



... creating a better quality of life

POLICIES AND PROCEDURES FOR ART DISPLAYED ON CITY PROPERTY

January 7, 2021

1.0 Purpose

- 1.1 The City of Murfreesboro adopts these policies and procedures to encourage the display of public visual art within the City and to provide a mechanism for the inclusion of artwork displayed on public property throughout the City.
- 1.2 The purpose of this policy is to give direction for:
 - 1.2.1 Establishing a diverse collection of art for public display;
 - 1.2.2 Maintaining the quality of the public art collection;
 - 1.2.3 Ensuring that artworks are sited to the most suitable locations;
 - 1.2.4 Evaluating works for quality, safety, durability, and maintainability;
 - 1.2.5 Strengthening a sense of community in the City;
 - 1.2.6 Considering economic development and cultural tourism when advocating for public art;
 - 1.2.7 Understanding of public art and encouraging public dialogue;
 - 1.2.8 Incorporating art and design projects of the highest quality throughout the community; and
 - 1.2.9 Providing a legacy of art and culture for future generations.
- 1.3 A Cultural Arts Designee (CAD) will be as selected by the Executive Director of Community Services and will be responsible for reviewing all gifts, loans, and public art exhibitions proposed by individuals, organizations, and neighborhood and community groups.

2.0 Definitions

- 2.1 Accession: the formal process used to accept an artwork into the City's Art Collection and record an item as a Collection asset.
- 2.2 Deaccession: the process of removing an object permanently from a Collection, through sale, exchange, or any other transaction by which title is transferred from the collection to another institution or individual. Deaccession may also include disposal by intentional destruction.
- 2.3 Loaned Artwork: artwork given for use over a period of time and returned to the owner at the end of the use period.
- 2.4 Public Art: artwork displayed on City property and accessible to the public.
- 2.5 Relocation: the moving of artwork from one location to another. *Example:* City Hall Rotunda to Patterson Park.

- 2.6 Re-siting: the moving of artwork from one site to another in the original location. (Ex.: City Hall Rotunda east wall to City Hall Rotunda west wall).

3.0 Accession Procedure

- 3.1 Applications for proposed donations, loans, artwork or exhibitions should first be submitted to the CAD.
- 3.2 Applications and supporting materials, including images or rendering of artwork(s) will be reviewed for completion. Additional information may be requested in order to establish compliance with criteria for accession. *Example:* Detailed specifications of proposed method used to secure a sculpture at installation.
- 3.3 If a specific site is recommended for placement of loaned work or exhibition of private art on public property, the CAD will review the proposed site with the appropriate City departments. *Example:* The Director of Parks and Recreation or designee will review items for consideration in the park system. The CAD may work with the applicant to identify an appropriate location for the work of art or exhibition.
- 3.4 The CAD will review applications and supporting materials according to the criteria outlined below to determine whether to recommend accepting or rejecting the proposal as-is, or with conditions. Consideration for approval may be dependent on consultation or approval of interested boards, commissions, or individuals based on the location, scope, reported value of the public art, and/or concurrent City policy.
- 3.5 Acceptance of the recommendation of the CAD will be considered for approval by the Executive Director of Community Services in consultation with the City Manager, City Attorney, and interested boards, commissions or individuals as needed.
- 3.6 No artwork will be permanently accepted into the Collection if it is offered with any restrictions, unless there is convincing reason to do otherwise. If an artwork is donated with restrictions, the conditions will be stated clearly in writing and will become part of the accession records for that artwork.
- 3.7 If the City chooses to accept a proposal, the CAD will work with individuals or groups on timelines and installation of artwork(s).
- 3.8 If the work or exhibition has yet to be fabricated, it is the responsibility of the applicant to provide the CAD with progress updates and scheduled studio visits.
- 3.9 If the City approves the exhibition of loaned art on public property, the owner of the loaned art must execute an agreement with the City where the owner assumes liability for personal or property damage arising from the exhibition of that loaned art on public property.

4.0 Relocation Procedure

- 4.1 A work of loaned art may be considered for relocation in the following circumstances:
 - 4.1.1 The artwork is endangered.
 - 4.1.2 The artwork creates a public safety concern.
 - 4.1.3 The placement of the art compromises the artist's original intent.
 - 4.1.4 The original site is no longer available due to reconfiguration, deconstruction, or building disposal.
- 4.2 All donated works become a part of the City's Art Collection and, as such, may be relocated or removed from display at any time.

5.0 Deaccession Procedure

- 5.1 The City will remove and dispose of works of art when it finds such action to be in the best interest of the City.
- 5.2 A donated work of art may be considered for deaccessioning in the following situations:
 - 5.2.1 The artwork has suffered destruction or been vandalized beyond repair.
 - 5.2.2 The artwork is clearly not within the purposes and goals of the collection or this policy.
 - 5.2.3 The artwork poses significant safety risks.
 - 5.2.4 The artwork is considered real property conveyed during the official disposal or transfer of a City of Murfreesboro building or land.
- 5.3 The request to deaccession artwork must be submitted to the Executive Director of Community Services.
- 5.4 Requests for deaccession of artwork must include a brief narrative explaining why the work is being recommended for deaccession, as well as the following information:
 - 5.4.1 Accession number
 - 5.4.2 Artist's name
 - 5.4.3 Title of work
 - 5.4.4 Date of creation
 - 5.4.5 Dimensions
 - 5.4.6 Edition number (if applicable)
 - 5.4.7 Medium
 - 5.4.8 Provenance
 - 5.4.9 Current location
 - 5.4.10 Visual images
 - 5.4.11 Artist statement and intent (if available)
 - 5.4.12 Donor name and contact (if available)
- 5.5 Final approval for deaccession of artwork will be made by the Executive Director of Community Services upon the recommendation of the CAD and after consultation with the City Manager, City Attorney, and interested boards, commissions or individuals as needed.
- 5.6 If the deaccession is approved, the CAD will process, update inventory, document the deaccession process and final disposition in the Artwork Record maintained by the City.

6.0 Review Guidelines

- 6.1 Every proposal for public art will be reviewed on the basis of the criteria established below. Individuals or groups must submit an application and required supporting materials when proposing a donation, loan, artwork or exhibition in order to assure all criteria is addressed.
 - 6.1.1 Aesthetic Quality: does the artwork have acceptable aesthetic qualities? Criteria includes but is not limited to:
 - 6.1.1.1 Durability and craftsmanship in fabrication

- 6.1.1.2 Relationship of artwork to other works in the City Art Collection as a whole.
- 6.1.1.3 Appropriateness of artwork scale to the proposed site.
- 6.1.1.4 Appropriateness of artwork to other aspects of its surroundings, and artist's credentials and recognition.
- 6.1.1.5 Relevance of the art to the City, local citizens, and the goals of the City's Art Collection.
- 6.1.2 Site: What type of site is proposed for the artwork? Siting criteria includes but is not limited to:
 - 6.1.2.1 Written evidence that location of artwork on the proposed site has been approved by the City department charged with oversight of that site.
 - 6.1.2.2 What are the utility requirements of the artwork?
 - 6.1.2.3 Does the artwork have a connection with the surrounding community?
 - 6.1.2.4 If the artwork is proposed for a site of regional significance (e.g. park, arterial route, or major civic building), does its scale and aesthetic quality merit a prominent location?
 - 6.1.2.5 Is the artwork compatible with the proposed site in terms of size, character, content, etc.?
- 6.1.3 Relationship to the City's Collection as a Whole: How is the proposed gift compatible or incompatible with the City's public art collection? Criteria for compatibility includes but is not limited to:
 - 6.1.3.1 Does the artwork contribute to the diversity and breadth of the City's collection?
 - 6.1.3.2 Is the artist's work already adequately represented in the City's collection?
 - 6.1.3.3 The proposed artwork must contribute to the diversity and vision of the City's Art Collection.
- 6.1.4 Safety, Maintenance and Feasibility: Artworks on City property must be structurally sound, durable and resistant to vandalism, weathering, and excessive maintenance/repair costs, and should not pose a threat to the safety of the public. Applicant must provide the following information prior to approval:
 - 6.1.4.1 Adjacent/surrounding site conditions if applicable.
 - 6.1.4.2 Dimensions, materials, colors.
 - 6.1.4.3 Power, plumbing or other utility requirements.
 - 6.1.4.4 Construction/installation method.
 - 6.1.4.5 Fabricator is qualified to install the work and carries adequate insurance to meet City standards.
 - 6.1.4.6 Evidence that art will not pose a threat to public safety.

7.0 Maintenance and Insurance

- 7.1 The City of Murfreesboro maintains records of all works on City property and oversees their maintenance. Costs of continuing maintenance and anticipated repair during the lifespan of any artwork will be important considerations during the

acceptance process for donated public art. Costs for such activities must fall within the City's budgeted funding sources, and the City must have labor availability to meet the maintenance needs. In the event that any proposed loaned artwork exceeds the City's capacity for maintenance or repair, the donating individual or entity will be responsible to include resources for maintenance and repair in the Public Art Loan Agreement.

- 7.2 The City is self-insured and does not insure artwork displayed on loan. The owner who loans artwork for display bears the risk of loss from damage, destruction, or theft of the artwork while it is in the care of the City of Murfreesboro. Although reasonable efforts are made by the employees and officials of the City of Murfreesboro to protect artwork loaned for display on City property, the City cannot assume any liability or responsibility for loss, damage, or theft of the artwork.

8.0 Complaint Procedure

- 8.1 If a signed, written complaint is made by an employee or citizen of Murfreesboro about a work of art on display, then the CAD, or designee will notify the owner about the complaint and allow the owner an opportunity to immediately withdraw the work. Should the owner not wish to withdraw the work, the CAD, or designee, will notify the City Manager within five (5) business days of receiving the complaint.
- 8.2 The City Manager will hold a meeting to review the complaint within five (5) business days of his or her notice. The owner and the complainant will be notified of the meeting and given an opportunity to be present and address the City Manager or City Manager's designee as to the appropriateness of the display of the work of art. The City Manager may, at his or her election solicit an advisory report. The City Manager may also allow presentations from persons other than the owner and the complainant if the City Manager wishes to do so. After such presentations and discussions, the City Manager will determine whether the work of art will be removed, relocated, relabeled or otherwise modified giving due regard and consideration to the owner's freedom of expression and due process under the First and Fourteenth Amendments in accordance with the forum in which that art is displayed.
- 8.3 If the owner is unavailable to respond or attend the meeting with the City Manager and the work of art is subsequently removed, relocated, relabeled or otherwise modified, then the owner has thirty (30) calendar days from the date of the action to request the City Manager review his or her decision regarding the work of art.
- 8.4 There will be no removal or disguise of the work of art once placed on display unless the City Manager elects to do so, subject to the right of the owner to remove it.

For additional information or to make a complaint per section 8.1 about a work of art on display on City property, please contact:

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