



Deaccession Policy

Purpose

To establish procedures for review, evaluation, and deaccession of publicly sited and portable artworks in the Office of Arts & Culture (OAC) collection in accordance with the City's ordinance and policies for the deaccessioning and disposition of surplus artworks ([Seattle Municipal Code Section 3.14.840](#)).

Background

The Seattle Arts Commission was established in 1971 under [City Ordinance 99982](#). In 2014 its name was changed to the Office of Arts & Culture under [City Ordinance 124539](#). This legislation designates OAC to stimulate a diverse and lively arts and cultural environment that draws on the full potential of artists across a broad cultural spectrum, reflect and responds to civic concerns and aspirations, enrich the lives of all members of our community, support a healthy arts economy, and provide greater access to arts. To this end, OAC seeks to acquire works of art which are representative of artistic expression from the diverse communities throughout Seattle. The 1% for Art Division was established in 1973 under [City Ordinance 102210](#) which was later amended in 1976 ([105389](#)) and 2017 ([125636](#)). These ordinances give OAC the authorization to purchase works of art or commission the design, execution, and placement of works of art.

The [Seattle Arts Commission](#) is an advisory body for OAC that consists of 16 members total: seven appointed by the Mayor, seven appointed by City Council, one appointed by the Mayoral and City Council Arts Commission members, and one young adult nominated through the YMCA's Get Engaged program. The Public Art Advisory Committee (PAAC) is a subcommittee of the Arts Commission.

Deaccession Guiding Principals

It is the responsibility of OAC to evaluate the City's artwork collection periodically to review the current condition of artworks as well as their conservation and maintenance needs to consider potential removal of individual artworks. Acquisition of an artwork by OAC implies a commitment to preserve, protect, and care for the acquired artworks within the scope of their budgetary and staffing capacities. Acquisition also implies permanency within the collection, for as long as the artwork maintains its physical integrity, identity, authenticity, and ability to be

displayed. When any of these conditions no longer prevails, OAC may consider removal from public display and/or deaccessioning by the Arts Commission.

Best practices within the Collection Management field require that the deaccession of an artwork involves a conscientious review reflecting policy, rather than reaction to the pressures of a particular moment or circumstance. Standards applied to deaccession and disposal should be as stringent as those applied to the acquisition process. The deaccession process should be applied cautiously and only after a careful and impartial evaluation of the artwork, within the context of the entire collection, can be made to avoid loss by fluctuations of taste and premature removal of an artwork.

The [City of Seattle Municipal Code Section 3.14.840](#) addresses the deaccessioning and disposition of surplus artworks. It establishes that when OAC judges an artwork as surplus to the City's collection, OAC may initiate the deaccession process. Upon Arts Commission approval of the artwork deaccession, OAC will arrange for the artwork's disposition through approved methods.

Deaccessioning may be considered for any artwork in the collection that is identified as having one or more conditions listed in the Conditions for Deaccession Consideration section below.

Removal and Relocation of Public Artworks

If OAC determines that an artwork must be removed from its original site, and if its condition is such that it could be re-installed elsewhere, OAC will attempt to identify an appropriate site on City property, or the Arts Commission may consider a transfer of the artwork to another governmental entity or non-profit institution. If the artwork was designed and accepted for a specific site, OAC will attempt to relocate the artwork to a new site that is appropriate to the artwork scale and aesthetic integrity. If possible, the artist's input will be requested to help make this determination. The artwork will be kept in storage until a new site has been identified or the artwork is deaccessioned.

Provisions for Emergency Removal

If the structural integrity or condition of an artwork presents an imminent threat to public safety and/or property, OAC's director, or their designee, may authorize its immediate removal and temporary storage, without Arts Commission action or the artist's consent. The artist, PAAC, and Commission must be notified of this action within 30 days of removal of the artwork. The Public Art staff will consider options for repair, reinstallation, maintenance, or deaccessioning by the Commission.

If the artwork cannot be removed without being distorted, mutilated, destroyed, or otherwise modified, and if the artist has not waived their rights under the 1990 Visual Artists Rights Act (VARA), OAC's director must attempt to obtain a written VARA waiver from the artist before proceeding. If this cannot be accomplished before action is required to protect public health and safety, the director shall not proceed before seeking advice from the City Attorney's Office.

Non-Emergency Removal from a Building

Removal of an artwork that has been incorporated into a building that can be removed without the destruction, distortion, mutilation, or other modification of the artwork. The Director must attempt to notify the Artist of the Artist's right to remove the artwork at their expense within 90 days of receiving the notice. If the Artist removes the artwork within 90 days, at their expense, title to the artwork shall transfer from the City to the Artist in consultation with City surplus.

Artworks Eligible for Deaccession

- Artworks that have been accessioned into OAC's collection.
- All other City-owned artworks commissioned, purchased, or received as gifts by other City departments. (City departments with artworks within their collection may request advisory involvement from the OAC, PAAC, and Arts Commission to assist in a deaccession evaluation process for artworks not under the purview of OAC.)

Deaccession Procedure

Internally Activated Potential Deaccessions Process

When deemed necessary, the collection management staff will evaluate the collection to determine if any artworks meet OAC's criteria for potential deaccessioning. If objects in the collection are identified as potential deaccessions, they will be shared with Public Art staff for an internal review before presenting the artwork for deaccession review to PAAC and/or a deaccession advisory panel. Once a recommendation has been made by PAAC and/or the advisory panel the artwork will be presented to the Arts Commission for deaccession approval/rejection.

In circumstances where it is appropriate, a deaccession advisory panel of no fewer than three and no more than five persons of visual arts professionals (e.g. artists, museum curators, art historians, conservators, and neighborhood/community representatives) may be appointed by the Public Art Program Director to review the artworks being considered for deaccession and

to present their recommendations to the Arts Commission for final review.

A simple majority of PAAC and/or the deaccession panel members must vote in favor of deaccession for the artwork to be recommended to the Commission for deaccession.

Externally Activated Potential Deaccessions Process

If an artwork is being considered for deaccession due to external forces such as redevelopment, damage, or theft; the Public Art Program Director and/or Collections Manager will work with external stakeholders and coordinate with the collections management team to initiate the deaccessions review process.

Final authority for all deaccessions rests with the Commission.

Conditions for Deaccession Consideration

A. Loss of Artwork

An artwork is missing due to theft, inadvertent disposal, or any other type of loss from the collection.

B. Inability to Find Suitable Location

Artwork is not, or is only rarely, on display due to a lack of suitable locations because of size, medium, appropriateness for public setting e.g., may contain graphic depictions of violence, sexually explicit imagery, nudity, or other content that may be incompatible within a workplace setting or is in storage.

The present location is considered detrimental to the condition or security of the artwork.

C. Artwork Condition

The artwork has been damaged or has deteriorated to the point at which it no longer reflects its original intent.

The artwork has been damaged, and repair is impractical or unfeasible; or the cost of repair or restoration is beyond 50% of the inflation adjusted cost of the original commission, \$100,000.00, current value of the artwork, or beyond OAC's maintenance budget.

The artwork is faulty in its design, workmanship, has material or technological failure that is impacting the ability for the artwork to be displayed or function as intended.

The cost of maintaining or updating the artwork's operating technology goes beyond the scope and resources of the collections management maintenance budget, or the components have become obsolete and/or irreplaceable.

D. Health and Safety

The artwork endangers the public and/or poses an environmental hazard that violates any government laws, codes, or policies that have been legislated post artwork installation.

E. Site Alteration

The site for which the artwork was specifically created is structurally, programmatically, or otherwise altered and can no longer accommodate the artwork, or the artwork is made publicly inaccessible.

New construction, demolition, or security enhancement, or significant alteration of the surrounding environment adversely impacts the artwork.

F. Site acquisition or sale

The site for which the artwork was specifically created is sold or acquired by an entity other than the City of Seattle.

G. Security

Artwork condition or security cannot be reasonably guaranteed in its present location.

H. Quality of Artwork

The artwork and/or its content has been determined to be incompatible with the rest of the collection e.g., the artwork is not within the scope of the collection, does not serve OAC's mission, is of poor quality, or is duplicative within the collection.

I. Provenance

At the time of accessioning, complete information on the provenance of the artwork was not available, or more information has since become available, indicating that the artwork should not be part of the City's art collection.

J. Disassociation under VARA

The artist legally exercises the right of disassociation granted by the Visual Artists Rights Act of 1990, preventing the use of his, her, or their name as the creator of the artwork.

K. Oppressive Content

The subject or impact of an artwork is determined to support the oppression of a segment of the community or is at odds with OAC's values of antiracism, equity, and inclusion.

The artwork has a demonstrated pattern of serving as a rallying point for gatherings centered on racist or bigoted ideology.

Sequence of Actions for Deaccession

- a) Staff determines that an artwork meets one or more of the criteria from the Conditions for Deaccession Consideration section above.
- b) Staff notifies the artwork funding department and other stakeholders.
- c) Staff makes a reasonable effort to notify any living artist, or the estate of any deceased artist, whose work is being considered for deaccession.
- d) Staff prepares a report for the deaccession process that indicates:
 - i. Acquisition method, cost, and estimated current market value. Appraised value of the work, if obtainable.
 - ii. If applicable, photo documentation of the artwork, a recording of the site conditions, a report prepared by the agency responsible for the loss at the site, and a police report.
 - iii. Any restrictions that may apply to this specific work, based on contract obligations or on VARA requirements.
 - iv. Any available correspondence with the artist regarding the deaccession of the artwork.
 - v. An analysis of the suggested deaccession accompanied by other documentation and any relevant information.
 - vi. Options for disposition of the work, as permitted by [SMC 3.14.840](#).
 - vii. The staff recommendation for deaccession disposition method.
- e) The PAAC and/or the deaccession advisory panel reviews the report at a scheduled meeting. They may seek additional information regarding the work from the artist, art galleries, curators, appraisers, or other professionals prior to making a recommendation to the Arts Commission.
- f) The PAAC and/or the deaccession advisory panel, shall review, and recommend one or more of the following actions for disposition of the artwork by the Commission.
 - i. Trade through artist, gallery, museum, or other person or entity for one or more artwork(s) of comparable value by the same artist. The traded artwork must be

- acceptable for placement in the City's collection.
- ii. Transfer of the object to another governmental entity, or non-profit organization. Terms of the transfer, such as any prior restoration that will be required, will be negotiated and a written agreement will be executed in consultation with the Law Department.
 - iii. Destruction of artwork, in accordance with current deaccessioning best practices.
 - iv. Sale through auction, art gallery, or dealer, or by direct bids or proposals, or by the Facilities and Administrative Services director in the same manner as other surplus property. No works of art shall be sold or traded to members of the Arts Commission, or OAC staff consistent with the its conflict of interest policies.
 - v. The artist retains the first right of refusal, allowing the artist to purchase the artwork at its fair market value, as determined by appraisal. Artwork sales will be determined in collaboration with the City's Surplus division.
 - vi. Salvage, the artwork in its current condition, may be offered to the artist at their expense to salvage or retrieve the artwork in accordance with artwork acquisition contracts and the Visual Artists Rights Act of 1990 (VARA) in consultation with City surplus.
 - vii. If the donor's or the artist's contract provides for re-donation, sale, or other arrangement for the disposition of the artwork, the artwork may be disposed of in accordance with those contractual provisions.
- g) A recommendation for action on deaccessioning and disposition of the artwork from the PAAC, and/or a deaccession panel, is referred to the full Commission to consider at a regularly scheduled meeting.
 - h) If the Commission approves the deaccession recommendation, staff informs the artist and other stakeholders of the decision.
 - i) If the deaccession is approved by the Commission, OAC staff proceeds with the approved disposition method.

Net proceeds from the sale of a purchased work of art shall be returned to the original funding department's account from which the original commission or purchase was made. Proceeds from the sale of gifts will be deposited and expended in accord with the donor's direction accompanying the gift.

In the absence of directions, the proceeds will be deposited in the Municipal Art Fund for acquiring other artworks, unless the gift was donated on the condition that the artwork be returned to the donor transferred to another person or entity when the artwork is no longer displayed or ceases to be a part of the City's collection.

If the City has made a written commitment to a donor or an artist to share part of the proceeds of a sale of the artwork with the donor or artist, the City shall do so in accordance with [SMC 3.14.840](#). Any artwork that was acquired through the sale of bonds can be deaccessioned or disposed of only in accordance with the requirements of [SMC 3.14.840](#).

If an artwork cannot be removed without its destruction, distortion, mutilation, or other modification, and the artist has not exercised his, her, or their right, if any, under VARA to remove the artwork, OAC's Public Art staff, or its agents, shall be responsible for the disposal. It is the obligation of the Public Art staff to ensure that all artwork disposals will be formally conducted and adequately documented.

A permanent record of the artwork's inclusion in the collection, and documentation of its deaccession and disposition, shall be maintained in a file in a separate section of the collection records.