itself, a copy of the work, or a photograph, videotape, slide, drawing, model or other representation of the artwork must be available for inspection by the public during regular hours at Town Hall or at a place reasonably close to Town Hall. In addition to any other method, notice of the public review period shall be published in the local newspaper. Public comments shall be forwarded to the PAAC for consideration.

3. Criteria

The PAAC shall consider the following criteria when reviewing works of art for purchase, gift, or loan to the Town collection and for recommendation to the Town Council. The Town Council shall utilize the same criteria when considering whether to accept or reject a PAAC recommendation.

- A. The artistic or historical significance of the object.
- B. The object's physical condition and whether the object is of exhibition quality.
- C. Whether the Town already owns sufficient examples or better examples of this type of object or objects by a particular artist in a particular style.
- D. Whether the Town has the facilities necessary to properly care for and keep the object safe. (The Town has limited storage space and must consider the cost of processing, insuring, maintaining or storing the new artwork). If there are any special costs or special methods associated with maintaining or storing the artwork, such cost and methods must be made known to the Town Council prior to a vote to acquire the artwork.

- E. Signage for artwork to be displayed on public property shall be limited to the artist's name, title and date of work, and where appropriate, a dedication. The name of the donor or lender may be part of the installation.
- F. Whether sufficient funds are available.
- G. Appropriateness of the site (working well within the scale and nature of the site).
- H. Whether, in the judgement of a majority of the full Town Council, the artwork is appropriate for display to the general public.

4. Town Responsibility

In acquiring works of art (by purchase, gift or loan), the Town is governed by its responsibility to:

- A. Determine the best location and display methods for pieces of public art in the Town's collection.
- B. Preserve, conserve and maintain the objects in the collection. If there are any special costs or methods associated with preserving, conserving or maintaining the artwork, those costs and methods shall be made known to the Town Council prior to acquiring the art work.
- B. Catalogue the objects in the collection. Complete records shall be made and maintained of all artworks acquired.
- C. Make the objects in the collection known to the public through display, publication and/or other educational means.
- D. Ensure that the interests of all concerned parties are represented, including the public, the artist, and the Town.
- E. Ensure that a legal instrument of conveyance, necessary waiver, and documents transferring title and ownership of the artwork and clearly defining the rights and responsibilities of all parties accompany all acquisitions.

5. Acquisition Procedure

- A. Acquisition is hereby defined as the inclusion of new works of art into the Town's collection by purchase, gift, or loan. Permanent collection shall be work intended to remain two years or longer.
- B. Members of the PAAC may submit a work of art for consideration for acquisition, but that member must abstain from voting on the decision whether or not to recommend the object for acquisition.

C. Any individuals having business with or desiring to request a particular work of art be considered through the Acquisition Procedure must submit a written request to the Town Clerk thirty (30) days prior to a regularly scheduled PAAC meeting. The artist or the artist's representative must acknowledge in writing that he or she has received a copy of the Public Art Policy and has reviewed and understood it. Any member of the PAAC may recommend a work of art to the entire Committee for acquisition through purchase, donation/gift or loan and, where appropriate, commission. The rules of acquisition are as follows:

1. The work itself, a copy of the work, or a photograph, videotape, slide, drawing, model or other representation of the artwork must be available at a regular meeting of PAAC for examination.
2. Members of the Public Arts Advisory Committee must make every attempt to inspect the actual/physical artwork being considered for acquisition. When objects being considered cannot be directly examined by the Committee, the vendor shall provide one or more photographs, videotapes, slides, drawings, models or other representations of the artwork.
3. The Public Art Fund must have funds available to cover all costs associated with the purchase, transportation, installation, and insurance of the art.
4. The PAAC shall recommend and seek formal approval by a majority vote to the full committee at a regular monthly meeting. The recommendation will be forwarded to the Parks, Recreation and Cultural Commission for review and forwarding to the Town Council. The Town Council shall make the final determination on the recommendation.
5. Subsequent to the Town Council's approval, the PAAC shall act in accordance with the provisions herein.
6. Staff shall notify the artist/vendor of the Town Council's determination. When appropriate, staff shall also initiate all acquisition procedures.
7. Once all documents have been signed and received the Town shall initiate payment from the Public Art Fund for the art, transportation, installation and all expenses pertaining to the acquisition circumstances and per agreement.
8. The object shall be photographed and received into the collection and acquisition form completed by staff.
9. Town staff shall ensure that the object is properly installed. The artist or the artist's agent agrees to consult with Town staff on the installation of the artwork and shall be required to approve the installation of the artwork.

C. Acquisition by Loan:

1. The acquisition procedure and rules 1-9 shall apply to all works of art on loan to the Town. Although loaned art will not always be included in the Town's permanent collection as is art from gifts or purchases, an equally high artistic standard shall be applied.
2. Members of the PAAC share responsibility to make the Town's needs and restrictions known to potential public art lenders. The prospective donor shall receive a copy of the Public Art Policy.
3. The lender will be responsible for entering into a loan agreement with the Town as approved by Town staff.

D. Acquisition By Purchase

Any and all artwork purchased by the Town shall become the exclusive property of the Town of Yucca Valley and the Town shall have all rights of reproduction, rights to sell, or dispose of such works of art as deemed appropriate, including the right to use such artwork for advertising purposes.

E. Acquisition By Gift of Donation

The donation of works of art is a major source of enrichment for the Town's collection. As such, it is a resource that should be developed in a systematic, coordinated, and consistent manner. All members of the PAAC share a responsibility to make the Town's needs known to potential donors and to develop cordial relations with local collectors, galleries, artists and art lovers. Although a far greater range of possible acquisitions will be offered to the Town as gifts than would be considered for purchase, equally high artistic standard should be applied to them.

6. Public Art Fund

- A. Any appropriations to a Public Art Fund will be maintained by the Town of Yucca Valley and included in the annual budget.
- C. At such a time when deemed necessary and appropriate by the Town Council, the Public Art Fund may receive allocations from the Town for acquisitions, operating expenses, workshops, sponsorship, fund raising events, and other endeavors pertinent to public art.

7. Deaccessioning

- A. Deaccessioning is the process by which the Town, acting in accordance with Town policies and procedures, approves and effectuates the disposal of a work of art from the Town of Yucca Valley's collection.
- B. It is recognized that the deaccessioning of art works is a very delicate matter, and must be handled with the greatest diplomacy. Any apprehension on the part of donors and/or artists that their gifts/works might be disposed of could easily discourage and alienate potential donors and/or artists.
- C. Notwithstanding any other provision in this policy, if, in the judgement of a majority of the full Town Council an artwork is deemed to be detrimental to the public interest due to content or controversy, it may be removed immediately from public display.
- D. **Criteria For Selecting Works of Art For Deaccessioning**

The Town, and/or PAAC, may review works of art for deaccession if they meet at least one of the following criteria:

1. If the Town cannot properly care for or store the work.
2. If the work is found to have little or no artistic and/or historical/cultural value.
3. If the work is a duplicate (e.g., prints sculptures, multiples) of works already in the collection.
4. If the Town identifies a work of art as a copy or pastiche, a fake or forgery, without significant value.
5. A work whose condition requires restoration in gross excess of its' artistic value or a work in such a deteriorated state that restoration would prove either unfeasible or misleading.

8. Deaccessioning Procedures

- A. As needed, the PAAC and/or Town shall review the Town's art collection and compile a list of those objects it recommends for deaccessioning.
- B. Staff shall prepare a written report for each object recommended for deaccession. This report shall include:
 - Title, artist medium, dimensions, and present location of the work
 - Provenance
 - Slide(s) and/or photograph(s) of the work

- Report on the condition of the work
 - Estimated fair market value
 - Copy of ownership documents (title) for the work
 - Justification for disposal, conforming to the provisions herein
 - In the case of certain objects of high monetary value, independent consultants may be invited to provide opinions
 - Recommendation for disposal method of the work
- C. A copy of this report shall be distributed to each member of the PAAC for review prior to the meeting at which the deaccessioning of the work will be considered.
- D. Each member of the PAAC shall physically inspect the work before voting to deaccession.
- E. After appropriate discussion, the PAAC will recommend approval, or disapproval of the deaccessioning by a majority vote of the full PAAC. Town staff will forward the PAAC recommendation to the Town Council for review and approval.
- F. Subsequent to approval by the Town Council, staff shall make every reasonable effort to locate the artist or donor/heir advising them in writing of the Town's intention to deaccession the work giving reasons and appropriate assurances that:
1. In the case of sale, the monies realized will be used to purchase other works for collection or to restore works already owned by the Town, and to adhere to the California Resale Royalties Act (Civil Code 986).
 2. A reasonable effort shall be made to honor the wishes of the artist or donors/heirs concerning the sale. Written concurrence of donors/heirs will be solicited.
- G. Town staff shall forward a report with sale/disposal recommendations to the Town Council for review and approval. Town Council approval must be obtained for the deaccessioning of any object regardless of its value or intended disposition.

9. Disposal of Deaccessioned Art Procedures

The Town may take any of the following courses of action. The Town shall not be limited to these, and may suggest other methods as may be decided by a particular set of circumstances.

A. Sale

1. The artist/donor shall be given the right of first refusal to require the work at fair market value, original price, or gratis, depending on the recommendation of the PAAC and Town Council approval. The cost of removal of the work may be reflected in the amount set.
2. Sell the work through a dealer.

3. Sell the work through a public action or a sealed competitive bid process.
4. All revenues shall be designated for a Public Art Fund.

B. Trade or Exchanges

1. The Town may negotiate a trade or exchange under special circumstances with a dealer or artist.
2. In some cases, Town Council, pursuant to PAAC recommendation, may wish to trade a deaccessioned work for another piece by the same artist or another artist.
3. In acquiring an object through trade or through monies raised from the sale of deaccessioned objects, the Town shall acknowledge, in the credits of the acquired object, the donor(s) of the original object or objects.
4. In keeping with the California Resale Royalties Act, if a deaccessioned work of art is sold, traded, or exchanged, five percent (5%) of the sale price of any work valued over \$1,000 will be given to the artist who created the work or the artist's heirs as governed by law, provided that the artist can be located by reasonable means. If the artist cannot be found, the Resale Royalty shall revert to the California State Arts Council. It is the obligation of the artist to keep the Town informed of a current address.

C. General Provisions

1. There may be instances in which the artwork has deteriorated to such an extent that it is irreparable and is unsuitable for exhibition and has therefore lost its function within the Town's collection. Once a work of this nature has been fully deaccessioned, a recommendation may be made by the PAAC and/or staff to dispose of the object.
2. Staff will negotiate the terms with the agency or agencies for sale or exchange of deaccessioned objects.
3. Staff shall remove acquisition numbers and labels from the deaccessioned work, arrange and coordinate its physical departure from the Town's collection.
5. Staff shall notify Town Council of the removal of the piece from the Town's collection.
6. All proceeds from the sale of deaccessioned works of art will be used to purchase other works for the collection, or to restore works already owned by the Town.
7. All funds from deaccession shall be maintained in the Yucca Valley Public Art Fund.