



AGENDA

ARTS COMMISSION
MARCH 14, 2022
5:00 PM
201 WEST MARCH STREET

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT:

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.

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/84212460188?pwd=cDhDdXRHK05iQkFTeDRNemFzWGhXdz09>
Passcode: 797294

Attending Zoom by Phone: Members of the public can attend the Zoom meeting by phone by dialing:
301 715 8592
Webinar ID: 842 1246 0188 – Passcode: 797294

Public Comment:

- By video: A person attending the Zoom meeting by video conference (using a computer, mobile device, or smartphone) 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.
- 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**



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ARTS COMMISSION
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3. **APPROVAL OF AGENDA**

- a. Review and Approval of February 14, 2022 Meeting Minutes (Elizabeth Martin, Stenographer)

4. **APPROVAL OF MINUTES**

5. **MATTERS FROM THE CHAIR**

6. **MATTERS FROM THE DIRECTOR**

7. **MATTERS FROM THE PUBLIC**

8. **ACTION ITEMS**

- a. Discussion of an Ordinance Amending Section 6-1.1 SFCC 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. (Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 505-955-6303)



AGENDA

ARTS COMMISSION
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- b. Review and Discussion of the proposed resolution regarding the Art In Public Places Program Policies and Procedures (Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov , 505-955-6303)
 - c. Arts Commission \$10,000 Allocation for Special Project in FY22. (Pauline Kanako Kamiyama, Arts & Culture Director, pkkamiyama@santafenm.gov, 505-955-6653)
9. **MATTERS FROM THE COMMITTEE**
10. **NEXT MEETING: Monday, April 11, 2022**
11. **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.

**ARTS COMMISSION
FEBRUARY 14, 2022, 5:00 PM
ATTENDED VIRTUALLY**

1. CALL TO ORDER

The meeting of the Arts Commission was called to order by Alma Castro, Chair, at 5:03 pm on Monday, February 14, 2022, and was attended virtually.

2. ROLL CALL

COMMISSION MEMBERS PRESENT

Commissioner Alma Castro, Chair
Commissioner Anne Wrinkle, Vice Chair
Commissioner Raashan Ahmad Morris, Member
Commissioner Marcia Mikulak, Member
Commissioner Paul Hultin, Member
Commissioner Jennifer Villela, Member
Commissioner Jorge Bernal, Member
(Two Vacancies)

COMMISSION MEMBERS ABSENT

OTHERS PRESENT

Pauline Kanako Kamiyama, Director, Santa Fe Arts and Culture Department
Andrea Salazar, City Attorney's Office
Erminia Tapia, Santa Fe Arts and Culture Department
Robert Lambert, Santa Fe Arts and Culture Department
Matthew Chase-Daniel
JoAnn Balzer, IC22
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

MOTION A motion was made by Chair Castro, seconded by Commissioner Villela, to approve the agenda as presented.

VOTE The motion passed on a roll call vote as follows:

Chair Castro, yes; Commissioner Wrinkle, yes; Commissioner Morris, yes;
Commissioner Mikulak, yes; Commissioner Hultin, yes; Commissioner Villela, yes;

Commissioner Bernal, yes.

4. APPROVAL OF MINUTES

Commissioner Hultin asked that a change in the wording be made on page 6, 3rd paragraph from the bottom, the minutes should say “represented by Council as to those changes, the Commission has not.”

MOTION A motion was made by Chair Castro, seconded by Commissioner Hultin, to approve the minutes as amended.

VOTE The motion passed on a roll call vote as follows:

Chair Castro, yes; Commissioner Wrinkle, yes; Commissioner Morris, yes; Commissioner Mikulak, yes; Commissioner Hultin, yes; Commissioner Villela, yes; Commissioner Bernal, yes.

5. MATTERS FROM THE CHAIR

Chair Castro asked that the Commissioners give their site visit reports.

Commissioner Mikulak reported that she had made two site visits - Desert Chorale and Las Golondrinas. She spent one hour and a half at each site and followed the format. One of the most interesting things is that both organizations were very concerned at the beginning of the pandemic as to whether or not people would respond. In fact, they both increased their participation, and are looking at how they can expand. Las Golondrinas is selling out its events. Both organizations have impressive programming. They expressed two ways that the Arts Commission could help them. The first is their need for funding to enable them to reach out to the community and advertise. The second was around the February deadline for grants. The organizations are used to applying in March. She said the written reports on both visits will be available in two weeks.

Commissioner Bernal reported that he visited the Santa Fe Art Institute (SFAI), the Center for Contemporary Arts (CCA) and Flamenco, and spent an hour with each organization. It was a great experience. They all were thrilled to have a visit from the Arts Commission. Two of the organizations commented that they had not been hearing from the Director or the Department as to what they are doing. He said everything was positive. The organizations are doing a lot in spite of the pandemic. They are looking for more support from us in what they are doing. The written report will be coming to you soon.

Ms. Kamiyama asked that all of the written reports be uploaded to Ms. Tapia.

Commissioner Mikulak commented that she also heard from both of the organizations she visited, that they would like to hear more from the Department.

Ms. Kamiyama stated that the Department established bi-weekly meetings with organizations which receive funding from us when the pandemic started. We moved to every three weeks and stopped in September. That was a great opportunity for all of us. We will reach out to the organizations to ensure they are receiving email communications.

Commissioner Hultin said the film program has been very difficult for everyone. The Jewish Film Festival and the Santa Fe Film Festival are utilizing CCA and their facilities and are to be commended for that.

Commissioner Bernal said perhaps we could find a way for the Department to learn about what events these groups offer so we can support them.

Commissioner Wrinkle said one of her site visits was the Chamber Music Festival. The organization said the bi-weekly meetings were very helpful and would appreciate a set agenda with structured topics. The organization also mentioned regular updates, such as the one Ms. Camacho does for Economic Development.

Chair Castro said the Santa Fe Film Festival, Santa Fe Pro Musica and the Chamber Music Festival mentioned the time frame to apply for grants was a bit tight for them.

Ms. Kamiyama said this is our effort to get the program back on track for our funding time line.

Ms. Tapia stated we always are working to give more time. This one is on track for the time line we use. The organization must submit their applications by February 28, 2022. Notification will be early March, 2022 with the funding beginning on July 1, 2022.

Commissioner Wrinkle said at the visits she conducted, all of the organizations said they would appreciate more communication between entities and funders, urging partnerships and a sharing of demographics and metrics used by the Department. The organizations also asked if it is possible to have two different deadlines for different grants, and if there will be training of the panelists.

Ms. Tapia said yes, we will have an orientation on February 24th.

Chair Castro said she visited Santa Fe Pro Musica and the Santa Fe Independent Film Festival. Commissioner Wrinkle visited them with her, and also visited the Georgia O'Keeffe Museum and Chamber Musica, which did not receive a grant.

Commissioner Villela said she is in the process of meeting with SITE Santa Fe.

Chair Castro said we still have to schedule the Youth Symphony.

Commissioner Bernal asked if there are any more site visits that need to be done.

Ms. Tapia said yes. We will send out an updated list for you to review. If you would like to do a visit, message her.

Commissioner Bernal said he got a lot out of the visits he made and would like to do more.

6. MATTERS FROM THE DIRECTOR

Ms. Kamiyama reported the Mayor's Arts Awards nominations are due February 28, 2022. We have received fifteen nominations so far, and we encourage you all to reach out to your networks to remind folks. We are doing all we can to get the word out. We installed two sculptures in the sculpture garden at the Municipal Recreation Complex. There will be three permanent sculptures and one that will rotate quarterly. A New Mexico Quilt installation has been completed for the reopening of La Farge Library. It will be open to the public tomorrow. Two paintings also have been installed there. The paintings were formerly at Warehouse 21.

Ms. Kamiyama continued, saying, in May we will be part of the Arts and Economic Prosperity Study. It is a National Survey. We are looking at culture in a broad way. The data will talk about, and demonstrate the economics of culture - - the creative economy. We continue to monitor ARPA funds and will keep you updated. The City administration provides a City policy on harassment and bullying. We can agree to disagree, but in a civil manner. Be aware of that. Also we want to remind you to be aware that it is a violation of the Open Meetings Act if five or more commissioners meet together. The open meeting is publically noticed. Conversations among Commissioners as a whole need to be public conversations.

Commissioner Bernal asked if the Department has pictures of the sculpture garden. He had not seen anything about it. The Department should put it on social media with photos.

Ms. Kamiyama said we are waiting for all three of the sculptures to be installed before we do a full launch and press. We also will do a call for women sculptors to be on the list for the rotating space.

Ms. Kamiyama reported that we need to think about the Lifetime Achievement Award. It has the same deadline as the other Mayor's Awards. She will email Commissioners Bernal and Hultin about that. We are looking at having the candidate

interviews for Commissioner positions at the end of this month. The Selection Committee has narrowed down the candidates to six. Those names will go to the City Manager and Mayor, then to the Governing Body for approval. We are hoping the Governing Body approves the new Commissioners in March.

Commissioner Hultin asked what model is used to recommend candidates to the Mayor.

Ms. Kamiyama explained that the Selection Committee members are representing the Commission and make the recommendations. The Mayor is the only one who chooses. He may choose someone else as well, if he wishes.

Commissioner Hultin stated he would like to have input into the recommendations.

Commissioner Bernal said four of us met with the Mayor last week as to what he was looking for. We had thirty seven applicants and now we are down to six.

Commissioner Villela said it sounds like a lot of work has been put into this. To interject something at this time may not be a good thing. The overriding thing is to get nine Commissioners.

Commissioner Wrinkle said there is a good group of candidates. If we can refine or expand the process, she is open to that.

Commissioner Villela said the Mayor had a lot of nice things to say about the work of the Commission. We look forward to more interaction with him.

7. MATTERS FROM THE PUBLIC

A. PRESENTATION TO THE ARTS COMMISSION REGARDING IC22

Chair Castro introduced JoAnn Balzer, who will make the presentation.

Ms. Balzer stated that she sits on five boards regarding culture and arts in the community. She was the Chair of the Culture Connects Committee from 2015 to 2017, noting that Ms. Kamiyama and the Mayor embraced Culture Connects and the Indigenous Collaboration. Now, in 2022, her passion is IC22 - - Elevating Native Arts and Culture. She said 2022 will be a year like no other with all the celebrations. We have put together a project, and have reached out to the arts and culture community to get buy in. We have thirty organizations who have joined IC22. We have meetings and they all attend. Our mission is to elevate Native artists worldwide, and further rebrand Santa Fe and New Mexico as a place to go to learn about, experience and support Native arts and culture. There are seventy-five events on our calendar that are part of

this.

Ms. Balzer shared her screen showing a list of all of the events.

Ms. Balzer said our message to you is to ask you to be our eyes and ears on the ground, so you can share any events you know about with us and to let us know of any other entities we should include. You can email her directly. On May 11, 2022, we are having a VIP members event at Carlos Vierra's home. We would love for you to help us make this a success. She said thank you for your time.

Ms. Tapia stated we will share all of Ms. Balzer's contact information with the Commissioners.

Commissioner Wrinkle said she appreciates the effort to combine all of the activities and have organizations lean into each other. There are a lot of visual based arts organizations, but it could be moving art as well.

Commissioner Villela said they are looking for sponsorships.

8. DISCUSSION ITEMS

- A. DISCUSSION OF AN ORDINANCE AMENDING SECTION 6-1.1 SFCC 1987. AN ORDINANCE AMENDING SECTION 6-11 SFCC 1987 TO DELINEATE THE POWERS AND DUTIES OF THE ARTS COMMISSION; AMENDING SECTION 6-1-12 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.**

Chair Castro said this item will be a discussion on the Ordinance.

Commissioner Hultin said we have been talking about this since the first meeting he attended. He thinks the policy, process and substantive effect of it is not good for the arts community or the City of Santa Fe. The Arts Commission power has been removed as well, as authority taken away from the Commission regarding the ability to

receive donations and to decide how donations are used. The splits the duties of the Arts Commission to make recommendations to the Governing Body. He opposes this. It turns the Arts Commission into a rubber stamp for the Department. Unfortunately, we have not had a chance to have any consultation with the City Attorney's Office. There has been no input from the Commission. We have not been advised by Council on this. In this, if the Arts Commission wants to change policies or procedures, it has to go back to the Governing Body. It is an odd combination of the Ordinance and Resolution being voted into law. Those are his thoughts. He is in favor of not going forward with this.

Commissioner Villela said we had been told this whole time that due to necessities of the Department these changes needed to be made. She is not sure we have had the time to review these changes and their ramifications.

Commissioner Bernal said it might be possible to review this at the retreat. He feels we need to table the whole thing.

Chair Castro noted that this item is not noticed as an action item.

Commissioner Wrinkle said the changes are complex, complicated and have serious ramifications. She would like to see why each changed is required. The general consensus is to start over with this so the Arts Commission has checks and balances. We would be better served to wait for all nine Commissioners to be in attendance.

Commissioner Mikulak said she would have a lot of questions for the City Attorney, and would like to meet with the attorney as to how the proposed document affects the Arts Commission. She would like answers one by one by the City Attorney.

Commissioner Villela asked if it is possible to make this an action item on next month's agenda.

Ms. Kamiyama said we will make a note of that. You requested that we provide you with a red lined document and we have done that. This is your opportunity to come up with questions. The Assistant City Attorney is here to answer your questions. This item is your time for discussion.

Ms. Salazar said she understands the Commission's desire to have a retreat to work on this, but the process would be the same. We positioned this to be on the agenda tonight so that we could answer any questions you may have at this meeting. An in-person meeting with the City Manager or City Attorney is not going to be realistic.

Chair Castro asked if the Commission could have a special meeting on this issue.

Commissioner Villela said her issue about talking about all of these changes is merely that it seems to be “not doable.” What are the problems this is meant to solve. We need more time.

Commissioner Mikulak said she agrees with Commissioner Villela. She suggested that perhaps Commissioner Hultin could ask his questions tonight.

Commissioner Hultin said it seems we should break into small groups in a meeting with the Department and the City Attorney so we can formulate our questions in writing and get answers in writing, we could then come back as a group to discuss the answers.

Chair Castro said we already tried breaking out into small groups, but that did not work out. It would be great if you could ask your questions now.

Commissioner Hultin said we need to put our questions in writing to the City Attorney, and get answers in writing.

Ms. Kamiyama said, as a point of order, you need to send your written questions to Ms. Tapia, not directly to the City Attorney.

Mr. Lambert said, as a point of order, there seems to be confusion about the Ordinance. When the old Ordinance was created the Arts Commission was the critical staff of the Department. All of the original organization was by staff. Please view the Ordinance with that in mind.

Commissioner Wrinkle said it seems that these changes are to make this Body a rubber stamp for the Department.

Ms. Salazar said you do not create policy for the City. You cannot create something that directs the City. Ordinances do that. There are a number of Committees and Commissions that do work similar to what you do. They do not create overarching policies. This Ordinance comes through this Commission and other Committees then to the Governing Body to make it “real.”

Commissioner Wrinkle said when she originally read this, it seemed all our responsibility was taken away. The Ordinance needs to be checked to make sure it is legal.

Ms. Salazar asked Commissioner Wrinkle what she thinks is illegal in the Ordinance.

Chair Castro said the intent is that we need more Commission input. We want more input into processes.

Commissioner Villela said she does not understand this at all. There are so many changes. It is difficult to discuss each change and understand it. Mr. Lambert said the Department staff is the Arts Commission, so why is there an Arts Commission.

Chair Castro said this is an opportunity for us to discuss what we want the Department and the Commission to be. She believes we need another meeting.

Commissioner Mikulak said this feels abstract to her. She would like concrete questions to ask the City Attorney. It looks like the Arts Commission is losing power.

Ms. Kamiyama said it is not taking away power, but rather defining roles and responsibilities of the Department and of the Arts Commission. We are moving to be more community centered. As Director, she wants to hear more community voices. She looks forward to working more with all of you. She pointed out that the City Attorney and Councilor Villarreal have the last say.

Commissioner Morris asked if we are disagreeing on anything really. He would love to know if there is a disagreement with this. Do we need to sit in a room for nine hours to understand.

Commissioner Hultin asked why the Commission was not engaged in this earlier.

Chair Castro said we have been engaged since we got on the Commission.

Commissioner Hultin said that is correct, but in terms of putting the Resolution and Ordinance together, these were just done and presented to us. There needed to be more conversations with us.

Chair Castro stated that we need to move forward and work on what he have here.

Councilor Villela said she feels this was put to us without discussion and engagement as to what the goals are here. She would like to understand this better. We are allowed to have our opinions here. Why does this have to happen.

Ms. Salazar said we have met with you in small groups and in full meetings. You met individually in small groups. A couple of months ago we went line by line. What is it you need to understand. It is important to note that the Arts Commission has never developed or presented the budget. Staff does that.

Commissioner Mikulak said Commissioner Villela said it clearly. We don't know what document exists. We need fundamental discussions as to what is art. She understood the Arts Commission to be that we are moving away from the colonial definition of what art is. She does not see how this Ordinance disenfranchises the Arts Commission from doing that. She is confused and frustrated. She still has not heard

any questions from anyone. She asked, Commissioner Hultin, do you have any questions.

Commissioner Hultin asked why are we doing this. Why is Art in Public Places deleted in its entirety. How are we able to make recommendations to the Governing Body. The Arts Commission currently has the power to make its own policies and procedures and in the new Ordinance we do not have that power.

Ms. Kamiyama said Art In Public Places, as a program, was put in place prior to the existence of the Arts Commission. Now that we became a Department, we wanted to clarify that the AIPP is a program, not a body. She pointed out that we have been working on these changes for over a year.

Ms. Salazar said it is important to have the Ordinance updated. It does not remove a lot to do with rules. Why is it necessary. It is important to establish the Community Gallery. The Department wants to solidify that it remains in the Convention Center and is managed. Why establish a Department and a Commission. It is important to delineate the duties of the Commission as opposed to staff. The removal of the AIPP paragraph is in terms of best practices by including members, of the public rather than a select committee as to where and what art is placed on City properties. Policies and Procedures. At this time we don't have any. That is why we are memorializing direction. Your guidance is necessary to review and ensure that best practices are memorialized by the City.

Commissioner Mikulak said she is grateful to have something concrete. She said, "thank you Attorney Salazar."

Mr. Lambert said it is important to note that the staff was the Arts Commission. Now that we are a Department, we have been on our own for a long time. We now and have in place internal processes to manage programs. That is our job as staff. The Resolution is to formalize those internal policies and best practices. The Resolution is meant to address internal policies. There have been decades of internal policies and processes developed. The Ordinance codifies those. The Ordinance is to deal with separation of power - - Commission and staff. The Arts Commission is a necessary Body to supervise how we use public money. You are advisors and consultants so we can be transparent to the public.

Commissioner Villela said it is interesting how you are talking about this now. What is it you are asking the Commission to do.

Mr. Lambert said it is semantics. When the original Ordinance was created they did not know what we were going to be or do. We had AIPP as a program and everything else we created. Now we need to codify this.

Commissioner Wrinkle said, "thank you." It is advisable to spell out everything

for the approval of the Governing Body. There needs to be nimbleness in the Department.

Chair Castro said we all feel this is an important document. We should do a special meeting if that is possible.

Commissioner Hultin said he would like to go through this and get specific questions answered by Ms. Salazar so some of his concerns can be addressed.

Chair Castro said it is an open forum.

Ms. Salazar said don't set up meetings with the Council members. It is the City as a whole that is affected. If you need to know the documents are legal, we are giving an opinion of what is legal and not legal for the City.

Commissioner Hultin said we are free to have conversations as a committee of the whole.

Ms. Kamiyama said we will set up a special meeting.

B. REVIEW AND DISCUSSION OF THE PROPOSED RESOLUTION REGARDING THE ART IN PUBLIC PLACES PROGRAM POLICIES AND PROCEDURES.

This item was tabled to the special meeting.

C. DISCUSSION ON REACTIVATING THE ART IN PUBLIC PLACES SUBCOMMITTEE.

This item was tabled to the special meeting.

D. DISCUSSION OF THE PROCEDURE FOR SUBMITTALS REGARDING THE 10K SPECIAL PROJECT ALLOCATION

Chair Castro stated we need a process and procedure to spend these funds.

Ms. Kamiyama said it is a topic for discussion as to how you, as a new Body, determine a project for you to do yourself, or a program noticed to other entities. We, as staff, can provide you with models. There was not consensus at our last meeting as to what you wanted to do.

Commissioner Villela asked if the Department could give the Commissioners guidelines with options because is not clear.

Ms. Kamiyama said we can provide you with some models, but also we invite you, as a Body, to come up with your own ideas.

Commissioner Wrinkle said she applauds the Department for this opportunity, but it is hard to know how to implement it.

Commissioner Mikulak agreed with Commissioner Villela, saying, we need options. She would appreciate getting next steps from the Department.

Ms. Kamiyama said we will get those to you.

9. MATTERS FROM THE COMMITTEE

Ms. Wrinkle said we had a planning meeting about the Mayor's Arts Awards. We are looking at options such as a commemorative publication, and are discussing a virtual event followed by an in-person meeting in the summer or fall. We will reach out to the Mayor for his preferences.

10. NEXT MEETING MONDAY, MARCH 14, 2022

11. ADJOURN

There being no further business before the Commission the meeting adjourned at 7:40 pm.



[Alma Castro \(May 12, 2022 07:20 MDT\)](#)

Alma Castro, Chair



[Elizabeth Martin \(May 11, 2022 21:40 MDT\)](#)

Elizabeth Martin, Stenographer









Arts Commission 021422 Minutes

Final Audit Report

2022-05-12

Created:	2022-05-11
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"Arts Commission 021422 Minutes" History

-  Document created by Erminia Tapia (emtapia@ci.santa-fe.nm.us)
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-  Document e-signed by Alma Castro (almag.castro@gmail.com)
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COMMISSION MEMBERS PRESENT

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Commissioner Raashan Ahmad Morris, Member
Commissioner Marcia Mikulak, Member
Commissioner Paul Hultin, Member
Commissioner Jennifer Villela, Member
Commissioner Jorge Bernal, Member
(Two Vacancies)

COMMISSION MEMBERS ABSENT

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Andrea Salazar, City Attorney's Office
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Chair Castro asked that the Commissioners give their site visit reports.

Commissioner Mikulak reported that she had made two site visits - Desert Chorale and Las Golondrinas. She spent one hour and a half at each site and followed the format. One of the most interesting things is that both organizations were very concerned at the beginning of the pandemic as to whether or not people would respond. In fact, they both increased their participation, and are looking at how they can expand. Las Golondrinas is selling out its events. Both organizations have impressive programming. They expressed two ways that the Arts Commission could help them. The first is their need for funding to enable them to reach out to the community and advertise. The second was around the February deadline for grants. The organizations are used to applying in March. She said the written reports on both visits will be available in two weeks.

Commissioner Bernal reported that he visited the Santa Fe Art Institute (SFAI), the Center for Contemporary Arts (CCA) and Flamenco, and spent an hour with each organization. It was a great experience. They all were thrilled to have a visit from the Arts Commission. Two of the organizations commented that they had not been hearing from the Director or the Department as to what they are doing. He said everything was positive. The organizations are doing a lot in spite of the pandemic. They are looking for more support from us in what they are doing. The written report will be coming to you soon.

Ms. Kamiyama asked that all of the written reports be uploaded to Ms. Tapia.

Commissioner Mikulak commented that she also heard from both of the organizations she visited, that they would like to hear more from the Department.

Ms. Kamiyama stated that the Department established bi-weekly meetings with organizations which receive funding from us when the pandemic started. We moved to every three weeks and stopped in September. That was a great opportunity for all of us. We will reach out to the organizations to ensure they are receiving email communications.

Commissioner Hultin said the film program has been very difficult for everyone. The Jewish Film Festival and the Santa Fe Film Festival are utilizing CCA and their facilities and are to be commended for that.

Commissioner Bernal said perhaps we could find a way for the Department to learn about what events these groups offer so we can support them.

Commissioner Wrinkle said one of her site visits was the Chamber Music Festival. The organization said the bi-weekly meetings were very helpful and would appreciate a set agenda with structured topics. The organization also mentioned regular updates, such as the one Ms. Camacho does for Economic Development.

Chair Castro said the Santa Fe Film Festival, Santa Fe Pro Musica and the Chamber Music Festival mentioned the time frame to apply for grants was a bit tight for them.

Ms. Kamiyama said this is our effort to get the program back on track for our funding time line.

Ms. Tapia stated we always are working to give more time. This one is on track for the time line we use. The organization must submit their applications by February 28, 2022. Notification will be early March, 2022 with the funding beginning on July 1, 2022.

Commissioner Wrinkle said at the visits she conducted, all of the organizations said they would appreciate more communication between entities and funders, urging partnerships and a sharing of demographics and metrics used by the Department. The organizations also asked if it is possible to have two different deadlines for different grants, and if there will be training of the panelists.

Ms. Tapia said yes, we will have an orientation on February 24th.

Chair Castro said she visited Santa Fe Pro Musica and the Santa Fe Independent Film Festival. Commissioner Wrinkle visited them with her, and also visited the Georgia O'Keeffe Museum and Chamber Musica, which did not receive a grant.

Commissioner Villela said she is in the process of meeting with SITE Santa Fe.

Chair Castro said we still have to schedule the Youth Symphony.

Commissioner Bernal asked if there are any more site visits that need to be done.

Ms. Tapia said yes. We will send out an updated list for you to review. If you would like to do a visit, message her.

Commissioner Bernal said he got a lot out of the visits he made and would like to do more.

6. MATTERS FROM THE DIRECTOR

Ms. Kamiyama reported the Mayor's Arts Awards nominations are due February 28, 2022. We have received fifteen nominations so far, and we encourage you all to reach out to your networks to remind folks. We are doing all we can to get the word out. We installed two sculptures in the sculpture garden at the Municipal Recreation Complex. There will be three permanent sculptures and one that will rotate quarterly. A New Mexico Quilt installation has been completed for the reopening of La Farge Library. It will be open to the public tomorrow. Two paintings also have been installed there. The paintings were formerly at Warehouse 21.

Ms. Kamiyama continued, saying, in May we will be part of the Arts and Economic Prosperity Study. It is a National Survey. We are looking at culture in a broad way. The data will talk about, and demonstrate the economics of culture - - the creative economy. We continue to monitor ARPA funds and will keep you updated. The City administration provides a City policy on harassment and bullying. We can agree to disagree, but in a civil manner. Be aware of that. Also we want to remind you to be aware that it is a violation of the Open Meetings Act if five or more commissioners meet together. The open meeting is publically noticed. Conversations among Commissioners as a whole need to be public conversations.

Commissioner Bernal asked if the Department has pictures of the sculpture garden. He had not seen anything about it. The Department should put it on social media with photos.

Ms. Kamiyama said we are waiting for all three of the sculptures to be installed before we do a full launch and press. We also will do a call for women sculptors to be on the list for the rotating space.

Ms. Kamiyama reported that we need to think about the Lifetime Achievement Award. It has the same deadline as the other Mayor's Awards. She will email Commissioners Bernal and Hultin about that. We are looking at having the candidate

interviews for Commissioner positions at the end of this month. The Selection Committee has narrowed down the candidates to six. Those names will go to the City Manager and Mayor, then to the Governing Body for approval. We are hoping the Governing Body approves the new Commissioners in March.

Commissioner Hultin asked what model is used to recommend candidates to the Mayor.

Ms. Kamiyama explained that the Selection Committee members are representing the Commission and make the recommendations. The Mayor is the only one who chooses. He may choose someone else as well, if he wishes.

Commissioner Hultin stated he would like to have input into the recommendations.

Commissioner Bernal said four of us met with the Mayor last week as to what he was looking for. We had thirty seven applicants and now we are down to six.

Commissioner Villela said it sounds like a lot of work has been put into this. To interject something at this time may not be a good thing. The overriding thing is to get nine Commissioners.

Commissioner Wrinkle said there is a good group of candidates. If we can refine or expand the process, she is open to that.

Commissioner Villela said the Mayor had a lot of nice things to say about the work of the Commission. We look forward to more interaction with him.

7. MATTERS FROM THE PUBLIC

A. PRESENTATION TO THE ARTS COMMISSION REGARDING IC22

Chair Castro introduced JoAnn Balzer, who will make the presentation.

Ms. Balzer stated that she sits on five boards regarding culture and arts in the community. She was the Chair of the Culture Connects Committee from 2015 to 2017, noting that Ms. Kamiyama and the Mayor embraced Culture Connects and the Indigenous Collaboration. Now, in 2022, her passion is IC22 - - Elevating Native Arts and Culture. She said 2022 will be a year like no other with all the celebrations. We have put together a project, and have reached out to the arts and culture community to get buy in. We have thirty organizations who have joined IC22. We have meetings and they all attend. Our mission is to elevate Native artists worldwide, and further rebrand Santa Fe and New Mexico as a place to go to learn about, experience and support Native arts and culture. There are seventy-five events on our calendar that are part of

this.

Ms. Balzer shared her screen showing a list of all of the events.

Ms. Balzer said our message to you is to ask you to be our eyes and ears on the ground, so you can share any events you know about with us and to let us know of any other entities we should include. You can email her directly. On May 11, 2022, we are having a VIP members event at Carlos Vierra's home. We would love for you to help us make this a success. She said thank you for your time.

Ms. Tapia stated we will share all of Ms. Balzer's contact information with the Commissioners.

Commissioner Wrinkle said she appreciates the effort to combine all of the activities and have organizations lean into each other. There are a lot of visual based arts organizations, but it could be moving art as well.

Commissioner Villela said they are looking for sponsorships.

8. DISCUSSION ITEMS

- A. DISCUSSION OF AN ORDINANCE AMENDING SECTION 6-1.1 SFCC 1987. AN ORDINANCE AMENDING SECTION 6-11 SFCC 1987 TO DELINEATE THE POWERS AND DUTIES OF THE ARTS COMMISSION; AMENDING SECTION 6-1-12 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.**

Chair Castro said this item will be a discussion on the Ordinance.

Commissioner Hultin said we have been talking about this since the first meeting he attended. He thinks the policy, process and substantive effect of it is not good for the arts community or the City of Santa Fe. The Arts Commission power has been removed as well, as authority taken away from the Commission regarding the ability to

receive donations and to decide how donations are used. The splits the duties of the Arts Commission to make recommendations to the Governing Body. He opposes this. It turns the Arts Commission into a rubber stamp for the Department. Unfortunately, we have not had a chance to have any consultation with the City Attorney's Office. There has been no input from the Commission. We have not been advised by Council on this. In this, if the Arts Commission wants to change policies or procedures, it has to go back to the Governing Body. It is an odd combination of the Ordinance and Resolution being voted into law. Those are his thoughts. He is in favor of not going forward with this.

Commissioner Villela said we had been told this whole time that due to necessities of the Department these changes needed to be made. She is not sure we have had the time to review these changes and their ramifications.

Commissioner Bernal said it might be possible to review this at the retreat. He feels we need to table the whole thing.

Chair Castro noted that this item is not noticed as an action item.

Commissioner Wrinkle said the changes are complex, complicated and have serious ramifications. She would like to see why each changed is required. The general consensus is to start over with this so the Arts Commission has checks and balances. We would be better served to wait for all nine Commissioners to be in attendance.

Commissioner Mikulak said she would have a lot of questions for the City Attorney, and would like to meet with the attorney as to how the proposed document affects the Arts Commission. She would like answers one by one by the City Attorney.

Commissioner Villela asked if it is possible to make this an action item on next month's agenda.

Ms. Kamiyama said we will make a note of that. You requested that we provide you with a red lined document and we have done that. This is your opportunity to come up with questions. The Assistant City Attorney is here to answer your questions. This item is your time for discussion.

Ms. Salazar said she understands the Commission's desire to have a retreat to work on this, but the process would be the same. We positioned this to be on the agenda tonight so that we could answer any questions you may have at this meeting. An in-person meeting with the City Manager or City Attorney is not going to be realistic.

Chair Castro asked if the Commission could have a special meeting on this issue.

Commissioner Villela said her issue about talking about all of these changes is merely that it seems to be “not doable.” What are the problems this is meant to solve. We need more time.

Commissioner Mikulak said she agrees with Commissioner Villela. She suggested that perhaps Commissioner Hultin could ask his questions tonight.

Commissioner Hultin said it seems we should break into small groups in a meeting with the Department and the City Attorney so we can formulate our questions in writing and get answers in writing, we could then come back as a group to discuss the answers.

Chair Castro said we already tried breaking out into small groups, but that did not work out. It would be great if you could ask your questions now.

Commissioner Hultin said we need to put our questions in writing to the City Attorney, and get answers in writing.

Ms. Kamiyama said, as a point of order, you need to send your written questions to Ms. Tapia, not directly to the City Attorney.

Mr. Lambert said, as a point of order, there seems to be confusion about the Ordinance. When the old Ordinance was created the Arts Commission was the critical staff of the Department. All of the original organization was by staff. Please view the Ordinance with that in mind.

Commissioner Wrinkle said it seems that these changes are to make this Body a rubber stamp for the Department.

Ms. Salazar said you do not create policy for the City. You cannot create something that directs the City. Ordinances do that. There are a number of Committees and Commissions that do work similar to what you do. They do not create overarching policies. This Ordinance comes through this Commission and other Committees then to the Governing Body to make it “real.”

Commissioner Wrinkle said when she originally read this, it seemed all our responsibility was taken away. The Ordinance needs to be checked to make sure it is legal.

Ms. Salazar asked Commissioner Wrinkle what she thinks is illegal in the Ordinance.

Chair Castro said the intent is that we need more Commission input. We want more input into processes.

Commissioner Villela said she does not understand this at all. There are so many changes. It is difficult to discuss each change and understand it. Mr. Lambert said the Department staff is the Arts Commission, so why is there an Arts Commission.

Chair Castro said this is an opportunity for us to discuss what we want the Department and the Commission to be. She believes we need another meeting.

Commissioner Mikulak said this feels abstract to her. She would like concrete questions to ask the City Attorney. It looks like the Arts Commission is losing power.

Ms. Kamiyama said it is not taking away power, but rather defining roles and responsibilities of the Department and of the Arts Commission. We are moving to be more community centered. As Director, she wants to hear more community voices. She looks forward to working more with all of you. She pointed out that the City Attorney and Councilor Villarreal have the last say.

Commissioner Morris asked if we are disagreeing on anything really. He would love to know if there is a disagreement with this. Do we need to sit in a room for nine hours to understand.

Commissioner Hultin asked why the Commission was not engaged in this earlier.

Chair Castro said we have been engaged since we got on the Commission.

Commissioner Hultin said that is correct, but in terms of putting the Resolution and Ordinance together, these were just done and presented to us. There needed to be more conversations with us.

Chair Castro stated that we need to move forward and work on what he have here.

Councilor Villela said she feels this was put to us without discussion and engagement as to what the goals are here. She would like to understand this better. We are allowed to have our opinions here. Why does this have to happen.

Ms. Salazar said we have met with you in small groups and in full meetings. You met individually in small groups. A couple of months ago we went line by line. What is it you need to understand. It is important to note that the Arts Commission has never developed or presented the budget. Staff does that.

Commissioner Mikulak said Commissioner Villela said it clearly. We don't know what document exists. We need fundamental discussions as to what is art. She understood the Arts Commission to be that we are moving away from the colonial definition of what art is. She does not see how this Ordinance disenfranchises the Arts Commission from doing that. She is confused and frustrated. She still has not heard

any questions from anyone. She asked, Commissioner Hultin, do you have any questions.

Commissioner Hultin asked why are we doing this. Why is Art in Public Places deleted in its entirety. How are we able to make recommendations to the Governing Body. The Arts Commission currently has the power to make its own policies and procedures and in the new Ordinance we do not have that power.

Ms. Kamiyama said Art In Public Places, as a program, was put in place prior to the existence of the Arts Commission. Now that we became a Department, we wanted to clarify that the AIPP is a program, not a body. She pointed out that we have been working on these changes for over a year.

Ms. Salazar said it is important to have the Ordinance updated. It does not remove a lot to do with rules. Why is it necessary. It is important to establish the Community Gallery. The Department wants to solidify that it remains in the Convention Center and is managed. Why establish a Department and a Commission. It is important to delineate the duties of the Commission as opposed to staff. The removal of the AIPP paragraph is in terms of best practices by including members, of the public rather than a select committee as to where and what art is placed on City properties. Policies and Procedures. At this time we don't have any. That is why we are memorializing direction. Your guidance is necessary to review and ensure that best practices are memorialized by the City.

Commissioner Mikulak said she is grateful to have something concrete. She said, "thank you Attorney Salazar."

Mr. Lambert said it is important to note that the staff was the Arts Commission. Now that we are a Department, we have been on our own for a long time. We now and have in place internal processes to manage programs. That is our job as staff. The Resolution is to formalize those internal policies and best practices. The Resolution is meant to address internal policies. There have been decades of internal policies and processes developed. The Ordinance codifies those. The Ordinance is to deal with separation of power - - Commission and staff. The Arts Commission is a necessary Body to supervise how we use public money. You are advisors and consultants so we can be transparent to the public.

Commissioner Villela said it is interesting how you are talking about this now. What is it you are asking the Commission to do.

Mr. Lambert said it is semantics. When the original Ordinance was created they did not know what we were going to be or do. We had AIPP as a program and everything else we created. Now we need to codify this.

Commissioner Wrinkle said, "thank you." It is advisable to spell out everything

for the approval of the Governing Body. There needs to be nimbleness in the Department.

Chair Castro said we all feel this is an important document. We should do a special meeting if that is possible.

Commissioner Hultin said he would like to go through this and get specific questions answered by Ms. Salazar so some of his concerns can be addressed.

Chair Castro said it is an open forum.

Ms. Salazar said don't set up meetings with the Council members. It is the City as a whole that is affected. If you need to know the documents are legal, we are giving an opinion of what is legal and not legal for the City.

Commissioner Hultin said we are free to have conversations as a committee of the whole.

Ms. Kamiyama said we will set up a special meeting.

B. REVIEW AND DISCUSSION OF THE PROPOSED RESOLUTION REGARDING THE ART IN PUBLIC PLACES PROGRAM POLICIES AND PROCEDURES.

This item was tabled to the special meeting.

C. DISCUSSION ON REACTIVATING THE ART IN PUBLIC PLACES SUBCOMMITTEE.

This item was tabled to the special meeting.

D. DISCUSSION OF THE PROCEDURE FOR SUBMITTALS REGARDING THE 10K SPECIAL PROJECT ALLOCATION

Chair Castro stated we need a process and procedure to spend these funds.

Ms. Kamiyama said it is a topic for discussion as to how you, as a new Body, determine a project for you to do yourself, or a program noticed to other entities. We, as staff, can provide you with models. There was not consensus at our last meeting as to what you wanted to do.

Commissioner Villela asked if the Department could give the Commissioners guidelines with options because is not clear.

Ms. Kamiyama said we can provide you with some models, but also we invite you, as a Body, to come up with your own ideas.

Commissioner Wrinkle said she applauds the Department for this opportunity, but it is hard to know how to implement it.

Commissioner Mikulak agreed with Commissioner Villela, saying, we need options. She would appreciate getting next steps from the Department.

Ms. Kamiyama said we will get those to you.

9. MATTERS FROM THE COMMITTEE

Ms. Wrinkle said we had a planning meeting about the Mayor's Arts Awards. We are looking at options such as a commemorative publication, and are discussing a virtual event followed by an in-person meeting in the summer or fall. We will reach out to the Mayor for his preferences.

10. NEXT MEETING MONDAY, MARCH 14, 2022

11. ADJOURN

There being no further business before the Commission the meeting adjourned at 7:40 pm.



[Alma Castro \(May 12, 2022 07:20 MDT\)](#)

Alma Castro, Chair



[Elizabeth Martin \(May 11, 2022 21:40 MDT\)](#)

Elizabeth Martin, Stenographer









Arts Commission 021422 Minutes

Final Audit Report

2022-05-12

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2021-__

INTRODUCED BY:

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 ARTS COMMISSIONERS TERM LENGTH FROM TWO TO THREE YEARS, CREATE ASPIRATIONAL DIVERSIFICATION OF THE MEMBERSHIP, AND REQUIRE COMMISSIONERS MEMBERSHIP ON TWO SELECTION PANELS PER YEAR; AMENDING SECTION 6-1.4 TO AMEND THE ART IN PUBLIC PLACES PROGRAM TO ASSIGN ITS ADMINISTRATION TO THE ARTS AND CULTURE DEPARTMENT, ADD RELEVANT DEFINITIONS, ESTABLISH THE PUBLIC ART PORTFOLIO FUND, IMPLEMENT THE ART IN PUBLIC PLACES PROGRAM, 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 to read:

6-1.1 Creation; duties and powers.

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

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

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

10 (2) ____ identify existing legislation, policies, and programs which affect the arts
11 and evaluate their effectiveness;

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

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

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

21 (6) ____ advise and assist the city and the occupancy tax advisory board in
22 connection with the administration of those occupancy tax revenues which are designated
23 for [~~the~~] arts and culture nonprofit [~~performing arts and attractions~~] organizations;
24 [~~utilize the services of the executive director and such other staff as are available to said~~
25 ~~commission~~];

1 (7)____ advise and assist the city in connection with such other artistic activities
2 and events as ~~may be referred to it by the city~~ requested by the Governing Body or City
3 Manager.

4 (8)____ consult with the arts and culture department regarding its programmatic
5 budget, appointments, and grants.

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

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

10 **6-1.2 Members.**

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

18 B. All members of the commission shall reside in the county of Santa Fe, including
19 those pueblos located within the county, and shall be actively involved in the arts, with emphasis
20 on obtaining a member from each council district. Members of the commission shall be broadly
21 representative of all fields of the fine art, traditional art and performing arts; literary arts; digital
22 media, music; and experts in any form of culture, including but not limited to culinary, social
23 practice, history, and design; or arts education. They shall include knowledgeable lay persons
24 and persons who are widely known for their professional competence and experience in the arts
25 and culture fields, as well as persons with fundraising, development, and public art expertise. [~~H~~

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

5 C. After three (3) consecutive unexcused absences the chairperson shall
6 automatically remove a commission member ~~shall be automatically removed thereof by the~~
7 ~~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 administered
20 by the arts and culture department in consultation with the commission.

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

22 (1) *Administrative costs* means program management, facilitation of public
23 planning and art/artist selection processes, project coordination, and related operating
24 expenses.

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

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

6 (a) Buildings and related structures;

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

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

10 (4) *Project Coordination Committee* means a group consisting of a
11 member of the arts commission, the relevant city department staff, the project architect
12 team, a member of the general public, and a professional artist or arts administrator. The
13 project coordination committee that meets to select an artist for an art in public places
14 project.

15 (5) *Public Art Portfolio Fund* means an enterprise fund held by the arts and
16 culture department that comes from donations, grants, or deaccessioning through sales,
17 and used for maintenance, removal, and acquisition of art works for the city.

18 ([4]6) *Revenue bond* means special limited obligations of the city, whether
19 designated as bonds or loans, that are payable from general gross receipts tax revenues,
20 lodgers' tax or convention center fees, or project revenues. Revenue bond does not
21 include conduit bonds issued by the city or bonds that are payable from utility system
22 revenues, gross receipts tax revenues that are restricted as to use or other specific
23 revenues that may not be legally expended for works of art.

24 ([5]7) *Work of art* means any work of visual art including, but not limited to, a
25 drawing, painting, mural, fresco, sculpture, mosaic, photograph, digital media, work of

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

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

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

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

22 (1) Except as set forth in this paragraph, the governing body shall designate
23 two (2) percent of the total of each revenue bond net proceeds authorized after February
24 20, 2006, (effective date of this subsection) for capital improvement projects to be paid
25 by the collection of gross receipts tax or lodgers' tax to a fund for the acquisition of works

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

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

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

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

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(5) Up to twenty (20) percent of the total amount designated for works of art may be expended for the administrative costs of the program, as limited by other laws.

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

(7) A public art portfolio fund is established for monetary amounts realized from the sale of city owned artwork, which shall be used for the capital costs relating to the maintenance, removal, and acquisition of art works for the city within eighteen months after the sale has occurred.

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

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

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

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

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

6 E. Art in Public Places Program.

7 1. The arts and culture department will work with the public works
8 department, finance department, and client departments to identify art in public places
9 projects, conservation projects, and any other activities anticipated to be undertaken in
10 the upcoming fiscal year through capital improvement projects (CIP) fulfill the two
11 percent (2%) public art requirement.

12 2. Staff will implement a preliminary planning process to identify the
13 preferred approach to the selection of an artist for the project for the associated capital
14 project. Once the preferred approach is determined, the arts and culture staff will
15 establish a project coordination committee, as appropriate.

16 3. Procedures for the art in public places program are contained in policies
17 and procedures adopted by resolution. All artwork selected by this process shall be
18 recommended by the arts commission and accepted by the city manager, unless it exceeds
19 the city managers authority then the artwork selected shall be accepted by the governing
20 body.

21 F. Deaccessioning a Work of Art.

22 1. An object shall be deaccessioned from the public art portfolio upon
23 recommendation by the arts commission to the city manager.

24 2. _____

25 _____ If the deaccessioning of a work of art is accomplished through the sale

1 of the piece, then the proceeds from the sale of the piece shall be deposited in the
2 collections fund. These funds shall subsequently be used for the purposes of
3 maintenance, repairs, conservation of existing public artworks, or for the creation of new
4 public artworks.

5 3. The policies and procedures for deaccessioning will be adopted by
6 resolution.

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

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

9 A. The community gallery shall be a public art exhibition and program space that
10 serves to promote, exhibit, and sell the artworks of New Mexico artists. In the interest of serving
11 an economic development function, community gallery programming shall include a variety of
12 opportunities for artists to advance their professional development through not only participating
13 in exhibits, but also workshops and courses intended to advance their professional acumen.

14 B. The arts and culture department shall manage the Community Gallery exhibitions
15 according to the policies and procedures developed by staff and approved by the Commission.

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

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

20 APPROVED AS TO FORM:

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23 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. 2022-__**

3 **INTRODUCED BY:**

4
5 Councilor Renee Villarreal

6
7
8
9
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 (AIPPP) has
15 built a significant Public Art Portfolio (“Portfolio”) that serves as a valuable cultural resource for
16 the community of Santa Fe; and

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

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

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

23 **WHEREAS**, AIPPP is an interdisciplinary and collaborative program that reflects the
24 diverse spectrum of beliefs, cultural heritage and tradition, and artistic expressions in Santa Fe; and

25 **WHEREAS**, AIPPP generates cultural resources through a creative transactional

1 engagement meant to support resilient, vibrant, and livable neighborhoods; and

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

4 WHEREAS, in order to delineate the duties and responsibilities, procedures are needed
5 provide clarity and transparency to AIPPP for selection, deaccession, placement, and loans of the
6 Portfolio; and

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

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

14 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2022.

17 _____
18 ALAN WEBBER, MAYOR

19 ATTEST:

20 _____
21
22 KRISTINE MIHELICIC, CITY CLERK

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24 APPROVED AS TO FORM:
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ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2022/Resolutions/AIPP Policies and Procedures

Art in Public Places Program
Policies and Procedures

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APPENDIX A

Mural Best Practice Guidelines

I. INTRODUCTION

Culture Connects: Santa Fe is a community-wide effort to shape the cultural future of the city. A roadmap was created through a series of creative, hands-on input sessions, exploring notions of culture and shared dreams for Santa Fe's future a roadmap was created to realize this vision.

“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.”

- The Culture Connects Roadmap (http://www.santafenm.gov/cultural_roadmap)

Through the Culture Connects lens of equity, inclusion and access, Art in Public Places is an interdisciplinary and collaborative program that reflects the diverse spectrum of beliefs, cultural heritage and tradition, and artistic expressions in Santa Fe. It is a 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 in 2021, the Public Art Portfolio represents a variety of media, styles, and themes. Public art from the Portfolio 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 City increased the percentage dedicated to public art to two percent.

The Arts and Culture Department (“Department”) manages the Art in Public Places program. These policies and procedures establish standard practices to administer the Art in public Places Program, consistent with City Code.

II. ADMINISTRATION

The City of Santa Fe's Art in Public Places Program 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 ensure inclusion and non-discrimination in its application of these Policies and Procedures.
- 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 initiate a preliminary planning process to identify the preferred approach for the selection of an artist for the project. Once the selection process is determined, the Arts and Culture staff will establish a Project Coordination Committee if one is required by the selection process.

For each selection process requiring a Project Coordination Committee, the distinct Project Coordination Committee will participate in the project from the artist's selection through the dedication of the art. The Project Coordination Committee shall consist of the minimum representatives: an Art's Commissioner, a representative from the client department, the project's architect team, community member from the district the project will be located in, and a professional artist or arts administrator.

A. Selection of Art. Artists will be selected by one of the following methods:

1. 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.

2. Establishment of Pre-Qualified List

The Department may establish a Prequalified List of artists for Art in Public Places projects. The Department will update the list 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.

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

The Department staff will consider the project location 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.

4. 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. The Project Coordination Committee may interview or request a preliminary proposal from a shortlist of artists who responded to the Call for Artists.

5. Selection from a Limited Invitational Competition

Either the Project Coordination Committee or the Department may interview or request a preliminary proposal for a limited number of artists from the Pre-Qualified List, or artists with professional experience in a specific discipline appropriate to the project.

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

1. Artist qualifications to create a shortlist, if applicable
2. The artists 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, Department staff will work with the Artist to refine the design. If the Artist is not in agreement with the Committee's recommendations, Department staff will mediate discussions to arrive at a consensus among all parties. If revisions are called for, the artist will present a revised conceptual or final design 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. The plans to 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

E. Ensuring Professional Growth/Development

The contract history with the City of Santa Fe Arts and Culture is critical to the selection of artists for commissioned artworks, 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 the City due to following:

- a. Geographic proximity to the previous project(s); or
- b. Conceptual, thematic or population relativity, such as a departmental or a regional efforts; or
- c. Compatibility of project schedules; or
- d. The artist's unique qualifications.

Artist finalists will be paid a stipend 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.

VI. 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.

VII. 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.

VIII. 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.

IX. 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.

X. 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.

XI. 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.

XII. 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.