



AGENDA

ARTS COMMISSION
OCTOBER 28, 2021
5:00 PM
ATTEND VIRTUALLY

SPECIAL MEETING OF THE SANTA FE ARTS COMMISSION

Attendance: In response to the risks identified in the State’s declaration of a Public Health Emergency and the Mayor’s Proclamation of Emergency and the emergency orders issued to reduce those health risks, the Arts Commission meeting will be conducted virtually.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe’s YouTube channel at <https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted at <https://santafe.primegov.com/public/portal> at least seventy-two (72) hours before the meeting.

The direct Zoom link is: <https://santafenm-gov.zoom.us/j/82280415447?pwd=dkR2VUNOLzBFVzVHK2NPUjNkWkVqQT09>
Passcode: 540439

Attending Zoom by Phone: Members of the public can attend the Zoom meeting by phone by dialing:

US: (253) 215-8782 or (346) 248-7799 or (929) 205-6099

Meeting ID: 822 8041 5447

Public Comment:

- By video: A person attending the Zoom meeting by video conference (using a computer, mobile device, or smart phone) may provide public comment during the meeting. Attendees should use the “Raise Hand” function to be recognized by the chair to speak at the appropriate time.



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• By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting. Phone attendees should press *9 to use the “Raise Hand” function to be recognized at the appropriate time.

• In writing: A person may submit written public comments by 5pm the Monday prior to the meeting via the virtual comment “button” at

<https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF MINUTES**

- a. Approval of Minutes from September 7, 2021 Arts Commission Special Meeting

5. **MATTERS FROM THE CHAIR**

6. **MATTERS FROM THE DIRECTOR**

7. **MATTERS FROM THE PUBLIC**

8. **DISCUSSION ITEMS**

- a. Discussion of an Ordinance Amending Section 6-1.1SFCC 1987. An Ordinance Amending Section 6-11 SFCC 1987 to Delineate the Powers and Duties of the Arts Commission; Amending Section 6-1.2 to Increase the Term Length from Two to Three Years, Create Aspirational Diversification of the Membership, and Require Membership on Two Selection Panels per Year; Amending Section 6-1.4 to Amend the Art in Public Places Program to be Administered by the Arts and Culture Department, Add Relevant Definitions, Establish the Public Art Portfolio Fund, Establish Implementation of the Art in Public Places Program, Goals, Deaccessioning, Relocation and Modification of the Art in Public Places Program, and Establish a Process for Loans of the Public Art Portfolio; and Creating a New Section 6-1.5 to Establish the Community Gallery. (Pauline



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Kamiyama, Art and Culture Department Director:
pkkamiyama@santafenm.gov, 955-6653; Andrea Salazar, Assistant City
Attorney: asalazar@santafenm.gov, 955-6303)

- b. A Resolution Adopting the Art In Public Places Program Policies and Procedures (Pauline Kamiyama, Arts and Culture Department Director, pkkamiyama@santafenm.gov, 955-6653; Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)

9. ACTION ITEMS

- a. Review and Approval of Proposed Arts Commission Meeting Calendar 2022. (Erminia Tapia, Project Specialist emtapia@santafenm.gov, 505.955.6707)

10. MATTERS FROM THE COMMITTEE

11. NEXT MEETING: Monday, November 15, 2021

12. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

underscored material = new
[bracketed material] = delete

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2021-__

INTRODUCED BY:

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 6-1.1 SFCC 1987 TO DELINEATE THE POWERS AND DUTIES OF THE ARTS COMMISSION; AMENDING SECTION 6-1.2 TO INCREASE THE TERM LENGTH FROM TWO TO THREE YEARS, CREATE ASPIRATIONAL DIVERSIFICATION OF THE MEMBERSHIP, AND REQUIRE MEMBERSHIP ON TWO SELECTION PANELS PER YEAR; AMENDING SECTION 6-1.4 TO AMEND THE ART IN PUBLIC PLACES PROGRAM TO BE ADMINISTERED BY THE ARTS AND CULTURE DEPARTMENT, ADD RELEVANT DEFINITIONS, ESTABLISH THE PUBLIC ART PORTFOLIO FUND, ESTABLISH IMPLEMENTATION OF THE ART IN PUBLIC PLACES PROGRAM, GOALS, DEACCESSIONING, RELOCATION AN MODIFICATION OF THE ART IN PUBLIC PLACES PROGRAM, AND ESTABLISH A PROCESS FOR LOANS OF THE PUBLIC ART PORTFOLIO; AND CREATING A NEW SECTION 6-1.5 TO ESTABLISH THE COMMUNITY GALLERY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 6-1.1 of SFCC 1987 (being Ord. No. 1987-39, § 1) is amended

1 **to read:**

2 **6-1.1 Creation; duties and powers.**

3 A. There is created the "Santa Fe Arts Commission," hereinafter referred to as the
4 "commission." The commission shall serve as advisors to the arts and culture department and the
5 governing body and shall initiate, sponsor or conduct, alone or in cooperation with other public
6 or private agencies, public programs to further the development and public awareness of, and
7 interest in the fine and performing arts and cultural properties. The commission shall [~~organize~~
8 ~~and~~] adopt administrative rules and procedures necessary to accomplish its purposes.

9 B. ~~[In carrying out its duties and powers, t]~~The commission shall:

10 (1) survey and assess the needs of the arts, both visual and performing within
11 the city of Santa Fe;

12 (2) identify existing legislation, policies, and programs which affect the arts
13 and evaluate their effectiveness;

14 (3) encourage the use of local resources for the development and support of
15 the arts; [~~accept offers or gifts or grants from the United States, the state of New Mexico,~~
16 ~~their agencies or officers including without limitations the National Endowment of the~~
17 ~~Arts~~];

18 (4) seek [~~and from any person, firm or corporation, of]~~ offers, gifts, grants,
19 services, equipment, supplies, materials or funds[~~, and may make grants~~] in accordance
20 with the law;

21 (5) advise the city concerning the receipt of or purchase of works of art to
22 be placed on municipal property;

23 (6) advise and assist the city and the occupancy tax advisory board in
24 connection with the administration of those occupancy tax revenues which are designated
25 for [~~the~~] arts and culture nonprofit [~~performing arts and attractions~~] organizations;

1 [utilize the services of the executive director and such other staff as are available to said
2 commission;]

3 (7) _____ advise and assist the city in connection with such other artistic activities
4 and events as may be referred to ~~[it by]~~ the city

5 (8) _____ be consulted on arts and culture department programmatic budget,
6 appointments, and grants.

7 [~~The commission shall formulate and submit, annually, a budget request and a proposal~~
8 ~~for utilization of its funds.~~]

9 **Section 2. Section 6-1.2 of SFCC 1987 (being Ord. No. 1987-39, § 2) is amended**
10 **to read:**

11 **6-1.2 Members.**

12 A. The commission shall consist of nine (9) members. On the first commission, four
13 (4) of the members shall be appointed for one (1) year terms and five (5) shall be appointed for
14 two (2) year terms. Subsequent terms shall be for ~~[two]~~ three (~~[2]~~3) years to maintain staggering
15 of terms. Vacancies, other than by expiration of terms, shall be filled for the unexpired term in
16 the same manner as original appointments. The mayor, with the advice and consent of the city
17 council, shall appoint the commission members and the commission chairperson. All terms
18 expire ~~[in]~~ on October 31st.

19 B. All members of the commission shall reside in the county of Santa Fe, including
20 those pueblos located within the county and shall be actively involved in the arts, with emphasis
21 to obtain a member from each council district. Members of the commission shall be broadly
22 representative of all fields of the fine, traditional and performing arts, literary arts, digital media,
23 music, and all forms of culture, such as culinary, social practice, historic, and design, as well as
24 arts education. They shall include knowledgeable lay persons and persons who are widely known
25 for their professional competence and experience in the arts and culture field, as well as persons

1 ~~with fundraising, development, and public art expertise. [It is recommended that the following~~
2 ~~disciplines and activities be represented, but not limited to, on the commission: the performing~~
3 ~~arts, the visual arts, the communication arts, arts education, the literary arts, the occupancy tax~~
4 ~~advisory board, private sector development, citizen at large, and persons with fundraising~~
5 ~~expertise.]~~

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

8 D. All commissioners shall serve on at least two selection panels per year for
9 programmatic initiatives.

10 **Section 3. Section 6-1.4 of SFCC 1987 (being Ord. No. 2005-5, § 2) is amended**
11 **to read:**

12 **6-1.4 Art in public places.**

13 A. *Title.* This subsection shall be known as the "Art in Public Places Ordinance."

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

19 C. Administration. The city of Santa Fe's Art in Public Places program is
20 administered by staff of the city's arts and culture department. Staff is responsible for identifying
21 projects, partners, and carrying out the city guidelines and administrative procedures, adopted by
22 resolution in consultation with the commission. Arts and culture department staff members are not
23 eligible to apply for public art projects.

24 [C]D. *Definitions.* For the purpose of this subsection,

25 (1) *Administrative costs* means program management, facilitation of public

1 planning and art/artist selection processes, project coordination, and related operating
2 expenses.

3 (2) *Arts Commission* means the arts commission of the city of Santa Fe as
4 set forth in subsection 6-1.1 SFCC 1987.

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

8 (a) Buildings and related structures;

9 (b) Roadway facilities, including roads, bridges, bike and pedestrian
10 trails, bus bays, rights-of-way, landscaping; or

11 (c) Parks and related areas and facilities, open space and trails.

12 (4) Project Coordination Committee means a group consisting of a
13 member of the arts commission, the relevant city department staff, the project architect
14 team, a member of the general public, and a professional artist or arts administrator. The
15 project coordination committee meets to review and approve the selection of an artist.

16 (5) Public Art Portfolio Fund means an enterprise fund created via this
17 ordinance held by the arts and culture department and used for maintenance, removal,
18 and acquisition of art works for the city of Santa Fe.

19 ([4]6) *Revenue bond* means special limited obligations of the city, whether
20 designated as bonds or loans, that are payable from general gross receipts tax revenues,
21 lodgers' tax or convention center fees, or project revenues. Revenue bond does not
22 include conduit bonds issued by the city or bonds that are payable from utility system
23 revenues, gross receipts tax revenues that are restricted as to use or other specific
24 revenues that may not be legally expended for works of art.

25 ([5]7) *Work of art* means any work of visual art including, but not limited to, a

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

10 (a) Permanent public art means any visual art, as referenced above
11 that is part of the public art portfolio intended for long term display on or in
12 publically owned properties. Permanent public art is generally acquired through
13 purchase programs funded by gross receipt taxes that result from capital
14 improvement projects. Public art may also be acquired through donations, as
15 described in the donation policy.

16 (b) Temporary public art means any art, including visual artworks,
17 performances, projections, digital media, virtual reality, ephemeral, and other
18 artistic media, that is not intended to be permanent and is not part of the permanent
19 public art portfolio. Temporary public art is generally displayed for twelve months
20 or less and acquired through a ~~contracted~~ artist loan agreement or artist work for
21 hire agreement designating site, value and timeframe.

22 [D]E. *Funds for the Acquisition of Works of Art in Public Places.*

23 (1) Except as set forth in this paragraph, the governing body shall designate
24 two (2) percent of the total of each revenue bond net proceeds authorized after February
25 20, 2006, (effective date of this subsection) for capital improvement projects to be paid

1 by the collection of gross receipts tax or lodgers' tax to a fund for the acquisition of works
2 of art in public places. Provided, however, that if the bond ordinance, other appropriate
3 laws or regulations, or an official interpretation by another governmental entity regarding
4 allowable uses for funds which it is providing for the project precludes works of art as
5 an expenditure of funds, the amount of funds restricted shall be excluded from the total
6 bond in calculating the amount to be committed to works of art. The governing body
7 shall designate one (1) percent of the total of the revenue bond net proceeds authorized
8 in 2006 for the civic center to be paid by the collection of lodgers' tax to a fund for the
9 acquisition of works of art.

10 (2) All works of art acquired by the funds generated in paragraph (1) shall
11 be located in a public place on property owned by the city of Santa Fe. All works of art
12 acquired by funds generated by bonds to be paid by the lodgers' tax or convention center
13 fee revenue shall be located, as identified by city staff, within or nearby the capital
14 improvement project funded by the bonds. Otherwise, the nature of the revenue bond
15 providing the funding does not restrict the location of the work of art to be acquired with
16 such funding. [~~The location of any work of art shall be approved by the governing body
17 upon recommendation of the arts commission.~~]

18 (3) At least one-half (1/2) of the funds from bonds payable from gross receipts
19 tax revenues less administrative costs shall be used for projects integrated in new or
20 renovated structures, and in projects that are part of new or renovated infrastructure
21 unless otherwise approved by the governing body upon recommendation of the arts
22 commission.

23 (4) Funds generated as described in paragraph (1) above shall be budgeted
24 as part of the city's annual budget. Additional private or public contributions for works
25 of art may be added to these funds. Such contributions may be earmarked for particular

1 projects.

2 (5) Up to twenty (20) percent of the total amount designated for works of art
3 may be expended for the administrative costs of the program.

4 (6) Progress payments may be made to the artist for works of art which have
5 been approved by the governing body. Such payments may reimburse the artist for the
6 cost of materials or for services which have already been performed. ~~[At least twenty-~~
7 ~~five (25)]~~ No more than fifteen percent (15%) of the total amount to be paid to the artist
8 shall ~~[not]~~ be disbursed to the artist until the work of art is formally accepted by the arts
9 ~~[commission]~~ and culture department.

10 (7) A public art portfolio fund is established for monetary amounts realized
11 from the sale of city-owned artwork or deaccessioning of art work through sale under
12 this ordinance, which shall be used for the maintenance, removal, and acquisition of art
13 works for the city of Santa Fe.

14 ([7]8) Nothing contained herein shall preclude funding the acquisition of works
15 of art in public places in other ways.

16 ~~[E. — Selection of Works of Art to be Acquired.~~

17 (1) ~~— The arts commission may establish guidelines and timetables for the~~
18 ~~selection of works of art and the location of the art as they deem appropriate.~~

19 (2) ~~— The arts commission may recommend acquisition of completed works of~~
20 ~~art, commissioning works of art, holding a competition to select works of art, or create~~
21 ~~some other timely and appropriate mode of selection. The arts commission may consult~~
22 ~~with the user agency and the project architect, engineer or manager, if any, and involve~~
23 ~~them in the selection process in the manner that appears most feasible beginning with the~~
24 ~~planning stage. The governing body may accept or reject the recommendations of the~~
25 ~~arts commission. If the governing body rejects the recommendations, the arts commission~~

1 shall make other recommendations in accordance with the guidelines.

2 (3) — The arts commission shall make its recommendations in a timely manner
3 in accordance with the project schedule and timetable which may be provided by the
4 governing body. If the arts commission fails to make its recommendations within the
5 timetable, the governing body may extend the timetable or may choose an artist or work
6 of art without a recommendation from the arts commission.]

7 F. Implementation of Art in Public Places Program.

8 1. Arts and culture department will work with the public works department,
9 finance department, and client departments to identify art in public places projects,
10 conservation projects, community outreach and public education efforts, and any other
11 activities anticipated to be undertaken in the upcoming fiscal year through capital
12 improvement projects (CIP) in fulfillment of the two percent (2%) public art requirement.
13 Staff will implement a preliminary planning process to identify the preferred approach
14 to the selection of an artist for the project for the associated capital project. Once the
15 preferred approach is determined, the arts and culture staff will establish a project
16 coordination committee, as appropriate.

17 2. The arts and culture department may establish a pre-qualified list of
18 artists for art in public places projects. The list shall be updated either on an as-needed
19 basis or every two years, and will include categories for established as well as emerging
20 artists. The list will include local, regional, and national artists. Artists interested in being
21 considered for art in public places projects are invited to submit their qualifications. A
22 selection panel composed of five (5) to seven (7) people from the list of panelists
23 approved by the arts and culture department will convene to review and select the
24 applicants. Once selected, artists will remain on the eligibility list for four years.

25 3. A distinct project coordination committee will be established at the

1 beginning of each new art in public places project and will participate in the project from
2 artist selection through dedication, and work to ensure close coordination among
3 departments. The project coordination committee will meet to review and approve the
4 artist selection in one of the following ways:

5 a. Selection from the pre-qualified list by the project coordination
6 committee. Arts and culture department staff will consider the overall project and
7 make recommendations regarding artist eligibility requirements. The project
8 coordination committee will then meet to review the artists on the pre-qualified list
9 that meet the eligibility requirements and will establish a list of finalists. The artist
10 may be selected directly from the pre-qualified list or the project coordination
11 committee may elect to interview finalists or request preliminary proposals;

12 b. Selection by the project coordination committee through a call for
13 artists. In some instances due to the scale, importance, or unique nature of a project,
14 the project coordination committee may decide to develop a call for artists for that
15 specific project. Artist(s) selected by this method may or may not be on the pre-
16 qualified list. The project coordination committee may elect to select an artist
17 through an open competitive call for artists. The call for artists will identify the
18 anticipated project budget, scope of work, estimated project timeline, and
19 eligibility requirements. A shortlist of artists responding to the call for artists may
20 be interviewed or requested to develop preliminary proposals;

21 c. Selection from a limited invitational competition. A limited
22 number of artists from the pre-qualified list, or artists with professional experience
23 in a specific discipline appropriate to the project, may be invited by the Arts and
24 Culture Department staff to interview with the project coordination committee or
25 be requested to develop a preliminary proposal; or

1 d. Direct selection. In some situations it may be appropriate to
2 directly select an artist for a public art commission opportunity. The Arts and
3 Culture Department may either directly request an interview or that an artist
4 develop a preliminary proposal.

5 4. Procedures for the selection process are in the art in public places program
6 policies and procedures adopted by resolution, as defined above. All artwork selected by
7 this process shall be recommended by the arts commission and accepted by the city
8 manager, unless it exceeds the city managers procurement authority then the artwork
9 selected shall be accepted by the governing body.

10 G. *Goals for the Art in Public Places Program.*

11 In developing the public art portfolio of the city of Santa Fe, the following are
12 goals to guide the arts commission, staff of the arts and culture department, and the city:

13 a. The arts and culture department will develop public art projects
14 which enhance the urban environment of public spaces as well as the visual
15 design, form, and content of the city; which enhance the full community; and
16 foster the creative economy.

17 b. The public art portfolio will reflect the diverse spectrums of
18 beliefs, cultural heritage and traditions, and artistic expressions of Santa Fe and
19 New Mexico.

20 c. The public art portfolio will include works of art representing a
21 broad variety of media and styles and support community interests in having an
22 aesthetically enhanced environment.

23 d. The arts and culture department will adhere to all federal, state
24 and local laws related to inclusion and non-discrimination and procurement
25 codes.

1 e. The arts and culture department will identify and pursue
2 additional sources of funds and donations of works of art to the city of Santa Fe.

3 f. The arts and culture department will inform the public regarding
4 public art including opportunities for public participation in the public art
5 process.

6 g. The arts and culture department will promote the arts and culture
7 of Santa Fe (and New Mexico) while informing and increasing community
8 understanding about the purposes and meaning of the works of art in the public
9 art portfolio through art outreach, education, media and social events.

10 h. The arts and culture department will provide maintenance
11 guidelines for both routine and long-term maintenance for works of
12 art sited on their locations.

13 i. The arts and culture department will develop opportunities for
14 local artists through participation in Santa Fe arts and culture department
15 professional development workshops and educational events.

16 j. The arts and culture department will work with local artists and
17 galleries to engage them in the selection and acquisition process of the public art
18 portfolio, activating the local arts economy.

19 k. The arts and culture department will work with other
20 organizations and city departments to promote the cultural assets of Santa Fe.

21 H. *Deaccessioning a Work of Art.*

22 1. An object shall be deaccessioned from the public art portfolio upon
23 recommendation by the arts and culture department and the arts commission to the city
24 manager and approval by the governing body.

25 2. If the deaccessioning of a work of art is because it creates a public safety

1 concern or poses a threat to other items in the public art portfolio, the city of Santa Fe
2 may implement procedures to ensure the safety of the public and the safety of other works
3 of art during the deaccession process. In the event that the work of art creates an imminent
4 public hazard and it is not possible to contain the hazard without immediately removing
5 the work of art, the work of art may be removed immediately and the decision regarding
6 deaccession may be made subsequently.

7 3. If the deaccessioning of a work of art is accomplished through the sale
8 of the piece then the proceeds from the sale of the piece shall be deposited in the
9 collections fund. These funds shall subsequently be used for the purposes of
10 maintenance, repairs, conservation of existing public artworks or for the creation of new
11 public artworks. Sale of the work at an appreciated value shall be included and negotiated
12 in all contracts related to the acquisition of a work of art.

13 I. *Relocation and Modification Procedure.*

14 1. If there is a recommendation or request for relocation or modification, arts
15 and culture department staff will work with the relevant city department and consult with
16 the city attorney's office to weigh the need for relocation and modification with the
17 possible consequences of harm occurring to the artwork or to the artist's original intent.

18 2. A report will be created by arts and culture department staff that includes
19 information about the artwork, the artist, the current site, any applicable restrictions or legal
20 provisions, relevant comments and opinions from the public and/or city staff, relevant
21 information from the artist about the artwork, and a summary of the potential modifications
22 and relocations under discussion. Based on the information in this report, the director of
23 arts and culture department will make the final decision on whether to relocate or modify
24 the artwork. If the city department where the art is located does not concur with the
25 recommendation of the director of arts and culture department, the matter may be referred

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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.

J. 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.

3. The borrower will furnish a certificate of insurance or a copy of the policy, a completed public art loan 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

1 institution.

2 **Section 3. A new Section 6-1.5 of SFCC 1987 is ordained to read:**

3 **[NEW MATERIAL] 6-1.5 The Community Gallery**

4 A. The community gallery is a public art exhibition and program space that serves to
5 promote, exhibit, and sell the artworks of New Mexico artists. In the interest of serving an
6 economic development function, community gallery programming includes a variety of
7 opportunities for artists to advance their professional development through not only participating
8 in exhibits, but also workshops and courses intended to advance their professional acumen.

9 B. Artists participating in exhibits are invited to submit portfolios in response to a
10 planned exhibit theme and all portfolios are reviewed by a rotating committee who select artists
11 based upon the body of work represented in their portfolios. Selected artists are asked to produce
12 a custom, one-of-a-kind artwork for display in the exhibit. Artworks on display are insured by a
13 comprehensive insurance rider purchased by the arts and culture department annually that
14 supplements the existing city insurance policy. All artworks are for sale.

15 C. Any profits realized from sale of artwork in the gallery will be utilized for the
16 operations of the Gallery.

17 D. The arts and culture department staff operate, plan, and program the community
18 gallery located at 201 West Marcy Street, Santa Fe, NM 87501.

19 APPROVED AS TO FORM:

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22 ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2021/Bills/Arts Commission AIPP Amendments

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2021-__**

3 **INTRODUCED BY:**

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5 Councilor Renee Villarreal

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10 **A RESOLUTION**

11 **ADOPTING THE ART IN PUBLIC PLACES PROGRAM POLICIES AND**
12 **PROCEDURES.**

13
14 **WHEREAS**, since its inception in 1985, the Art in Public Places Program has built a
15 significant Public Art Portfolio (“Portfolio”) that serves as a valuable cultural resource for the
16 community of Santa Fe; and

17 **WHEREAS**, The Portfolio consists of more than seventy-three artworks, the Public Art
18 Portfolio represents a variety of media, styles, and themes; and

19 **WHEREAS**, public art can be found in civic buildings, along the Santa Fe Trails transit
20 system, and in public parks; and

21 **WHEREAS**, in 2006, under the leadership of then Mayor Larry A. Delgado, the
22 percentage dedicated to public art was increased to two percent; and

23 **WHEREAS**, Art in Public Places is an interdisciplinary and collaborative process that
24 reflects the diverse spectrum of beliefs, cultural heritage and tradition, and artistic expressions in
25 Santa Fe; and

1 **WHEREAS**, Art in Public Places is cultural resources created through transactional
2 engagement meant to support resilient, vibrant, and livable neighborhoods; and

3 **WHEREAS**, the Arts and Culture Department manages the Art in Public Places Program;
4 and

5 **WHEREAS**, the Arts and Culture Department, along with the Arts Commission, has
6 drafted Policies and Procedures for managing the Art in Public Places Program.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** adopts the attached Policies and Procedures for the Art in Public Places
9 Program designed to define duties of Arts and Culture Department staff, Arts Commission
10 members, and other City agencies and to assist the general public in understanding how the public
11 art program works.

12 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2021.

13
14
15 _____
16 ALAN WEBBER, MAYOR

17 ATTEST:

18
19 _____
20 KRISTINE MIHELICIC, CITY CLERK

21 APPROVED AS TO FORM:

22
23 _____
24 ERIN K. McSHERRY, CITY ATTORNEY

25 *Legislation/2021/Resolutions/AIPP Policies and Procedures*

Art in Public Places Program
Policies and Procedures

DRAFT

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APPENDIX A

Mural Best Practice Guidelines

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. 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.

III. GOALS FOR THE 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 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 provide maintenance guidelines for both routine and long-term maintenance for Works of Art sited on their locations.
- 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 and City departments to promote the cultural assets of Santa Fe.

IV. IMPLEMENTATION OF THE 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.

6. Ensuring Professional Growth/Development

The selection of artists for commissioned artworks will be considered in light of their contract history with the City of Santa Fe Arts and Culture Department, to ensure professional growth and fair competition for active commissions. Artists with previous contractual history can only enter new contracts in amounts that exceed their previous commissions and will not be considered for contracts at or below that funding range. Exceptions will be made if the project will benefit due to:

1. Geographic proximity to the previous project(s)
2. Conceptual, thematic or population relativity, such as a departmental or a regional efforts
3. Compatibility of project schedules
4. The artist's unique qualifications

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.

V. 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.

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

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.

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 Collection 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.

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. The artwork has been recognized as a danger to the safety and welfare of the community as a function of its unplanned use or results of unanticipated design flaws.
- e. An independent appraisal of the current value of the work of art, if the intent is to sell or trade the work of art.
- f. 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.
- g. Public opinion has deemed the work of art to be of substandard quality and/or incompatible with its historical, social or cultural context.
- h. The work of art is duplicative of a substantial holding of work of that type or by a particular artist.
- i. The work of art has been documented by a licensed conservator or curator as fraudulent or not an authentic work.
- j. The work of art requires excessive or unreasonable maintenance on an on-going basis, exceeding the anticipated maintenance requirements.
- k. A suitable and appropriate place for the display of the work of art no longer exists.
- l. The work of art is not displayed or has not been consistently displayed for a period of ten years.

- m. The work of art does not exist due to theft, accident or natural disaster.
- n. The work of art has consistently received adverse public reaction for a period of five years.
- o. 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 Governing Body with a written explanation outlining the relevant facts.
- d. 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.

5. Deaccessioning Options

An object shall be deaccessioned from the Public Art Portfolio upon staff's recommendation to the Arts Commission, Art Commission will make the recommendation to the City Manager and approval by the Governing Body of the City Council. 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 Public Art Portfolio, 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 Public Art Portfolio.
- 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.

E. 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.

VI. 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 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.

B. 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.

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, installation and ongoing maintenance 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) or similar.
- 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 public 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.

VII. 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.

VIII. OBJECTS LEFT IN THE CUSTODY OF THE CITY

1. If an object is left in the custody of the City by the owner of the object, the object must be documented and recorded.

2. Objects Left in the Custody of the City will be given the same care as objects in the Public Art Portfolio. The City of Santa Fe will assess whether the object shall be displayed, kept, or disposed.

3. If the owner fails to take possession of an object upon termination of a Community Gallery Loan Agreement, the disposition of the object shall be governed by the Art in Public Places Policies and Procedures.

IX. ART ON LOAN PROGRAM

A. Intent of the Program

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

B. Selection Process for the Program

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 exhibition 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 contract with the Artist or private gallery. Artworks will be covered by Arts and Culture Department insurance rider during the terms of the contract.

X. RECORDS AND INFORMATION ORGANIZATION

A. Administration

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 Public Art Portfolio is issued to the City Council at least once every ten (10) years, unless otherwise requested.

B. Scope of Documentation for a Commissioned Public Art Project

1. The following documents are retained in the City's Collection Public Art Portfolio
 - 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. Artwork Retention 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.

XI. 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 City-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 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 IV. 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.

DRAFT

City of Santa Fe, New Mexico

memo

October 14, 2021

TO: Arts Commission

FROM: Erminia Tapia, Project Specialist

SUBJ: Approval of the 2022 Arts Commission Meeting Schedule

SUMMARY:

The Arts & Culture Department is proposing that Arts Commission return to monthly meetings beginning in January 2022. Due to the COVID19 Pandemic and public health orders that may be in place all meeting dates, times, and locations are subject to change. Below is the proposed schedule for 2022. All times are currently proposed for a 5pm start time.

- Monday, January 10th
- Monday, February 14th
- Monday, March 14th
- Monday, April 11th
- Monday, May 16th
- Monday, June 13th
- Monday, July 11th
- Monday, August 15th
- Monday, September 12th
- Monday, October 17th (October 10th is a Holiday)
- Monday, November 14th
- Monday, November 12th

ACTION:

Request to approve the proposed Arts Commission Meeting Schedule for 2022.

Thank you