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PUBLIC ART DEACCESSION PROCEDURE

**INTRODUCTION**

Deaccession is the act of permanently removing a work of art from a collection. The act of deaccessioning an artwork from the city of Boise City’s (“City”) Collection (“Collection”) removes the obligation of the City to care for, maintain, track, and insure the artwork and does not imply a means of disposition of the artwork. Before an artwork is deaccessioned, the City will properly document and maintain project records for historical provenance.

All artworks owned by the City may be deaccessioned, following a careful and impartial evaluation of the artwork within the context of its designated lifespan as well as the contribution to the significance of the Collection as a whole. Deaccession is a means of maintaining or improving the overall quality of the public art collection, enhancing fiscal responsibility, and serving the public interest. In recognition of its fiduciary responsibility for the public art collection, the Department of Arts and History (“A&H”) will ensure that the deaccessioning of collection items will proceed in a legal and ethical manner in keeping with professional best practices and standards as established by the City through A&H. Deaccession must also comply with Boise City regulations and policy, which covers disposal of surplus property and requires that, in certain instances, the City’s Purchasing Division may be involved in the deaccession and disposition process.

As a part of the deaccession process, A&H will make a reasonable effort to notify the artist, according to individual contract requirements, and may choose to involve the artist in the disposition process. Artwork may only be approved for deaccession once the appropriate approvals and criteria for deaccession have been met.

**CRITERIA FOR DEACCESSION**

*The following criteria may be considered when requesting deaccession:*

1. The object is an unnecessary duplicate of another object in the Collection;
2. The object is deemed to be a replica or forgery that does not contribute to the City's research efforts, curatorial strategies, or educational programing;
3. Possessing the object does not comply with cultural and archeological material laws;
4. The City does not possess a clear and legal title to the object;
5. The artwork’s present condition poses a safety hazard to the public;
6. The artwork has been damaged or has deteriorated to the point that it no longer upholds the integrity of the original artwork;
7. The restoration of the artwork’s structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds 50 percent of the original cost of the artwork;
8. The architectural support (i.e. building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation;
9. The use of this particular area of public space may have changed, or the artwork may have lost its contextual meaning and cannot be relocated, or relocation of the artwork would be inappropriate or costly;
10. The artwork requires excessive and inappropriate conservation or maintenance or has faults of design or workmanship which constitute inherent vice;
11. An artwork is not, or is rarely, on display because of lack of a suitable site;
12. The condition or security of the artwork cannot be reasonably guaranteed in its present location;
13. The City wishes to replace the artwork with a work of more significance by the same artist;
14. The artwork does not meet the mission or goals of the Collection, as defined by A&H;
15. Removal has been requested by the organization displaying the artwork or by the artist;
16. The artwork is proved to be inauthentic or in violation of existing copyright laws;
17. The artwork is culturally or racially insensitive;
18. The artwork has received documented and consistent adverse reaction from a measurably large number of citizens and/or organizations within the community where the artwork is located over at least five years and modification of the artwork by the artist is not possible; or
19. Any other criteria as identified by the City of Boise.

**STEPS TO DEACCESSION**

The process is initiated once A&H has identified an artwork that meets one or more criteria for deaccession. Certain projects may require a more extensive approval method because of the project's acquisition budget, the community or cultural impact, or the number of partnerships involved during development of the project.

Once the artwork has been identified, the following procedures may be followed on a case by case basis:

1. Staff prepares a report.

The report shall be reviewed by at least three staff members and must include:

* 1. All applicable criteria for the artwork to be deaccessioned. The criteria must be supported by documentation or other evidence which may include, but is not limited to, email, correspondence, police reports, property loss forms, repair estimates, etc;
  2. Photographic or visual documentation of site and/or artwork;
  3. If feasible, the appraised value of the artwork, particularly if the artwork is of substantial cultural or monetary value;
  4. A review of any restrictions which may apply to the artwork based on direct reference to the contract, Visual Artists Rights Act of 1990 (VARA), or the current conditions of the artwork; and
  5. A short description of the suggested method of disposition for the artwork.

1. Staff consults with necessary City Departments or Divisions such as Capital Assets or Risk and Safety;
2. The Director or the deaccession panel reviews the report. A deaccession panel may be convened at the request of Department staff to advise on the decision-making process. Department staff or the panel may request additional information from artists, galleries, conservators and other professionals prior to its recommendation. The deaccession panel is not a standing commission or committee of the City.

If a deaccession panel is convened, it may consist of the following: outside experts in conservation, restoration, or public art; artists and arts professionals, project partners, and stakeholders. The panel must include at least four voting (non-staff) members. Both the Public Art and Cultural Assets Program Managers shall be present as non-voting facilitators. Panel facilitators should present the artwork deaccession report, disposition recommendations, and related support materials to the panel. A simple majority vote in favor of the deaccession is required to for the recommendation approval. The panel facilitators may ask the panel for a determination regarding a recommended method of disposition; however, it is not required.

1. A recommendation for action is determined.

Where applicable, recommendations may be provided to the Arts and History Commission and City Council for final approval.

1. Notifications are distributed.

In the event the recommendation to deaccession is approved, A&H must then:

* 1. Contact the artist or artists in writing of the decision;
  2. If the artwork was a donated gift, the donor will be contacted in writing of the intent to deaccession; and
  3. Appropriate public notification will be made, as determined on a case by case basis by the Program Managers. This may take the form of media coverage, a public meeting, or otherwise.

1. Determine the method of disposition.

After notification has occurred, A&H will determine the method of disposition. The artist or artist's may be involved in this process, per the individual contract requirements and the recommendation of the deaccession panel or A&H. The City shall abide by any contractual or legal limitations on removal of the artwork, including the restrictions on historical items identified by the Idaho Code. For example, if VARA rights are intact, there must be an interval of 90 days between the approved deaccession and the disposition execution. After disposition has been determined, consult Capitol Assets to remove asset from inventory.

1. Document and update records.

The circumstances surrounding each artwork deaccessioned from the Collection, will be documented as a part of the Collection's permanent record. A&H will maintain complete and accurate records, with a description, of the method used for disposal and describe circumstances unique to the deaccession, as appropriate.

If an artwork must be deaccessioned immediately, the Director of the department has the authority to approve immediate action upon staff recommendation. Instances that may require an immediate deaccession may occur in event of an imminent threat to the health, safety, or welfare of the general public. When necessary, the decision may be ratified by the City Council during a meeting following the deaccession. When it is in the best interest of the City, certain assets may be exempt from the prescribed process, as determined by the Department of Arts & History Director and Program Managers.

**DISPOSITION METHOD**

A&H will determine the most appropriate disposition method given the circumstances surrounding the artwork. The manner of disposition should be in the best interests of the City, the community it serves, the site or location, and the artist(s) it represents. In determining the disposition method, the public's reaction or perception must be considered. The method must comply with Idaho Code, Boise City Code, and any policies or regulations adopted by the City. In the event the property is identified as surplus property, the property must be disposed of in accordance with the most current surplus property policy and regulation in effect. Artwork recommended for deaccession may be removed in one or more of the following methods without preference:

1. Destruction:

An artwork may be disposed of in the event the deaccessioned artwork has been damaged beyond any reasonable method of repair, the context of the site has been altered, or critical elements of the structure must be reconstructed or removed, or if the artwork presents a hazard to the health or safety of the public.

1. Reconfiguration:

Reconfiguration may occur when a portion of a damaged work is retrievable or if it is determined that it's in the public's best interest to recreate the work. This method may only occur with the artist's consent and collaboration. In the event of reconfiguration, the recreated work must be treated as a new asset to the Collection.

1. Transfer:

If the artwork is of significant cultural or financial value, as determined by staff, it may be transferred to a public or nonprofit organization or agency. The organization or agency must have the means to care for and conserve the work. The artwork may also be transferred or returned to the artist. If the artwork is historical in nature, then the artwork may be transferred, upon approval by City Council, to the Idaho state historical society’s permeant records repository.

1. Repatriation:

The artwork or relevant part(s) may be repatriated where required by federal or state law.

1. Sale:

Deaccessioned artwork may be sold as surplus property at public auction, by sealed bid, or other means of sale determined to be in the City’s best interest. Current and past City employees and individuals or groups affiliated with the artwork including but not limited to A&H shall be excluded from participating in this method of disposition.

**DEACCESSION PROPOSAL REPORT**

**OBJECT PROPOSED FOR DEACCESSION**

The following is recommended for permanent removal from the city of Boise City’s Department of Art’s & History’s Public Art Collection.

Asset Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Object Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Proficio Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Creator Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Acquisition Mode:  Gift  Bequest  Purchase/Commission  Transfer

Fund/Source/Donor Name(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CRITERIA FOR DEACCESSION**

The object meets one or more of the following criteria:

The object is an unnecessary duplicate of another object in the Collection;

The object is deemed to be a replica or forgery that does not contribute to the City's research efforts, curatorial strategies, or educational programing;

Possessing the object does not comply with cultural and archeological material laws;

The City does not possess a clear and legal title to the object;

The artwork’s present condition poses a safety hazard to the public;

The artwork has been damaged or has deteriorated to the point that it no longer upholds the integrity of the original artwork;

The restoration of the artwork’s structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds 50 percent of the original cost of the artwork;

The architectural support (i.e. building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation;

The use of this particular public space may have changed, or the artwork may have lost its contextual meaning and cannot be relocated, or relocation of the artwork would be inappropriate or costly;

The artwork requires excessive and inappropriate conservation or maintenance or has faults of design or workmanship which constitute inherent vice;

An artwork is not, or is rarely, on display because of lack of a suitable site;

The condition or security of the artwork cannot be reasonably guaranteed in its present location;

The City wishes to replace the artwork with a work of more significance by the same artist;

The artwork does not meet the mission or goals of the Collection, as defined by the Collections Management Policy and Public Art Roadmap;

Removal has been requested by the organization displaying the artwork or by the artist;

The artwork is proved to be inauthentic or in violation of existing copyright laws;

The artwork is culturally or racially insensitive;

The artwork has received documented and consistent adverse reaction from a measurably large number of citizens and/or organizations within the community where the artwork is located over at least five years and modification of the artwork by the artist is not possible;

The City has no authority, easement, license agreement, etc., for the property on which the artwork is located; or

For any other criteria as identified by the City of Boise.

**CONDITIONS FOR DEACCCESSION**

The object meets **all** of the following conditions:

The City of Boise has clear title to the object;

There are no legal or legislative restrictions that prohibit deaccessioning the object; and

The reason(s) for removal of the object from the collection are thoroughly documented

**METHOD OF DISPOSITION**

Destruction

Reconfiguration

Transfer to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Repatriation to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sale

**ATTACHED:**

Deed of Gift, invoice or other proof of ownership  Copies of relevant correspondence

Condition report, including overview of restrictions  Appraisals (if applicable)

Photographs  Other (please list): \_\_\_\_\_\_\_\_\_\_\_\_\_

**AUTHORIZATION**

The ***Department of Arts & History*** has reviewed the object, its associated documentation and, based on advice and recommendations provided by ***authorized staff*** about this deaccession ensured that due diligence has been taken in the disposition of this object.

We hereby state that the above object was deaccessioned according to the guidelines outlined in the Department of Arts & History Public Art Deaccession Policy.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_