



PUBLIC ART DECOMMISSIONING POLICY

I. Purpose

To assure that the removal and disposal of City Works of Art is governed by fair and thorough procedures.

II. Policy for Decommissioning Public Art

The City of Manhattan Beach, in its sole discretion, reserves the right to remove or otherwise dispose of Works of Art from the City's public art collection.

III. Definitions

“Artist” means the creator of a Work of Art.

“Decommissioning” means the permanent removal of a Work of Art from the City's collection, usually through sale or exchange or any other transaction by which title of outgoing Works are transferred to another institution or individual.

“Work” or “Work of Art” means any work of visual or graphic art of any media including, but not limited to, a painting, print, drawing, sculpture, photograph, or film that is located on public property.

“Disposal” is the method by which the work of art is decommissioned.

IV. Procedure for Decommissioning Public Art

A. The decommissioning of Works of Art may be for one or more of the following reasons:

1. The condition or security of the Work of Art cannot be reasonably guaranteed in its present location.
2. The Work of Art has been damaged or has deteriorated to the point that it can no longer be represented to be the original Work of Art.
3. The Work of Art has been damaged and repair is impractical, unreasonable, or infeasible.
4. The condition of the Work of Art requires restoration, the cost of which would exceed the monetary value of the Work of Art.
5. The Work of Art presents a threat to public safety.
6. Significant changes in the use, character, or actual design of the site require a re-evaluation of the relationship of the Work of Art to the site.

7. The Work requires excessive maintenance or has faults of design or workmanship.
- B. City staff will review the City's art collection at least once a year, and shall provide the Cultural Arts Commission with a report and recommended action regarding the removal or disposition of any Work of Art. The staff report should include:
1. Title, artist, medium, dimensions and present location of the Work of Art.
 2. Acquisition method, date of acquisition, and initial purchase price, if applicable.
 3. Digital images of the Work of Art.
 4. Current condition of the Work of Art.
 5. An analysis of the reasons for removing or disposing of the Work.
 6. An independent appraisal or estimate of the value of the Work.
 7. Suggested and alternate courses of action, including, if applicable, other possible locations for the Work.
- C. The Artist whose Work is being considered for removal shall be notified of the proposed removal, and of the date, time, and location of the Cultural Arts Commission meeting at which the Work will be considered.
- D. The Cultural Arts Commission shall consider the Work at a noticed, public meeting. If the Commission finds that decommissioning a Work of Art is warranted, the Cultural Arts Commission shall adopt a resolution recommending that the City Council direct City staff to take any of the following courses of action:
1. Offer the Artist(s) the opportunity to buy back the Work at the current appraised value, cost of appraisal to be borne by Artist;
 2. Donate the Work to another government entity or non-profit, civic, charitable, or cultural organization that will properly install and display the Work in an appropriate public space in the City.
 3. Relocate the Work;
 4. Sell or Trade the Work;
 5. Advertise the sale of the Work by auction or other public sale;
 6. 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.
- E. If the Cultural Arts Commission makes such a recommendation, the City Council shall consider the recommendation at a noticed, public meeting. The City shall provide notice

to the Artist of the City's intent to remove and dispose of the Work. If the City Council agrees with the recommendation to decommission a Work of Art, the City shall provide the Artist with the following options:

1. If the City contemplates action that would compromise the integrity of the Work, the Artist shall be given the opportunity to disclaim authorship and request that his/her name not be used in connection with the given Work.
 2. The City Council may give the Artist a right of first refusal to purchase the Work. If the Artist elects to pursue title transfer, the Artist is responsible for the Work's removal and all associated costs.
 3. Failure by the Artist to respond to the City's notification or appear at the Cultural Arts Commission's meeting to consider the removal of the Work within 90 days shall be deemed a waiver by the Artist of the Artist's option to reacquire title and possession of the Work of Art.
- F. The City Council shall abide by all relevant laws, including the California Resale Royalties Act (Civil Code § 986), the California Art Preservation Act (Civil Code § 987), and the Visual Artists Rights Act of 1990 (17 U.S.C. §§ 106A and 113 (d)).
- G. Any proceeds from disposal shall be returned to the Public Arts Fund.