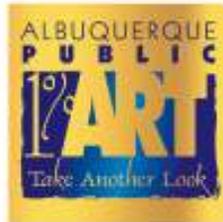


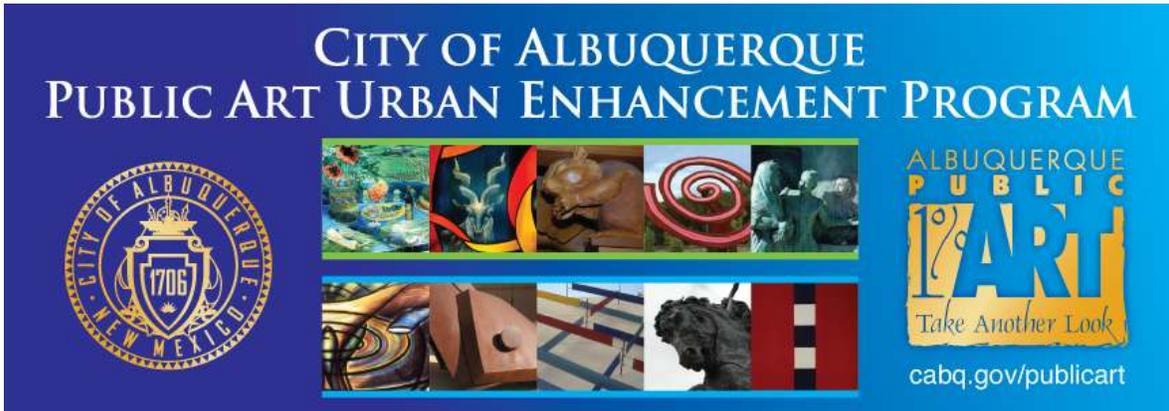


Public Art Program Guidelines

Revised 2013

City of Albuquerque
Cultural Services





Public Art Urban Enhancement Program
Cultural Services Department
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I. Introduction

Built on the foundation of two city ordinances, the Public Art Urban Enhancement Program provides the public with arts and cultural information and services, and Works of Art which result from common goals developed by city government and the community. The end results of the Program's activities help create a livable community reflecting the diverse spectrum of beliefs, cultural heritage and tradition, and artistic expressions in Albuquerque.

The mission of the Albuquerque Public Art Program is to “Enhance our community through exceptional public art by embracing a transparent process that reflects the diversity and interests of Albuquerque.”

The Public Art Urban Enhancement Program, a division of the Cultural Services Department, provides the staffing and administrative support for enabling the Albuquerque Arts Board and its subcommittees to carry out their duties as defined in the Art in Municipal Places Ordinance. These guidelines serve to define these duties and assist staff, Arts Board members, other City agencies and the general public in understanding the procedures and policies of the Public Art Program.



Flyway by Robert Wilson, Open Space Visitors Center, 2011
(photo by Blaise Koller)

II. The Ordinance Establishing the Public Art Program

A. Title: The Art in Municipal Places Ordinance, often referred to as the “1% for Art Ordinance”, Chapter 10, Article 5, Revised Ordinances of Albuquerque, 2000.

B. Purpose: The ordinance was introduced and approved by the Albuquerque City Council in 1978. The Purpose is to “promote and encourage private and public programs to further the development and the public awareness of and interest in, the fine and performing arts and cultural properties; to increase employment opportunities in the arts; and to encourage the integration of art into the architecture of municipal structures.” Projects in the Capital Program shall include an amount for works of art equal to one percent of the total construction cost of the project. Nothing contained in the Ordinance shall preclude funding of or the acquisition of art for municipal property in other ways.

C. Definitions: The following definitions are derived from different sources and are referenced as follows: (Ordinance), (Guidelines), etc. The source appears at the end of the reference.

1. **“Board”** shall mean the Albuquerque Arts Board. (Ordinance)
2. **“Mayor”** means the Mayor of the City of Albuquerque or his designated representative. (Ordinance)
3. **“City Council”** means the elected City Council members of the Albuquerque City Council. (Guidelines)
4. **“Capital Improvements Program”** means all capital projects of the City. (Ordinance). “CIP” also refers to the Capital Implementation Program Division. (Guidelines)
5. **“General Bond Purpose”** means each separate question or purpose submitted to the voters in a General Obligation Bond election or any purpose for which a bond ordinance authorizing revenue bonds is approved. (Guidelines)
6. **“One Percent for Art”** means an amount equal to one percent of the amount of funds for each bond purpose shall be designated for the acquisition of Works of Art and administration of the Program. (Guidelines)
7. **“Work of Art”** means any work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects which involve no structure, “Work of Art” may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture). Except as provided herein, the term “Work of Art” does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above. The Work of Art shall have permanence at least comparable to the lifetime of the

bond funding the work of art and shall be likely to remain a thing of value for this time period. (Ordinance)

8. **“Public Art Urban Enhancement Program”** means the division of the Cultural Services Department responsible for administering the Public Art Program. (Guidelines)
9. **“Public Art Program”** means the Program, the entity and the activities including the Arts Board and City staff, which develop and implement the purpose and goals of the Art in Municipal Places Ordinance, following city policies and procedures. (Guidelines)
10. **“Public Art Collection”** means the entirety of Works of Art in municipal places which have been acquired by the City of Albuquerque through the Public Art Program. (Guidelines)
11. **“Guidelines”** is the term used to describe these regulations adopted by the Board and approved by the Mayor which establish procedures necessary to carry out the purpose of the Ordinance. These guidelines shall include but not be limited to criteria for the selection of artists and art works, maintenance of a file of interested artists, payment practices, procedures for artistic competitions, and requirements for the maintenance of art works. (Ordinance) These guidelines shall delineate the goals of the Public Art Program. (Guidelines)
12. **“Art Selection Committee”** or **“Art Project Planning Committee”** or **“Ad Hoc”** task forces or committees are established by the Board to advise and assist the Board and are herein referred to as **“Committee(s)”**. (Ordinance)
13. **“Prospectus”** is the term used to describe “what is wanted in a particular Work of Art”. In relation to the City’s purchasing processes, it is equivalent to “a request for proposals” or a “request for qualifications.” The Prospectus is often also referred to as the “Call for Artists”. A Prospectus usually includes elements such as the site, the desired medium for the artwork, a theme or other desired qualities which may help artists in responding to the range of needs affecting a public art project, the funding source and budget amount, and artist eligibility requirements. A Prospectus shall be developed for every project, including donations, acquisitions of existing Works of Art, or direct selections of artists. (Guidelines)
14. **“Request for Proposals”** (RFP) means the type of Prospectus that solicits art proposals from artists. RFP can be an effective way to consider and evaluate the appropriateness of an artist’s concept when certain parameters of a project warrant detailed information. (PAN Best Practices 2009)
15. **“Request for Qualifications”** (RFQ) means the type of Prospectus that solicits qualitative information from artists for further consideration of art concepts. The RFQ does not anticipate that artists prepare or present specific project ideas based on limited information provided in the Prospectus. (PAN Best Practices 2009)
16. **“Art Selection Criteria”** means the evaluative categories developed for an art project based on the Board adopted matrix and further explored and/or refined by

the Committee. (Guidelines)

17. **“Residence”** refers to the location of the artist's home and/or studio; in many cases, the Prospectus may require identification of the Artist's community, county or state of residence. This is generally demonstrated through the mailing address and/or other documentation that verifies that an artist has maintained “residence” in a particular locality, usually for a period of one year prior to consideration for a public art project. In particular cases, with Native American artists, tribal enrollment may be substituted for domicile with regard to establishing “residence”. (Guidelines)
18. **“City Facility”** for the purposes of the Public Art Program refers to publicly-accessible facilities owned and operated by the City of Albuquerque; this may include buildings, parks, public spaces or public works which are physically or visually accessible to the general public. (Guidelines)
19. **“Publicly Owned”** Property refers to facilities or grounds which are not the property of the City of Albuquerque but are owned by other governmental or public agencies on which City of Albuquerque public art projects may be sited; these include joint use facilities of the City of Albuquerque and facilities of other public entities such as the Albuquerque Public Schools, the State of New Mexico, etc.; or, private facilities or properties where necessary public easements have been obtained. (Guidelines)
20. **“User Department”** refers to any City department, division or program with capital projects, or for which public art projects are being considered. (Guidelines)
21. **“Adoption”** refers to the process by which the Board considers Works of Art for inclusion into the Public Art Collection which may be owned either by the public or private sector, but which would benefit from being cared for, supported and promoted through becoming part of the Public Art Collection. (Guidelines)
22. **“Notice of Acceptance”** is the written notification to the Artist that a Project is complete and that the Work of Art has been accepted by the City.(Guidelines)
23. **“Decommission”** is the process by which the Board considers removal of Works of Art from the Public Art Collection. (Guidelines)
24. **“Utilities”** refers to any ongoing electrical, water, gas or internet connectivity, and their related costs, required for any artwork to remain functioning in the best capacity and as close to the artist's original design as recommended by the Arts Board and approved by the City. (Guidelines)



Buffalo Mural by Pop Chalee at the Albuquerque Sunport, circa 1945

III. Goals for the Public Art Program

In developing the Public Art Collection of the City of Albuquerque, the Albuquerque Arts Board and the Administration of the City have established these goals to guide the Board, staff of the Public Art Program and the City:

- A. The Program 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 a particular community; and, which may enhance the tourist and economic potential of Albuquerque and particular sites within the community.
- B. The Public Art Collection will reflect the diverse spectrum of beliefs, cultural heritage and traditions, and artistic expressions of Albuquerque and New Mexico.
- C. The Public Art Collection 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 Program will adhere to all federal, state and local laws related to inclusion and non-discrimination.
- E. The Program will identify and pursue additional sources of funds and donations of Works of Art to the City of Albuquerque.
- F. The Program will inform the public regarding public art including opportunities for public participation in all phases of the public art process.
- G. The Program will promote the visual arts of Albuquerque and New Mexico and, inform and work to increase understanding within the community about the purposes and meaning of the Works of Art in the Collection through art outreach education, media and social events.
- H. The Program will document, maintain and conserve Works of Art in the Collection, regardless of the source of acquisition, and make the Collection available to the public through a variety of media.

- I. The Program will develop opportunities for local artists through participation in Albuquerque Public Art Program workshops and educational events.
- J. The Program will work with other organizations to promote the arts.



Downtown Pan, part of a photo suite by Mike Sanchez hanging in City Hall, 2011

IV. The Albuquerque Arts Board

A. Purpose: The Arts Board is responsible in broad terms, for making recommendations to the Mayor regarding acquisition of works of art for City facilities and regarding programs and facilities which further development of the visual arts. The Arts Board is also responsible for establishment of regulations or guidelines which are necessary to carry out the purposes of the Ordinance. The Arts Board shall advocate for the program and the process and the procedures that guide the acquisition and care of public artworks.

B. Membership: Established by the ordinance and governed by the Albuquerque City Charter regulations covering all citizen advisory Boards and Commission, the Arts Board consists of eleven members, all of whom shall reside in the City of Albuquerque, one representative from each of the nine Council districts and two at-large members. When a vacancy occurs, the respective City Councilor identifies two individuals whose names are forwarded to the Mayor for selection of one candidate whose name is then returned for City Council approval. At-large candidates shall be identified by City Council and then follow the same process. Each member is appointed to a three year term which may be renewed once. The terms are staggered. Board members generally represent all fields of the visual arts, including knowledgeable lay persons and represent the diversity of the community. Current Board members should encourage community members to apply to fill vacancies on the Board through the City's official Board and Commissions procedures.

C. Arts Board Duties: Beyond those duties and responsibilities specifically described in the Art in Public Places Ordinance, Arts Board members will be expected to, 1) attend monthly board meetings; 2) attend, and represent the Arts Board at Art Selection Committee meetings which may include chairing such committees; 3) participate in public art dedication ceremonies and events; 4) maintain communications with their respective City Councilors or appointing official if they are serving in At Large positions; and 5) participate in determining the general direction of the Public Art Program.

D. Committees: The Arts Board may establish various forms of committees to assist in carrying out the goals of the Arts Board and Public Art Program. The size and duration of committees vary according to the scope of various projects. The most common committees are the project specific Art Selection Committees. The Unsolicited Proposal Committee is a standing committee for the purpose of reviewing unsolicited proposals for artwork to become part of the Public Art Collection. The Unsolicited Proposal Committee shall be established at the same time as the election of the Chair and the Vice-Chair and shall serve for one year. There shall be a minimum of three and a maximum of five Arts Board members serving on this special Committee.

E. Conflict of Interest: Article XII of the Albuquerque City Charter establishes the conflict of interest provisions for city officials including members of City Boards or Commissions. Through the appointment process, each Board member has acknowledged that they have reviewed those provisions of the City Charter and certified that they have no known conflict of interest that would disqualify them from serving on the Board via the City's Confidentiality and Conflict of Interest Agreement. If a conflict of interest should arise during their term of service, the Board member has agreed to disclose such conflict to the Mayor's Office and shall not participate in any official action of the Board related to the subject matter that is the source of the conflict of interest.



Pillars of Community by Eddie Dominguez at the Washington Middle School Park, 2002

V. Administration

The City of Albuquerque's Public Art Program is administered by staff of the City's Cultural Services Department, Public Art Urban Enhancement Program. Staff is responsible for carrying out the guidelines and City administrative procedures in order to accomplish the recommendations of the Arts Board which are approved by the Mayor. Public Art Urban Enhancement Program staff members are not eligible to apply for Public Art Projects.

The Sunport Art Program, although it is administered by staff of the City's Aviation Department, shall utilize the Public Art Program Guidelines, standards and procedures for acquisition of art. If requested, the Board may review recommendations regarding the Sunport Art Collection as well as acquisitions of works of art for other city-owned facilities. (Sunport MOU)

VI. Program Funding Sources

A. G. O. Bond Funds - (1% for Art Funds): The funds that provide the basic source for projects of the City's Public Art Program are those referred to as the 1% for Art Funds. This refers to the set aside of 1% of the costs for capital projects funded by voter-approved General Obligation Bonds. The 1% funds are to be used for the acquisition and installation of artworks for a facility of the same department as specified by the bond purpose. No more than twenty percent and no less than fifteen percent of the total amount for works of art may be expended for the administrative costs of the program.

B. Revenue Bond Funds: Another major funding source for City construction and, therefore, for public art acquisitions is revenue bond funds. If Revenue Bond Funds yield 1% for Art Funds, then these Guidelines shall be followed.

C. Other Funds - Public Sector or Private Sector: Participating funds for public art projects may be identified or solicited from other public sector agencies, private foundations and granting bodies, businesses, organizations or individuals.

1. The Program and/or the Board may seek private donations of funds, Works of Art, publicly awarded funds or other services including in-kind services necessary for the development of the Program.
2. The Board may recommend approval or denial of projects to the Mayor on the appropriateness of any financial contributions towards an art project.
3. Donations of funds and/or Works of Art are subject to the same administrative procedures and criteria, including User Department approval, as projects generated from City public funds.



First Furrow by Susan Raymond at the 4th Area Command Substation, 1998

VII. Procedures for Selection and Acquisition of Works of Art

A. Initiation of Public Art Projects: Concepts for public art projects (not existing works of art) may be initiated and brought to the Board for consideration by the following entities: members of the public, the Mayor, the City Council, a User Department representative, a neighborhood group or other community organization, private donor(s), an Arts Board member, or Public Art staff. Preliminary meetings may be held to determine possibilities regarding the theme, the site, appropriate artists or a particular artist, the make up of a Committee and other related matters.

B. Unsolicited Proposals: Acquisition of existing Works of Art or for procuring art from a particular artist, for consideration for purchase or donation, can be submitted by an artist, members of the public, the Mayor, the City Council, a User Department representative, a neighborhood group or other community organization, private donor(s), an Arts Board member, or Public Art staff. The proposal shall first be considered by the standing Unsolicited Proposal Committee for recommendation to the full Board. If an Unsolicited Proposal is submitted by an Arts Board member, that member shall recuse him/herself from voting at any level of consideration. The full Board shall consider the Unsolicited Proposal Committee recommendations at least annually.

C. Public Art Plans: The Program may develop comprehensive plans to establish particular parameters, themes or objectives in relation to a particular Project or series of Projects. A Plan may be developed in response to other City projects, such as capital construction projects, historic zoning plans, or cultural enhancement endeavors. Plans shall be reviewed and approved by the Arts Board and other appropriate administration officials. Examples of previously adopted Plans are as follow: El Camino Real/Road of Life Heritage Drive Plan, Interstate Corridors Enhancement (ICE) Plan, the Murals Plan,

the Art Plan for the Convention Center, and the Master Plan for Art at the Albuquerque International Sunport.

D. Public Art Policies: The Program may develop comprehensive policies and procedures to establish specific parameters or objectives in relation to particular genres of public art such as murals, digital and temporary art installations and other forms of cultural assets or expressions.



Runways by Nancy Kozikowski at the Albuquerque Sunport, 1988

E. Establishment of Project Planning or Art Selection Committees

1. A Committee, established by the Arts Board, shall be convened for every Project. The Committee Chairperson shall be appointed by the Chair of the Board at the time the committee is formed. Each Committee, in most circumstances, shall include a minimum of 2 current Arts Board members to serve as liaisons, one of which will serve as the chairperson of the committee, and User Department representative(s). Arts Board Members whose term expires during a project may continue to serve as Arts Board liaison to the committee for the duration of the project. When feasible, the remaining members of a Committee shall include one or more of each of the following: an artist and/or arts professional, a design consultant, a member of the facility users or constituent community and, in particular for Works of Art at sites out-of-doors, one or more representatives of the neighborhood or community. In an effort to maintain balance, for projects which involve multiple, official User Representatives, the same number of community representatives shall be invited to participate. Ideally there shall be a total of five to eleven members.
2. The Committee shall be enabled by the Arts Board to carry out the development of the project scope and Prospectus and the selection of the Artist(s) or the Work of Art within the parameters established by the Arts Board for that project, subject to the approval of the Arts Board and the administration.
3. In unusual circumstances, i.e. donations, unique funding sources, or design team projects, variations in the composition of the Committee may be permitted.

Determination of which process is to be used and which additional individuals are to be involved, if any, shall be approved by the Board.

4. A Committee shall generally conduct business by discussions in order to arrive at a consensus among the members and to ensure mutual understanding and respect in response to a variety of aesthetic values. All Committee members should be involved in the final decisions regarding the Prospectus, the selection of an Artist(s) or Work of Art, the approval of a proposal, determination of site issues, or any other committee business. If the committee is unable to achieve a consensus, any committee action shall be decided by a simple majority vote.
5. Voting: In establishing an art Selection committee of stakeholder representatives, the Arts Board will comprise approximately 1/3 of the committee for the purposes of voting.

F. Committee Meetings: The Project Planning/Art Selection Committee is chaired and/or co-chaired by the Arts Board member(s). Public Art Program staff coordinates the meetings, provides and reports on project materials and project specifics, and records the efforts of the Committee throughout the process. The entire Committee or designated representatives are responsible for making a final presentation to the full Board upon final selection and recommendation of an artist, artist team or artwork. Staff will assist in compiling and preparing the presentation materials, but the committee members themselves must make the presentation at the end of the process.



Solar Arc by OK Harris at the 4-H Park, 1995

G. Committee Members Roles:

1. **Arts Board Member(s)** – Chair or co-chair the Committee; relay important overarching Public Art Program goals, policies and procedures to the Committee; advise on art element matters and share the history and knowledge of other public art projects with the Committee.
2. **User Agency Representative(s)** – Convey to the Committee the mission of the User Agency; report on public use and interaction of the site and with other user agency staff; cultivate stewardship responsibilities from within the agency for the resulting project; provide regular project updates to Department Director and other relevant user agency management.
3. **Neighborhood Representative(s)** – convey to the Committee the immediate and broader neighborhood desires and concerns about the site or how the art project will function in the area; cultivate stewardship responsibilities from the neighborhood for the resulting project; provide regular reports to other neighborhood members and/or organizations during the selection process as well as during the artwork creation/installation process; establish local resources and network connections for the artist(s) to tap into for project design development and creation/installation.
4. **Design Professional** – provide to the Committee the intent of the architectural, structural, landscape or other design elements of the site or facility; recommend opportunities for the art to be more integrated into the site including ways to utilize electrical, structural, plumbing or other useful infrastructure; advise and provide to the selected artist(s) additional technical drawings or materials to assist with installation.
5. **Artist or Arts Professional** – assist with conveying to the Committee methods of interpreting and evaluating artistic craftsmanship, aesthetic design and meaning of public art design concepts; advise on methods for evaluating artists' background, experience and capacity for achieving successful project completion; and help other Committee members with art terminology and champion the role of the artist(s) in public art projects.
6. **City Council Representative** – assist with communications between the Committee and the City Councilor; advise on issues pertinent to the Council District and cultivate leadership and support for the project process and resulting artwork.
7. **Public Art Program Staff** – provide all required administrative functions to facilitate the Art Selection process including coordinating meetings and site visits; recording the actions of the Committee; creating, gathering, distributing, receiving and organizing materials and documents to ensure proper information exchange between all parties involved in the process; assist with preparation of the final Committee Art Selection recommendation back to the Board; providing progress reports to department officials and administration to ensure support for the project process and resulting artwork.



Doorways to Imagination by Cassandra Reid and students at the Very Special Arts Center, 2004

H. Methods for Selection of an Artist(s), Artworks, Curator, and/or Organization:

The methods of selection described in these Guidelines may be used to select an artist or artists, a curator, an organization and/or specific artworks. Curators or organizations may be used to assist the Arts Board in acquiring appropriate artist services or Works of Art.

1. **Open Competition** - This is an open call for artists to compete for a commission or purchase for a Work of Art. There are no restrictions other than the residency requirement, or the medium, or style defined by the Prospectus, or the standard criteria for selection of artists.
2. **Open/Invitational** - This is an open call for artists that includes the possibility that certain, appropriate artists may receive invitations to compete. From this group, an artist(s) would be selected.
3. **Invitational** - This is an invitation to certain, identified, appropriate artists to submit materials for consideration on a Project. From this group, an artist(s) would be selected.
4. **Direct Selection** - This is the direct identification of a specific artist (or artists such as a team) who has been identified by the Committee as being capable of providing the requirements of the Project as defined in the Prospectus. With Direct Selection the artist is providing sole source services. Direct Selection may also be utilized in the acquisition of an existing, specific, Work of Art(s). Unsolicited Proposals fall under this category (see above).
5. **Selection of a Curator, or Organization, or Project Jury Panel** - For certain Projects, the Committee and/or staff may identify other entities or individuals to assist in development of the Project. Program staff, working with the Arts Board liaisons, would make all necessary arrangements.

I. Development of the Prospectus:

1. The Board, Committee and/or Staff shall develop project criteria such as site, theme, media, scale, method of artist or Work of Art selection, residency of eligible artists, determination of the selection process and other appropriate parameters. The Prospectus may take different forms including but not limited to Request for Proposals (RFP), Request for Qualifications (RFQ) or a hybrid RFP/RFQ. The Arts Board and Public Art Program staff uses an Evaluation Criteria matrix that documents the process and for final assessment, rating and, if necessary, scoring of all proposed public art projects. Each project Evaluation Criteria Matrix is customized to reflect the needs of the project.
2. Public Art Program staff shall draft the Prospectus according to the Board and Committee's recommendations.
3. The Board approves, amends or rejects the Prospectus. If the recommendations in the Prospectus are amended or rejected by the Board, the Committee will be contacted and may address the concerns and resubmit the Project Prospectus to the Board.
4. Upon approval by the Board, the Prospectus may be forwarded to the User Department Director or any other appropriate administration officials, and will be forwarded to the Mayor as a recommendation for final approval. User Agency agreement to ongoing utilities related to a public artwork will be obtained, preferably in writing, prior to the approval of the Prospectus by the Mayor.
5. If the Prospectus is not approved by the Mayor, the concerns will be resubmitted to the Board to determine whether to cancel the project or to resubmit the Prospectus to the Committee for revision. The revised Prospectus would be resubmitted to the Board and then to the Mayor as a recommendation for final approval.
6. Distribution of the Prospectus: The Program shall provide public notice and make the Prospectus available through various venues and in multiple formats; i.e. digital, electronic, and in hard copy for any requestor through the project deadline.



La Serpentina by Rogelio Madero at the Albuquerque Sunport, 2005

J. Criteria for Selection of Artists or Artworks:

1. Selection may be based on evaluation of any or all of the following elements: digital images of previous work, photographs, resumes, narrative or visual proposals, interviews, maquettes, or other appropriate materials. These materials may be submitted at one or more phases of the Project for review by the Committee.
2. If an artist has a current, open contract with the City in excess of \$5,000.00, the artist is not eligible to apply for a new Project until the Notice of Acceptance has been issued. This clause may be waived at the discretion of the Arts Board.
3. City of Albuquerque employees of the Public Art Program are not eligible to receive City of Albuquerque funds for Works of Art. City of Albuquerque employees may be eligible to apply for purchase of existing artworks projects in compliance with Administrative Instruction § 3-3-5 Conflict of Interest: Employees.
4. Non-Discrimination Clause: The Public Art Program shall not discriminate against any artists on the basis of race, color, religion, national origin or ancestry, disability, age, gender, veteran status, sexual orientation or medical condition.
5. Proposals for, or existing, Works of Art that include subject matter such as the apparent representation of violence, inappropriate nudity, denigration of individuals or cultures, or desecration of significant cultural symbols, will be reviewed for their appropriateness for public display. Proposals for, or existing, Works of Art that include religious subject matter or symbols may be placed in a public space as long as it is not in a location where it can be revered and is solely for the purpose of exhibiting cultural or historical traditions.
6. At the discretion of the Arts Board, public display of artwork proposals shall be for the purposes of informing the public and receiving public feedback. The final vote for selecting work(s) of art shall remain solely with the Committee and the Arts Board.
7. The Arts Board shall not approve the selection of any Artist or Work of Art which has not been developed according to the procedures described in these Guidelines.



Installation of *Kick Flip Sequence* by Michael Whiting at the NW Quadrant Skate Park, 2009

K. The Process of Creating the Work of Art:

1. A contract for the required services of the Artist(s) shall be developed and administered by the Program staff. This may be a commission to create a design for a Work of Art, a commission to create a Work of Art or a purchase contract to acquire an existing Work of Art, or other contractual means appropriate to the project.
2. Preliminary designs shall be reviewed by the City, prior to fabrication, for safety concerns, structural or engineering requirements, durability, longevity, routine maintenance and conservation of all materials and components.
3. An Artist may create/fabricate a selected Work of Art independently, collaboratively, or with subcontractors and may install the Work at the site, or may create the Work on site.
4. The Program may acquire a selected design from an Artist and execute the Work of Art under a separate contract with a consultant or contractor other than the Artist, with permission of the selected Artist.
5. The Program may acquire a Work of Art by an Artist who is deceased.

VIII. Public Art Collection Maintenance and Conservation

A. Documentation

The Public Art Program shall have responsibility to document, maintain, conserve and when appropriate, restore Works of Art in the Albuquerque Public Art Collection. By ordinance, stewardship of the Collection is a significant mandate of the Albuquerque Arts Board. When the Notice of Acceptance is issued and ownership of the Work of Art is transferred to the City, the Public Art Urban Enhancement Program shall protect the value, integrity and authenticity of the Work of Art, and shall comply with the Visual Artist's Rights Act of 1990, Title 17, United States Code, as amended.



Conservation staff repairing *Variacion Nuevo Mexico* by Sebastian, at the Albuquerque Museum

B. Maintenance and Conservation

Maintenance and conservation are to be carried out by qualified Program consultants, who may also review proposals by artists. During planning for a public art project, maintenance issues will be identified and addressed regarding the use of materials, fabrication techniques, structural engineering, foundation and site design, and any other considerations related to longevity and durability. The conservation effort includes condition assessment reports of Works of Art in the Collection, integrated with the Program data base and updated periodically.

IX. Decommissioning Policy

A. Purpose: To insure that the decommissioning of works of art is governed by careful procedures.

B. Policy Statement: As the Public Art Urban Enhancement Program, a program of the Cultural Services Department, with recommendations from the Albuquerque Arts Board, has the responsibility of conserving the City's Public Art Collection, and because disposal of artworks is generally irrevocable, decommissioning should be a deliberate procedure. It is the policy of the City not to dispose of works simply because its original aesthetics are not popular and not to dispose of works whose worth might not yet be recognized.

C. Definitions:

1. **"Acquisition"** means the inclusion of an artwork in the City's Public Art Program Collection, whether the acquisition was by commissioning, purchase, donation or any other means.
2. **"Decommissioning"** means the removal of an artwork from the permanent Public Art Collection.
3. **"Disposal"** means the cessation of the ownership and possession of an artwork by the City.

D. Criteria for Decommissioning a Work of Art

Work of Art ("Work") may be considered for decommissioning if one or more of the following conditions apply:

1. It has physically deteriorated, that is, the physical condition of the Work is no longer of an acceptable quality;
2. It is a duplicate, or is considered "excess", in a large holding of work of that type or of that artist(s);
3. It is fraudulent or not an authentic Work;
4. It possesses faults of workmanship or materials, that are un-repairable;
5. It requires excessive or unreasonable maintenance;
6. It is damaged irreparably, or to an extent where the repair is unreasonable or impractical;
7. It represents a threat to the public safety;
8. A suitable place for display no longer exists;
9. The Work is not, or is rarely displayed;
10. The Work is stolen;
11. A written request from the artist(s) has been received, that seeks removal of the Work, return of the Work to the artist, or for extensive repair of the Work.

E. Procedures for Removal

1. The City must authorize any relocation or removal of Work;
2. When a Work is to be removed for relocation or repair, only authorized representatives or contractors of the City are to handle the Work;
3. In the event that a Work is significantly damaged, stolen or completely destroyed, the City staff will notify the Albuquerque Arts Board, the Client or Department and the City's Administration. If appropriate, the Albuquerque Police Department will be contacted;
4. The Albuquerque Arts Board may recommend staff request the decommissioning of a Work by a majority vote, with final approval in the sole discretion of the Mayor;
5. Decommissioning procedures shall be held in the context of a meeting of the Albuquerque Arts Board;
6. The artist(s) whose Work is being considered for decommissioning will be notified by reasonable means and shall be invited to speak at the meeting of the Albuquerque Arts Board called to address such decommissioning; and
7. Staff of the City of Albuquerque Public Art Program shall prepare a report for the Albuquerque Arts Board prior to the consideration of the request for decommissioning of a Work including;
 - a. Reasons for the suggested decommissioning;
 - b. Review by the legal department;
 - c. Acquisition method and cost;
 - d. Informed estimate of the current value of the Work;
 - e. Public and agency feedback on the Work; and
 - f. Suggested and alternate courses of action.

F. Courses of Action: The Albuquerque Arts Board and/or staff of the City of Albuquerque Public Art Program may recommend any of the following courses of action as a result of a decommissioning review. The Board/staff shall not be limited to these courses of action, but may suggest new methods, as may be appropriate, given by a particular set of circumstances.

1. Relocate the Work;
2. Sell or trade the Work;
3. Offer the artist(s) the opportunity to buy back the Work at the current appraised value, cost of appraisal to be borne by artist;
4. Advertise the sale of the Work by auction or other public sale; or
5. Dispose of the Work or remainder of the Work in an appropriate and practical way when other options have not resulted in the disposal of the Work.

G. Proceeds of Sale: Any net proceeds from disposal shall be returned to an appropriate Public Art Program account to acquire (through the standard public art processes) or maintain other Works for the City Public Art Collection.

H. Compliancy with Laws: Disposal by any means of any City owned art shall conform to legal requirements.



Enchanted Road by Elzbieta Kaleta, 1996