

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 Provide a process for proposing artworks for display in City buildings and clearly communicate public art goals, policies and procedures.
- 14.1.3 Eliminate artworks that are unsafe, not repairable or no longer meet the needs of communities.
- 14.1.4 Respect the creative rights of artists.
- 14.1.5 Keep the deaccession process as clear and simple as possible.
- 14.1.6 Support an efficient workload for staff.

14.2 Definitions

- 14.2.1 **Deaccession:** The process of removing a work from the City's collection by selling, donating or destroying it.
- 14.2.2 **Removal:** The process of deinstalling an artwork so it is no longer on view but remains in the City's collection.
- 14.2.3 **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.
- 12.2.8 **Portable Collection:** City-owned artworks that are easily moved or removed from display, such as framed artworks and small-scale sculptures. The collection does not include any of the historic, large-scale artworks in the historically designated areas of City Hall, such as the paintings in the Council Chambers or *Father of Waters*.
- 12.2.9 **Applicant:** Deaccession or removal requests may be submitted by one of the following:
 - The Public Arts Administrator,
 - A City-recognized neighborhood organization,
 - City department or division director,
 - Independent Board or Commission of the City,
 - City Council Member,
 - Mayor.
 - Individuals, except those listed above, cannot propose the deaccession or removal of an artwork, and need to work with the above individuals and groups to submit applications to do so.

14.3 General Policies

- 14.3.1 **Funding and Costs of Deaccession or Removal:** If deaccession or removal is necessary for the applicant's project, they may be required to cover the costs of deaccession or removal. This may include but is not limited to the costs of:

- Assessment by an art conservator of the condition of the artwork prior to consideration by the Public Art Panel and the Arts Commission.
- Funds to defray the costs of City administration of the deaccession or removal.
- Costs of deaccession, removal, mechanical, transportation, storage, and site restoration.

14.3.2 **Life Spans:** Life spans that have been assigned to the work during the acquisition, gift, or 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 Arts 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.

14.3.3 **Privately-owned artworks:** These policies and procedures do not apply to privately-owned artworks or artworks loaned and displayed in non-public areas of City buildings. For privately-loaned works, staff are encouraged to enter into a loan agreement with the artist. A loan form shall be made available to staff for this purposes.

14.4 Application Process

14.4.1 **Timeframe:** Permanent public artworks (see Section 11.6.6 for the definition of “permanent”) shall be in place for at least five years before deaccession or removal requests are considered. Works from the City’s portable collection shall be in place for a period of two years before deaccession or removal requests are considered. Exceptions to this requirement may be considered under special circumstances and shall reviewed as part of the process outlined in this policy.

14.4.2 **Preliminary Deaccession and Removal Request:** A preliminary request shall be submitted by the applicant and reviewed by the Executive Committee of the Arts Commission. This Committee shall determine whether the Arts Commission shall consider the request. If this committee approves considering the request, then the Public Arts Administrator shall work with the applicant to bring a full application before the Public Art Advisory Panel and the Minneapolis Arts Commission.

14.4.3 **Application:** The Public Arts Administrator shall provide applicants with a 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.

14.4.4 **Review Process:**

- The Public Arts Administrator shall request departments or agencies affected by the proposal review and comment on technical issues, such as site restoration, upcoming construction or remodeling, mechanical

requirements, and how the deaccession or removal of the art might affect use of the space. If these departments determine that the proposal is feasible, the applicant shall be asked to submit a formal application.

- The Public Art Advisory Panel shall review the application and make a recommendation to the Minneapolis Arts Commission.
- The Commission shall consider and act on the Advisory Panel's recommendation.
- The Commission's recommendation shall be forwarded to the City Council, which makes the final decision regarding deaccession and removal.

14.4.5 **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.

14.4.6 **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. Any modifications to the artwork that are needed to accommodate removal shall be approved by the artist (if living), and the artist shall be appropriately compensated for consulting on such issues.

14.4.7 **Recommendation:** The Public Art Advisory Panel and Arts Commission's recommendations may include dismissing or modifying the request and/or, moving, selling, donating, disposing, or storing the artwork.

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. .

14.6 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 owned 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 deaccession or removal of the artwork?
- Do a broad range of people support the deaccession or 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 deaccession or 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 deaccession or 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?