



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 26 Ordinance/Resolution# 11-156 Council District: All

For Meeting of January 3, 2011  
(Adoption Date)

**TITLE:** A RESOLUTION TO CREATE A POLICY FOR DISPLAY OF ART IN CITY FACILITES TO BE KNOWN AS THE ART ON LOAN PROGRAM AND TO ADJUST THE FY2010-11 BUDGET.

**PURPOSE(S) OF ACTION:** To promote local artists and their work through facilitation of the display of privately-owned local art work on City property and in City facilities.

<b>Drafter and Staff Contact:</b> Lori Grumet/Sonya Harmon		<b>Department:</b> Public Svs/Facilities		<b>Phone:</b> 528-3477 541-2573	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
PS Department Director		528-3477	Budget		541-2107
Facilities Department Director		541-2651	Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:** Local artists have expressed a desire to display their artwork in City Hall and other City facilities. Facilities and Public Services Staff met with artists and other interested citizens to discuss proposed policy to this effect. The attached policy is the result of this collaboration and public input.

It is a common practice in Cities throughout the country to display works by living artists in order to promote the cultural economy of the community. To do this, they typically display art on a loan or consignment basis, rotating the display periodically. It is customary for the works to be juried by a committee of individuals with an interest in public art, and it is not uncommon for submittal fees and commissions on any resulting art sales to be collected.

Staff researched a number of policies related to the display of art in public facilities and subsequently met with a committee of interested persons, including local artists, gallery owners, and aficionados to develop a workable policy for the initial display of art in the new Las Cruces City Hall. Staff has developed a policy that will allow for an initial pilot year under the supervision of an ad-hoc committee, with the eventual goal of a permanent board to supervise the process.

Intake of art and basic management of the Program is initially in the hands of the Public Services, Administration section, with assistance in the placement of art from Facilities, Building Services. Membership in the pilot Ad-Hoc Committee will be solicited upon approval of the policy. Staff anticipates the first hanging of art will occur in city hall in April

or May. Each artist submitting art for consideration will pay a nominal fee of \$10.00, which will be used to fund advertisements associated with the program. During the trial year – five pieces will be selected for display. In subsequent years – more pieces may be chosen. The Committee may also determine that it wishes to expand the program in the initial year provided staff resources to support such an expansion are available.

**SUPPORT INFORMATION:**

1. Resolution.
2. City Manager Policy – Art on Loan Program attached as Exhibit “A”.
3. Exhibit “B” – Budget Adjustment

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>  Expenses in the pilot year will be absorbed by the Public Services budget – 10205010	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	Budget Adjustment Attached	<input checked="" type="checkbox"/>	Expense reallocated from: 10205010-722194 Purchased Svs-Special
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
<b>Does this action create any revenue?</b> Revenue is estimated for initial year to be \$1,000, with \$500 coming in Fiscal Year 2010-11.	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into the General Fund 1000; in the amount of <u>\$500</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
General Fund	10200010 543316 21007	\$500	0	\$500	To advertise for program and meet other ancillary costs such as labels, mounting hardware, etc.

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will allow staff to advertise for the formation of the initial Ad Hoc Committee and call for submissions for art to hang in City Hall.
2. Vote "No"; this will prevent implementation of the policy on art and will delay public display in City Hall of works of art.
3. Vote to "Amend"; this could change aspects of the policy to limit or expand the program as directed. While this might cause some delay it would not eliminate the possibility of art hanging in City Hall and other City facilities specified.
4. Vote to "Table"; this could delay the possibility of publicly displayed art and might upset the arts community who are looking for a venue to promote art and culture in Las Cruces.

**RESOLUTION NO. 11-156**

**A RESOLUTION TO CREATE A POLICY FOR DISPLAY OF ART IN CITY FACILITIES TO BE KNOWN AS THE ART ON LOAN PROGRAM AND TO ADJUST THE FY2010-11 BUDGET.**

The City Council is informed that:

**WHEREAS**, local artists have expressed a desire to display their artwork in City Hall and other City facilities; and

**WHEREAS**, it is common practice for municipalities to display works of living artists to promote local arts and cultural tourism; and

**WHEREAS**, staff and a committee of interested citizens, including artists and gallery owners have compiled a policy to govern a pilot program to display art in New City Hall; and

**WHEREAS**, during the trial year five pieces will be selected for display and placed in City Hall for the enjoyment of the citizens of Las Cruces; and

**WHEREAS**, it is possible that some pieces will be purchased during the exhibition period, with a commission received by the City for such purchase; and

**WHEREAS**, the initial Ad Hoc Committee that will govern the policy may elect to expand the program as resources allow.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

**(I)**

**THAT** the Art on Loan Program policy attached hereto, is hereby enacted.

**(II)**

**THAT** City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(SEAL)

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

VOTE:

\_\_\_\_\_  
City Clerk

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Connor: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**City of Las Cruces  
City Manager Policy  
Art on Loan Program**

**1.0PURPOSE**

1.1 The purpose of the Art on Loan Program is to promote local artists and their work through facilitating the display of privately-owned local artwork on property owned by the City of Las Cruces (City).

**2.0POLICY SCOPE**

2.1 The Art on Loan Program will be the responsibility of the City's Public Services Department. Within the policy, an Art on Loan Ad-Hoc Committee will be established to oversee and administer various aspects of the program.

2.2 Definitions as used in this policy document:

2.2.1 Local = current living residents of Dona Ana County

2.2.2 Call for Submissions = the notification and details given to the public regarding an opportunity to submit pieces of art for display

2.2.3 Lender = the person(s) loaning the work of art for display

2.3 Display locations

2.3.1 Locations and number of locations for the display of art at City facilities will be suggested by the Art on Loan Committee and approved by the Public Services Director, subject to review by the Facilities Department at their discretion.

2.3.2 Locations will be determined by feasibility, ease of access, visibility, and other factors as deemed appropriate regarding the display of art in a public building.

2.3.3 Only City owned and managed facilities will be allowed for consideration for this program. City owned buildings that have a third-party lease will not be allowed for consideration for this program.

2.3.4 The City Museums will not be allowable locations.

2.3.5 The Council Chambers will not be an allowable location.

2.3.6 Department Suites/Areas will not be included as locations for the display of art under this policy unless specifically requested by the Department Director.

2.4 Exempted from this program are: items related to city business, items of a historical nature, items from our Sister Cities, and city-owned items. The Senior Artist of the Month will also not be included in this program. These items will be displayed at the option of the City in the location and manner of its choosing.

**3.0ART ON LOAN COMMITTEE**

3.1 An Art on Loan Ad-hoc Committee will be established for a one year trial period to oversee and administer various aspects of this program. A review will be conducted at the end of the one year period to determine if a formal board or committee needs to be established.

### 3.2 Committee Membership

3.2.1 The membership of the Art on Loan Ad-Hoc Committee, in accordance with Section 2-186, 2-188 (b)(1) and (7), and 2-1071 of the Las Cruces Municipal Code, 1997, as amended, shall have seven (7) members, and as authorized, be appointed by each City Council member and the Mayor.

### 3.3 Committee Term

3.3.1 The Art on Loan Ad-Hoc Committee members will serve terms in accordance with Section 2-188 (b)(9), (10) and (11) of the Las Cruces Municipal Code, 1997, as amended.

### 3.4 Committee Role

3.4.1 The Art on Loan Ad-hoc Committee will perform various functions and actions in the accomplishment of the purpose of this program.

3.4.1.1 Recommend the locations and the number of locations for the display of art for each Call for Submissions

3.4.1.2 Issue a Call for Submissions

3.4.1.3 Review the art submitted for consideration

3.4.1.4 Select the art that will be displayed and determine the specific location where it will be displayed

3.4.1.5 Submit a report regarding selected art to the Public Services Director, to be forwarded to the City Manager and City Council as an informational item, every time a new piece of art is selected for display.

3.4.1.6 Notify the selected artists and those not selected.

3.4.1.7 Organize the acceptance of the art, obtain appropriate signatures on all forms

3.4.1.8 Determine display layout and organize the installation of the artwork

3.4.1.9 Organize the return of art to the Lender at the end of the display time

3.4.1.10 Make recommendations on display locations for the items listed in 2.4 of the Art on Loan Program policy.

### 3.5 Committee Attendance

3.5.1 Committee attendance will be governed by Section 2-188 (c) of the Las Cruces Municipal Code, 1997, as amended.

### 3.6 Committee Conduct

3.6.1 Committee conduct will be governed by Section 2-190 of the Las Cruces Municipal Code, 1997, as amended.

## 4.0 ART SELECTION PROCESS

4.1 The main purpose of the Art on Loan Program is to facilitate the display of local art. As such, the following process will be used by the Art on Loan Ad-hoc Committee for the selection of art for display.

### 4.1.1 Display Time Period

4.1.1.1 Selected art will be displayed for a minimum of 6 months, with 12 months being the usual term of display, with the

- display time period being specified in the Call for Submissions.
- 4.1.1.2 Large pieces requiring special installation may be granted a longer display time at the discretion of the Art on Loan Ad-hoc Committee and as approved by the Public Services Director, subject to review by the Facilities Department at their discretion.
  - 4.1.1.3 Display time periods and locations may be modified by the Art On Loan Ad-hoc Committee to accommodate situations such as special events, remodeling or other factors that would affect the work of art or the City's ability to conduct its business appropriately.
- 4.1.2 Art Mediums
- 4.1.2.1 Art mediums allowable for display under this program shall include but not be limited to paintings, drawings, textiles, photography, ceramics, sculpture and mixed media works.
  - 4.1.2.2 Works that are deemed too fragile to be displayed in high traffic areas or in areas with exposure to hazardous environmental conditions may not be selected or the Lender may be required to provide adequate protection as determined by the Art on Loan Ad-hoc Committee.
- 4.1.3 Call for Submissions
- 4.1.3.1 The Art on Loan Ad-hoc Committee will determine the number, size, locations, and display time period available for display of art for each Call for Submissions. During the one year trial period of the Art on Loan program a maximum of five (5) pieces may be selected for display.
  - 4.1.3.2 A Call for Submissions will be issued by the Art on Loan Ad-hoc Committee at least 2 months prior to the deadline for submissions in the local newspapers and through local art organizations.
  - 4.1.3.3 The Call for Submissions will detail the specific locations available for display, any size or other restrictions on those locations, the application fee and information regarding submission of art for consideration.
  - 4.1.3.4 Size and medium restrictions will be determined by the Art on Loan Ad-hoc Committee based on the display locations available. The restrictions or requirements will be published in the Call for Submissions.
  - 4.1.3.5 Each Call for Submissions application will be required to include with the submission, in .jpg format, a photograph of the art piece being submitted for display. A maximum of 4 .jpg images of each work may be submitted for each application.

- 4.1.3.6 Each Call for Submissions application will be required to pay a nominal application fee of \$10.00.
  - 4.1.3.7 Call for Submissions applications will be required to supply the necessary display materials such as plinth, vitreen, mounting devices, and installation hardware as determined by the Art on Loan Ad-hoc Committee.
  - 4.1.3.8 All Call for Submissions applications must guarantee that the work is an original piece done by a living artist residing in Dona Ana County, properly owned, and not a reproduction.
  - 4.1.3.9 Up to 4 pieces of art may be submitted by any one artist during a particular Call for Submissions. Each piece submitted must include a separate application form and fee.
  - 4.1.3.10 Works of art containing multiple parts will be considered as one work of art for the application, fee and selection process as long as it will be displayed in a single location and conforms to the overall size and other requirements specified in the Call for Submissions.
  - 4.1.3.11 The Art on Loan Ad-hoc Committee reserves the right to adjust or change the published Call for Submissions requirements in order to best accommodate as many submissions as possible in fulfillment of the program purpose or due to an unforeseen change in circumstances.
- 4.1.4 Art Selection
- 4.1.4.1 The Art on Loan Ad-hoc Committee review of Call for Submissions applications will be done blindly, in that the name of the artist will be withheld until the selection process is completed.
  - 4.1.4.2 The art selected for display will be selected by aesthetic quality, artistic merit, size and medium compatibility with site, ease of care, ease of display, lack of obstruction of City business and public safety concerns.
  - 4.1.4.3 The art selected for display may be designated "for sale" or "not for sale" by the Lender in compliance with the procedures outlined in Section 4.1.5 of this policy.
  - 4.1.4.4 The art selected through this policy will be displayed in public facilities serving audiences of all ages. Submitted works that are considered to be of a sensitive nature – including any submissions that contain depictions of explicit nudity, sexual content, violence and/or racism are subject to additional review and may be displayed in areas with appropriate advisory signage and/or screening devices. If advisory signage and screening devices cannot be agreed upon, the Art on Loan Ad-hoc

- Committee reserves the right not to display the work. All signage and screening devices will be provided by the Lender.
- 4.1.4.5 The specific location where a piece of art will be displayed will be designated by the Art on Loan Ad-hoc Committee based on best fit in the available locations. The decision of the Art on Loan Ad-hoc Committee regarding display location shall be final.
  - 4.1.4.6 If submitted piece(s) are not selected, artists will be notified in writing within 1 week from the date selections are finalized.
  - 4.1.4.7 Submissions will be selected for display contingent upon the Lender complying with all forms, contracts, procedures, requirements and timelines set forth by the Art on Loan Ad-hoc Committee.
- 4.1.5 Display Procedures
- 4.1.5.1 All art work will be labeled in a consistent manner including the name of the artwork, the name of the artist and designation regarding whether or not the piece is for sale.
  - 4.1.5.2 Art labeled for sale shall communicate the sales price via an information sheet at the main desk of the location in which it is displayed. The information sheet may also contain additional promotional information regarding the artist.
  - 4.1.5.3 Lenders will pay the City on behalf of the Art on Loan program a thirty percent (30%) commission of the total sale price of any work(s) sold while on display in a public facility. Sales price should reflect the 30% commission and include applicable New Mexico Gross Receipts Tax. Lender is responsible for the payment of all applicable taxes.
  - 4.1.5.4 Artwork sold while on loan will be removed as soon as reasonably possible by Facilities-Building Services staff once a replacement piece has been selected. The Lender will be given the first option to provide the Art on Loan Ad-hoc Committee with a replacement piece of similar art for approval. If the Lender does not provide a suitable replacement, the Art on Loan Ad-hoc Committee will then select another work of art from the most current Call for Submissions for display.
  - 4.1.5.5 Shipment of any sold works of art, if necessary, will be paid at the Lender or purchaser's expense.
  - 4.1.5.6 The City will exercise due care to the works of art while on display. However, the Lender understands that the art will be located in a public area and assumes all risk of

physical loss or damage associated with its display in a public area to the extent that such physical loss or damage is not covered by a Fine Arts Floater or comparable property insurance coverage that the City may have in effect.

- 4.1.5.7 The City has and intends to maintain a Fine Art Floater or comparable property insurance coverage for all City facilities where Lender artwork may be displayed; however, the City does not guarantee that the Fine Arts Floater or comparable property insurance will cover any or all physical loss or damage to the Lender's artwork while on display.
- 4.1.5.8 Organizational and administrative processes will be developed by the Art on Loan Ad-hoc Committee in order to best serve the program in acceptance of loaned pieces. The developed processes will be submitted to the Public Services Director for review and approval.
- 4.1.6 Art Return Procedures
  - 4.1.6.1 Organizational and administrative processes will be developed by the Art on Loan Ad-hoc Committee in order to best serve the program in return of loaned pieces. The developed processes will be submitted to the Public Services Director for review and approval.
  - 4.1.6.2 Lenders will be notified prior to the expiration of the display time period and reminded of the procedures for return of loaned art.
  - 4.1.6.3 Artwork not picked up within 30 days of the de-installation of the work becomes the property of the City of Las Cruces and will be disposed of in accordance with City policy.

## 5.0 PROGRAM FUNDING

### 5.1 Allowable Revenue

- 5.1.1 The Art on Loan Ad-hoc Committee may accept monetary donations and/or conduct fundraising efforts for the sole support of this program.
- 5.1.2 A 30% Commission will be collected on all art sales for the sole support of this program. These funds will be collected by the Public Services Department administration upon the sale of the work and deposited into a distinct account designated for this program. Public Services will then process payment to the artist who is responsible for any associated gross receipts taxes.
- 5.1.3 Call for Submissions application fees will be used for the sole support of this program. The Public Services Department will receive all submissions and accompanying fees which will be

deposited into a distinct revenue account designated for this program.

5.1.4 Funds for this project may or may not be allocated through the City budget at the discretion of the City Council via the budget process.

5.1.5 All generated revenue will be handled in accordance with City of Las Cruces policy.

#### 5.2 Allowable Expenses

5.2.1 Monies collected for this program via application fees, donations, fundraising, sales commission, or budget allocation may only be spent in support of this program.

5.2.2 Allowable expenses include, but are not limited to, material and hardware used for the installation and de-installation of artwork, preparation and repair of display surfaces, printing costs, media design, costs associated with the selection process and advertising Calls for Submissions.

5.2.3 Monies shall not be spent for items such as the purchase of art, repair of artwork, or any fees charged by an artist to display their works.

5.2.4 If funds are collected in excess of allowable expenses, as reviewed annually at the end of the fiscal year, then those excess funds will be rolled over to the next fiscal year for continued use in the Art on Loan Program.

5.2.5 If funds are collected for this program in excess of \$10,000, the Art on Loan Ad-Hoc Committee may seek City Council approval to expend those funds on the purchase of local artwork or other items to further the Art on Loan Program.

5.2.6 All expenditures will be handled in accordance with existing City of Las Cruces policy.

#### 6.0 CITY RESPONSIBILITY

6.1 The City will make an effort to minimize potential damage to works of art during installation, display, and de-installation, however at no time is the City responsible or liable for any artwork while in its care.

#### 7.0 LENDER RESPONSIBILITY

7.1 The Lender assumes all risk, responsibility, and liability associated with loaning their artwork for display in a public facility.

7.1.1 The Lender is encouraged to visually inspect the artwork from time to time during the display period.

7.1.2 If the Lender notices any damage, the Lender has the option to remove the piece from display.

7.1.3 It is the responsibility of the Lender to notify the City promptly in writing if there is a change in ownership of the artwork or if there is a change in the identity or address of the Lender. The City assumes no responsibility to search for a Lender who cannot be reached at the address of record.

**CITY OF LAS CRUCES  
ADOPTED BUDGET FY 2010/2011**

<b>FUND</b>				
<b>General Fund 1000</b>				
	<b>FY 2009/10 Prelim Actual*</b>	<b>FY 2010/11 Adopted</b>	<b>Adjustment</b>	<b>FY 2010/11 Adjusted</b>
<b>BEGINNING BALANCE</b>	\$ 16,663,614	17,278,820		17,278,820
<b>REVENUES</b>				
Gross Receipts Taxes	\$ 55,368,682	56,049,000		56,049,000
Property Taxes	8,821,919	8,877,080		8,877,080
Franchise Fees	2,683,038	2,915,738		2,915,738
Administrative Transfers	2,056,067	3,388,437		3,388,437
Police Fines	1,063,989	1,096,724		1,096,724
Subdivision Fees	144,896	145,650		145,650
All Other Revenues	6,513,508	6,925,260	500	6,925,760
<b>TOTAL REVENUES</b>	\$ 76,652,099	79,397,889	500	79,398,389
<b>TOTAL RESOURCES</b>	\$ 93,315,713	96,676,709	500	96,677,209
<b>EXPENDITURES</b>				
Administration	\$ 1,738,672	2,056,440		2,056,440
Community Development	1,792,417	2,009,132		2,009,132
Facilities	10,877,850	13,165,615		13,165,615
Financial Services	3,397,344	3,184,335		3,184,335
Fire	8,662,226	8,908,391		8,908,391
Human Resources	955,203	923,616		923,616
Information Technology	0	3,736,755		3,736,755
Judicial	1,210,425	1,553,066		1,553,066
Legal	1,684,775	1,674,131		1,674,131
Legislative	785,092	722,295		722,295
Police	19,343,606	18,562,540		18,562,540
Public Services	5,685,692	5,965,303		5,965,303
Public Works	5,751,973	5,459,954		5,459,954
Reserves	1,193,126	1,834,437		1,834,437
Transfers	11,991,932	9,718,105		9,718,105
<b>Total General Fund Expenditures</b>	\$ 75,070,333	79,474,115	0	79,474,115
Adjustment due to change in accruals.	(966,559)	0	0	0
<b>ENDING BALANCE</b>	\$ 17,278,821	17,202,594	500	17,203,094
<b>Required 1/12th Reserve</b>	6,255,861	6,622,843	0	6,622,843
<b>UN-RESERVED ENDING BALANCE</b>	\$ 11,022,960	10,579,751	500	10,580,251

\*Preliminary actual as of 11/5/10.