

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2024 - 101

Introduced by: Commissioner Anna Hansen

**A RESOLUTION ADOPTING AN ART ON LOAN PROGRAM TO PROVIDE
FOR BEAUTIFICATION OF COUNTY OWNED PROPERTIES
THROUGHOUT SANTA FE COUNTY**

WHEREAS, the County of Santa Fe (County) has no formal Art in Public Places policy to accommodate the acquisition, installation or maintenance of Public Art; and

WHEREAS, the completion of two new Roundabouts along the Richards Avenue Corridor has generated interest on the part of constituents for the beautification of that traffic corridor; and

WHEREAS, there is no budget currently set aside for Public Art; however, an Art on Loan program can be effective way to place art in public spaces without incurring significant County expense; and

WHEREAS, the goal of an Art on Loan program would be to create opportunities for more art to be displayed publicly throughout the community and for more artists to take part in the program, whereby artists or other lenders would lend their artworks to the County free of charge, and in return, artists are able to share their art with a broader audience, which is particularly important to emerging or mid-career artists whose work is not viewed as widely as more established artists; and

WHEREAS, it is important that procedures be in place for the acquisition, installation or maintenance of Public Art by the County to provide a clear selection process and achieve the goals of the County.

NOW, THEREFORE, BE IT RESOLVED by the Santa Fe County Board of County Commissioners (Board) that loans of Public Art will be subject to the process outlined below.

1. **Ad Hoc Public Art Committee.** An Ad Hoc Public Art Committee will be appointed for each project by the County Manager for the purpose of advising the Board on the selection of loans of Public Art and the deaccession of such art from County property. Except as herein otherwise provided, the authority to accept Public Art on loan rests solely with the Board.
 - a. The Ad Hoc Public Art Committee will consist of the following five members: (1) a County resident with a graduate level degree in fine arts, art history, or similar discipline; (2) a professional architect or landscape

SFC CLERK RECORDED 08/29/2024

- architect; (3) a professional artist or representative of a business or an arts nonprofit located in the County; (4) a member with a background in land use planning or urban design; and (5) a community member, if such individuals are available to serve. Members must be resident of the County or represent a business or an arts nonprofit located in the County.
- b. The Public Works Department shall actively solicit letters of interests and evidence of qualifications whenever an Art on Loan project or potential vacancy on the Ad Hoc Public Art Committee has been identified. Upon receipt of letters of interest and evidence of qualifications, the Public Works Department staff will forward letters of interest received as well as their appointment recommendations to the County Manager. If there are no letters of interest involving one or more of the categories identified in Section 1(a) above, community member(s) with specific interest in the project may be selected instead.
 - c. The term of each member shall commence at the next Ad Hoc Public Art Committee meeting following that member's appointment by the County Manager and shall continue until the project is accepted by the Board.
 - d. Should an Ad Hoc Public Art Committee member no longer reside in the County, resign, term expire or otherwise vacate the Ad Hoc Public Art Committee position, their membership shall automatically expire. The replacement member will represent that same group/party the former member represented if possible.
 - e. Any committee member who attends less than fifty percent of the regularly scheduled meetings within a calendar year, shall be considered to have resigned. Any committee member may be removed from office for cause by a majority vote of the committee, after such committee member has been advised of the reason(s) behind the vote and afforded an opportunity to be fairly heard by the Committee.
 - f. The Ad Hoc Public Art Committee will be subject to the Open Meetings Act requirements for public notice and open meetings. The Ad Hoc Public Art Committee shall follow applicable County policies for rules of order.
 - g. Members of the Ad Hoc Public Art Committee shall elect a chair and a vice-chair in alternate years by a majority vote of the members present at a meeting noticed for that purpose.
 - h. The Ad Hoc Public Art Committee will be primarily supported by the County Public Works Department. The County Public Works Department Director will appoint one primary staff liaison to support the Ad Hoc Public Art Committee.
 - i. The County Manager may dissolve or incorporate the Ad Hoc Public Art Committee into another standing committee at any time.
2. Solicitation. All loans of public art to the County must be open and fair competitions. The Public Works Department shall solicit applications through Requests for Proposal or other appropriate public solicitations. Public solicitations shall be advertised and distributed in such a way as to reach as many artists as possible.

3. Selection Criteria. When reviewing works of art for possible loan or donation to the County, the following factors shall be considered:
 - a. The artwork represents cultural/historical concepts or ideas that is valued among the community, timeless vision, design and integrity;
 - b. The artwork has potential educational impacts on site users;
 - c. The artwork is appropriate for the proposed location in terms of scale, form, design or historical character of site and the preservation and integration of natural features and incorporated into the site in accordance with the County's Sustainable Land Development Code (SLDC).
 - d. The artwork can be properly installed, placed to be seen, and displayed with public safety in mind;
 - e. The artwork can be displayed in such a manner to prevent theft and vandalism;
 - f. The artwork is not government endorsement of religion in violation of the Establishment Clause of the Federal and State Constitutions;
 - g. The artwork would not depict graphic violence or overt sexual activity;
 - h. The County already has on loan sufficient examples of this type of object or the objects by a particular artist in a particular style;
 - i. The County has the facilities and operational resources necessary to display the artwork, knowing that the County has limited facilities and resources;
 - j. The person wishing to loan the artwork to the County is prepared to execute a contract or other document which, in the estimation of the County Manager and County Attorney or designee, protects and serves the fiscal and other interests of the County, including, but not limited, to a waiver of the Visual Artist Rights Act (17 U.S.C. 106A, 113); and
 - k. There are any environmental impacts, such as noise, sound, light, or impacts on adjacent property owner's views.

4. Approval Process. The approval process for the selection and installation of art on loan shall be a three-step process.
 - a. Upon receipt of proposals through a Request for Proposal or other appropriate public solicitation, Public Works Department staff shall review the proposed installation and site details, and make comments and recommendations regarding the proposal for purposes of funding, public safety, site logistics, impacts on vehicular and pedestrian traffic or use of County facilities, ongoing maintenance and future expected costs associated with the installation, including any particular impacts of materials chosen for the installation and their longevity, along with any other issues which may arise with respect to the functionality, durability and cost of the proposed installation. Staff shall forward their comments and recommendations in a written report to the Ad Hoc Public Art Committee for consideration as part of the proposal packet.
 - b. The Ad Hoc Public Art Committee shall review the proposals, along with the Public Works Department staff's recommendation. The Ad Hoc Public Art Committee shall make a recommendation regarding the selection of a

proposed installation to the Board. The Ad Hoc Public Art Committee's review shall include the characteristics of the proposed installation, the quality of the work, its potential to fulfill one or more of the purposes of the Public Arts program, the adherence to the proposal with the program's general guidelines, the feasibility of the installation plan, responsiveness to the RFP if solicited, the qualifications and capability of the artist to deliver the final product within the designated time frame, including artist references and prior work.

- 1) Each Ad Hoc Public Art Committee member has one vote, and no member has the right of veto. If a consensus cannot be reached by the Ad Hoc Public Art Committee, then a simple majority vote carries the decision. The Ad Hoc Public Art Committee has the right to make no recommendation if there is no proposal judged to be of sufficient merit.
 - 2) Upon receipt of the staff and Ad Hoc Public Art Committee recommendations, the Board may choose to accept or not to accept one or more projects.
 - c. Any approved loan shall be memorialized in an agreement with the lender, as applicable, in a form approved by the County Attorney or designee, which shall include any required artist waivers in the event the lender is not the artist of the artwork. No art selection shall be considered final and binding unless and until all the required signatures on the agreement have been obtained.
5. Application. Any person wishing to loan artwork to the County must complete a Public Art Application developed by Public Works Department staff. The County shall not accept loaned artwork with a value of more than two hundred thousand dollars (\$200,000.00). The application and accompanying materials shall include the following: (1) photo, plans, model or other representation of proposed artwork; (2) proposed location of the artwork; (3) description of the artwork, including dimensions, weight, finish, and color, and system for mounting or displaying the artwork; (4) any special maintenance, mounting or display requirements; (5) artist biography; (6) statement of the approximate value of the artwork, with supporting documentation; (7) the length of any proposed loan; and (8) signage proposed for the artwork, including size, lettering and material; signage shall be limited to the artist's name, title, and date of work. The Public Works Department shall not forward incomplete applications to the Ad Hoc Public Arts Committee.
6. Installation, Insurance and Maintenance. Selected lenders will be responsible for the transport and delivery of artwork to the site, in coordination with Public Works Department staff. Public Works Department staff will be responsible for any site improvements (e.g., concrete pads, light landscaping, paving, etc.) to prepare sites for installation. Upon receipt of artwork pursuant to this policy, the County will insure the artwork under its insurance coverage. The estimated value of the artwork will be the value provided on the Public Art Application. Loaned artwork shall only be insured for the term of the loan. Maintenance of

loaned artwork shall be the responsibility of the lender. Prior to undertaking any such maintenance on County property, the lender shall obtain the approval of the County Public Works Director.

7. **Deaccession.** "Deaccession" means the procedure for the removal of an artwork. Any artwork may be considered for removal from public display if:
- a. The artwork's physical or structural condition poses a threat to public safety;
 - b. The artwork requires excessive maintenance, has faulty design or workmanship, and repair or remedy is impractical or infeasible;
 - c. The artwork has been damaged and repair or remedy is impractical or infeasible;
 - d. The condition or security of the artwork cannot be reasonably protected;
 - e. Significant changes in the use, character or design of the site have occurred and affect the integrity of the artwork; or
 - f. Removal is requested by the artist, lender or County.

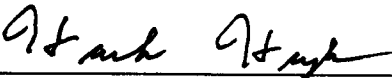
Loaned artwork shall be removed at the end of the prescribed term, unless the County determines that early removal is appropriate under the criteria described above.

Prior to removal of an artwork, Public Works Department staff shall prepare a report on the proposed removal. The report shall include the reasons for the removal, as set forth above, the condition of the artwork and the estimated cost of removal. The Ad Hoc Public Art Committee shall consider the report and make a recommendation to the County on removal. Public Works Department staff shall make a reasonable effort to locate the artist, lender or their heirs to advise them of the Board's consideration to remove the artwork and reasons for the decision. The Board shall consider the report and the Ad Hoc Public Art Committee's recommendation and shall make a determination in accordance with the criteria set forth in this section.

8. Public Works Department staff will maintain an inventory, a maintenance plan, and deaccession plan for all art under this resolution.

PASSED, APPROVED, AND ADOPTED THIS 27th DAY OF AUGUST, 2024.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**



Hank Hughes, Chair
Santa Fe Board of County Commissioners

SFC CLERK RECORDED 08/29/2024

ATTESTATION:

Katharine E. Clark

Katharine E. Clark
Santa Fe County Clerk

8/29/2024
Date



Approved as to form:

Jeff Young

Jeff Young
Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 6

I Hereby Certify That This Instrument Was Filed for
Record On The 29TH Day Of August, 2024 at 11:31:01 AM
And Was Duly Recorded as Instrument # 2040595
Of The Records Of Santa Fe County

Deputy *[Signature]* Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 08/29/2024