

## SECTION 14: DEACCESSION AND REMOVAL

### 14.1 Objectives:

- 14.1.1 Maintain a deaccession program that results in a high quality City public art collection.
- 14.1.2 Eliminate artworks that are unsafe, not repairable or no longer meet the needs of communities.
- 14.1.3 Respect the creative rights of artists.
- 14.1.4 Keep the deaccession process as clear and simple as possible.
- 14.1.5 Support an efficient workload for staff.

### 14.2 Definitions

- 14.2.1 **Deaccession:** Remove a work from the City's collection by selling, donating or destroying it.
- 14.2.2 **Life Spans:** 1) Temporary-up to 5 years, 2) Midspan-up to 15 years, 3) Long term-up to 50 years, 4) Permanent or site integrated- part of site/structure and cannot be removed.

### 14.3 General Policies

- 14.3.1 **Life Spans:** Life spans that have been assigned to the work during the commissioning process shall be taken into consideration as part of requests for deaccession or removal. For artworks that have not been assigned a life span, the public art administrator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork's materials and fabrication methods.

### 14.4 Application Process

- 14.4.1 **Preliminary Request:** Permanent (see Section 11.6.6 for a definition of "permanent") artworks must be in place for at least five years before deaccession or removal requests shall be considered. Deaccession or removal requests may be submitted by one of the following:
  - The Public Art Administrator;
  - A neighborhood organization;
  - City department;
  - Independent Board or Commission of the City;
  - City Council Member;
  - Mayor.

The Executive Committee of the Arts Commission reviews a preliminary request from the applicant. This Committee shall determine whether the Arts

Commission shall consider the request. If this committee votes in favor of considering the request, then the Public Art Administrator works with the applicant to bring a full proposal before the Public Art Advisory Panel and the Minneapolis Arts Commission.

- 14.4.2 **Deaccession and Removal Form:** The Public Art Administrator shall provide applicants with an application form that shall serve as the applicant's formal request for consideration by the Arts Commission. Clear instructions for completing the form and a copy of these policies shall also be provided.
- 14.4.3 **Review Process:** The Public Art Advisory Panel shall review requests and make a recommendation to the Minneapolis Arts Commission. The Commission shall consider the Advisory Panel's recommendation. The Commission's recommendation is forwarded to the City Council, which makes the final decision regarding deaccession and removal.
- 14.4.4 **Public Meeting:** The Minneapolis Arts Commission or the Public Art Advisory Panel shall hold at least one public meeting for the purpose of gathering community feedback on a proposed deaccession or removal. The Public Art Advisory Panel or the Commission may also decide to hold additional public meetings or gather community input through other methods.
- 14.4.5 **Artist Involvement:** If deaccession or removal is recommended, the artist (if available) shall be contacted and invited to provide input to Public Art Advisory Panel.
- 14.4.6 **Recommendation:** The Public Art Advisory Panel's recommendation may include dismissing the request and/or modifying, moving, selling, donating, disposing, or storing the artwork.
- 14.4.7 **Costs:** If deaccession accommodates the applicant's interests or project, they may be required to cover the costs of deaccession.
- 14.4.8 **Compliance with Applicable Policies and Regulations:** Deaccession and removal of artwork shall be done in a manner that complies with all other applicable city, state and federal procedures, policies and regulations. For example, deaccession and removal actions must comply with applicable procedures and laws relating to the disposition of city property and with laws protecting artists' rights.

## 14.5 Review Criteria

The criteria listed below shall be used for evaluating requests for deaccession or removal.

### 14.5.1 **Stimulate Excellence in Urban Design and Public Arts:**

- Is the artwork of inferior quality in concept or construction or compared to other artwork commissioned by the City?
- Is the artwork fraudulent or not authentic?
- Is the artwork not unique and/or a reproduction?
- Is the artist over represented in the City's collection?
- Does the applicant wish to replace the artwork with a more appropriate work by the same artist?
- Does the artist lack a significant or engaging body of work?

**14.5.2 Enhance Community Identity and Place:**

- Is the artwork significantly less appropriate given changes in the function or character of the setting or the community?
- Does the artwork lack value specific to its community or geography?
- Is the artwork contrary to adopted policy and historic use or master plans?
- Is the artwork incompatible with the current site design and function and/or the design and function of other possible sites?
- If the site is going to be demolished or adapted, or is it not possible to successfully incorporate the artwork into redevelopment of the site?
- Is no suitable new site available for the artwork?

**14.5.3 Contribute to Community Vitality:**

- Is the site no longer publicly accessible?
- Has the artwork been the source of significant adverse public reaction over at least five years?
- Has the artwork demonstrated long term failure to foster community dialogue about civic issues?
- Is the artwork unsafe?

**14.5.4 Involve a Broad Range of People and Communities:**

- Has the applicant gathered input from various people and groups in considering removal of the artwork?
- Do a broad range of people support the removal of the artwork?
- Does the current artwork or site fail to meet ADA regulations, and is it impossible to modify them to do so?
- Is the artwork a source of contention among various cultural communities?
- Has the artwork failed as a gathering place?

**14.5.5 Value Artists and Artistic Processes:**

- Does the artist have an inappropriate cultural, geographic or artistic perspective?
- Is the original artistic integrity of the artwork no longer intact or can it no longer be maintained?
- Does continued display of the artwork undermine the artist's intention or reputation?
- Has the artist been involved in discussions about removal of the work?

- Did someone other than a practicing artist create the artwork?

**14.5.6 Use Resources Wisely:**

- Does the artwork require excessive maintenance or repair, have faults of design or workmanship, or is repairing or securing the artwork impractical or unfeasible?
- Are the terms of the original contracts unfulfilled?
- Is the cost of repair or conservation more than fifty percent of the original commission costs or current appraised value?
- Can the City no longer meet the donor's restrictions (for gifts) or other obligations?
- Does removal of the artwork provide an opportunity for a new project that could be supported privately?
- Is another governmental or non-profit agency better suited to provide care and maintenance?