Public Art Collection Management Policy

I: Purpose
The City of Pittsburgh is the owner of a collection of permanent works of public art, monuments, memorials, and historic objects. The City is also the steward and/or approving body for select works placed on City property intended to have a limited term. The Department of City Planning’s Public Art & Civic Design Division (PACD) is tasked with the City’s public art program, the care and management of the City Collection, and the approval processes for new works of public art, monuments, memorials, and historic objects on City property.

This policy will outline criteria for the care and management of the City of Pittsburgh’s Collection, as well as requirements and procedures related to other works of public art, monuments, memorials, and historic objects on City property.

II: City Collection
The City Collection consists of historic and modern works of Public Art, Monuments, Memorials, and select Historic Objects ("collectively referred to as "works" in this document). These works are owned by the City and are intended for permanent display in the public realm. The placement of works in the City Collection requires Art Commission approval.

- **Collection Categories:** The following categories and definitions are meant to highlight broad groupings and may not represent all possibilities for future works. Works in the City Collection may also belong to more than one category.
  - **Public Art:** Original or editioned artwork selected, commissioned, or created for permanent placement in the public domain, and created by an artist. This includes but is not limited to free-standing and wall-mounted sculptures, mosaic panels, and site-specific installations.
  - **Monuments:** Physical structures or designed spaces whose purpose is to honor 1) a special event or concept of recognized importance to the general public, or 2) the life and deeds of a notable figure.
  - **Memorials:** Signs, structures, designed spaces, or other markers whose purpose is to keep a notable event, period of time, site, person, or group within the consciousness of the general public.
  - **Historic Objects:** Historic items which serve as memorials to a past era due to their previous function or placement.

- **Criteria:** New works of Public Art, Monuments and Memorials, or Historic Objects may be added to the collection. In addition to any other applicable reviews and approvals, new works being considered for inclusion in the City Collection should be evaluated to ensure that the following criteria are met:
  - The work should be of a permanent nature with an expected lifespan of at least ten years without substantive changes to its condition.
  - The work should not have expected maintenance and/or equipment replacement outside of reasonable wear unless a maintenance plan and adequate resources for upkeep are stipulated through legal agreement.
  - The work should have a suitable site for installation, where security of the work can be reasonably guaranteed.
  - The work should not endanger public safety and/or well-being.
  - The work and/or artist should not be representative of values and/or narratives which are harmful to the mission or goals of the City.
  - The work should not be significantly incompatible or of inferior quality or artistic merit within the context of the City’s Collection.
  - The work must be free of copyright infringement and, in the case of previously existing works, must have clear and established title.

In its selection of new works for the collection, the City of Pittsburgh should strive for both 1) representation and elevation of the many kinds of people making up its population, and 2) the encouragement of new and emerging artistic voices. Because of this, new work by artists not represented in the collection may at times be prioritized over artists with existing work in the collection.
• **Acquisition**: Works are added to the City Collection through discovery, commission, and donation.
  - **Discovery**: A previously uncatalogued item may be found on City-owned property or in City storage that fits the criteria for inclusion in the City Collection. The City’s ownership of such items must be confirmed by the City Finance Department. If previously in storage, its placement on City property must be approved by the Art Commission. Information on existing works that should be considered for inclusion in the City Collection can be sent to pacd@pittsburghpa.gov.
  - **Commission**: The City may commission new works using available resources from the Percent For Art program, grants, or other funding sources. The work and its placement must be approved by the Art Commission and will require City Council-approved legislation and an executed written agreement between the City and the artist.
  - **Donation**: Works may be donated to the City Collection in two ways: 1) New works may be proposed to be created and placed on City property through the expense of the artist or a sponsoring organization, or 2) Previously existing works may under certain circumstances be donated to the City for placement on City property. In either case, a donated addition to the Collection will require Art Commission approval, City Council approved legislation, and an executed legal agreement between the donor and the City. Any potential donations of new or existing works should first be discussed with PACD to determine whether the donation is feasible and desirable.

• **Inventory**: PACD will maintain a collection inventory of Public Art, Monuments, Memorials, and Historic Objects in the City Collection. This inventory will be updated annually to reflect changes and additions to the City Collection.

• **Maintenance**: The City accepts maintenance and upkeep of all items in the City Collection unless otherwise stated in legal agreements. Works should not be accepted that will require maintenance beyond what the City can reasonably accommodate. Extraordinary maintenance or component replacement may be stipulated, on a case-by-case basis, in legal agreements as the responsibility of the artist or a sponsoring community group.

• **Loans**: The City may, at its discretion, accept the loan of works for limited-term, temporary, or indefinite display on City-owned property. Such loans, unless otherwise stipulated by legal agreement, do not constitute a transfer of ownership or maintenance responsibilities to the City.
  - Third-party requests to the City for loans of City artwork should be sent to the attention of PACD for City review. If the Mayor recommends granting the request, the Art Commission will review and must give final approval. Based on the duration of the exhibit, loans must follow the same City approval processes as those for permanent, semi-permanent, or temporary artworks. All loans of artwork to the City must be authorized by City Council and made pursuant to a written agreement entered into between the City and the loaner of the artwork. The City may not accept loans of artwork without a written loan agreement.

• **Content**: The City reserves the right to control what is depicted on City-owned property or in the City right-of-way. Artwork may not contain speech or imagery that includes or promotes hate speech or is otherwise representative of values and/or narratives that are harmful to the mission or goals of the City of Pittsburgh.

• **Audits**: The City Collection will undergo periodic audits to assess its content for depictions, messages, and representations that may be harmful to the well-being of the viewing public and/or run counter to the City's goal of being a welcoming place for all people. These audits will also serve to identify inequities and inherent biases in the collection, in order to better inform City practices and initiatives aimed at creating and sustaining a more equitable public art program.

• **Deaccessioning of Public Art, Monuments, Memorials, and Historic Objects**
  - **Background**: The City of Pittsburgh is the owner of a collection of Public Art, Monuments, Memorials, and Historic Objects. At times, it may be necessary for the City of Pittsburgh to remove one of these works from the City Collection. Deaccessioning is the formal procedure for the withdrawal of an artwork from a public collection. The purpose of this section is to outline the criteria and procedure that will be used by the City of Pittsburgh to remove works from the City Collection.
  - **Eligible Works**: All works of Public Art, Monuments, Memorials, and Historic Objects owned by the City of Pittsburgh, whether acquired through the Percent for Art program, donations, gifts, or any other method are eligible for deaccessioning. All extant legal documents relating to the acquisition of the work will be consulted before beginning the deaccessioning process.
○ Works that are not owned by the City are not eligible for review under this policy.

○ **Criteria for Deaccession:** The City of Pittsburgh may consider the deaccessioning of a work of Public Art, Monument, Memorial, or Historic Object for one or more of the following reasons:
  - **Display:** The work is not, or is only rarely, on display because of the lack of a suitable site.
  - **Security:** The security of the work cannot be reasonably guaranteed, and/or the City cannot properly store the work.
  - **Maintenance:** The work requires repeated or excessive maintenance and/or has faults in design or workmanship.
  - **Damage:** The work has been damaged or deteriorated beyond feasible repair and/or to the extent that it no longer represents the intended character and appearance of the work.
  - **Location:** The location of site-specific work is altered to the point that the work’s integrity and/or accessibility is negated, or the site in which a work is currently located is planned for alteration that would destroy the work and/or negate its artistic integrity, safety, or accessibility.
  - **Absence:** The work, or a significant portion of the work, is lost, stolen, or missing.
  - **Safety:** The work endangers public safety and/or well-being.
  - **Content:** The work and/or artist is representative of values and/or narratives that are harmful to or inconsistent with the mission or goals of the City.
  - **Quality:** The work has been determined to be significantly incompatible or of inferior quality or aesthetic within the context of the City Collection.
  - **Fraudulence:** The work has been shown to be fraudulent or is in violation of copyright law.
  - **Replacement:** The City of Pittsburgh wishes to replace the work with work of more significance by the same artist.

○ **Deaccession Procedure:** Recommendation of work for deaccessioning will be made by Public Art & Civic Design Division (PACD) staff and brought before the Art Commission for approval, following the procedure outlined below. In addition to an ongoing evaluation of the collection, PACD will review specific items in the collection when deemed appropriate or upon the request of the Mayor’s Office or City Council.

i. When considering a work for deaccessioning, PACD will make all reasonable efforts to notify the artist or their estate, before bringing the matter before the Art Commission. If a work of Public Art, Monument, Memorial, or Historic Object was a gift to the City of Pittsburgh, PACD will also make reasonable efforts to notify the donor or the donor’s estate.

ii. PACD will inform the Law Department and the Finance Department of the work being considered for deaccession.

iii. PACD staff will prepare a report to the Art Commission for review at a regularly scheduled hearing. The report will include:
  - Object information, including title, maker, dimensions, acquisition method and date, current and past locations, and maker biography.
  - Detailed information on the current condition of the work.
  - Photographic records of the work.
  - Any applicable donation, license, loan, maintenance, or copyright documents.
  - Conservation records, as applicable.
  - Reasons for deaccession consideration.
  - Any applicable community sentiment gathered about the work.
  - The opinion of the Law Department and/or the Finance Department regarding any restrictions which may apply to this specific work or site that would prevent its deaccession.
  - Recommendation from PACD staff, on a deaccessioning method.
iv. The Art Commission will review this report at a regularly scheduled public hearing 30 days prior to initiating a deaccession. This hearing is to inform community stakeholders of the City’s intent to consider deaccessioning of the work and the reasons for the possible deaccessioning. Following this hearing, the public may send comment to the Art Commission for their consideration on whether deaccessioning is desired. At this time, the Art Commission may also request additional information regarding the work from artists, art galleries, curators, appraisers, or other professionals.

v. At the next regularly scheduled public hearing following this period of public comment, the Art Commission will determine whether the work meets one or more of the above criteria for deaccession and will vote on the recommendation for the City to deaccession.

vi. If the Art Commission recommends deaccession, PACD staff will draft and present appropriate legislation to City Council for consideration at a regularly scheduled meeting of the Council.

vii. Upon City Council confirmation of the recommendation, PACD staff will proceed to complete the deaccession of the work through applicable documents and agreements in coordination with the Law Department and the Finance Department.

- **Methods of Deaccession:** The following methods of deaccession are available to the City of Pittsburgh under this policy:
  - **Sale or Exchange:** Sale shall be in compliance with Commonwealth and local laws and policies governing the sale of property.
    - The artist, or the estate of the artist, will be given the first option to purchase or exchange the artwork for its fair market value as determined by a professional art appraiser.
    - Sale may be through auction, gallery resale, or direct bidding by individuals, in compliance with Commonwealth/local law and policies governing surplus property.
    - Exchange may be through an artist, gallery, museum, or other institutions for one or more artwork(s) of comparable value by the same artist.
    - No works shall be sold or traded to members of the Art Commission, City of Pittsburgh elected or appointed officials, or City of Pittsburgh staff.
    - Any funds received from a sale shall be deposited and/or used as directed by the City’s Office of Management and Budget (“OMB”) or the Department of Finance (“Finance”), subject to applicable law.
  - **Disposal:** Destruction of artwork, if deteriorated or damaged beyond repair and deemed to be of negligible value.
  - **Other:** If the City of Pittsburgh is unable to dispose of the artwork in a manner outlined above, the Art Commission will make a recommendation for an alternative method, which may include the donation of the work to a non-profit organization or government agency.
  - Deaccession by any method shall be subject to the requirements applicable to such method set forth in state or local law, policies, or regulations, including City Council approval where required. Deaccession by sale, donation, destruction, or otherwise shall be carried out in accordance with the applicable policies of OMB and/or Finance in place at the time of deaccession.

### III. City-Owned Assets

Much of the infrastructure in the City’s public realm has been purposefully designed or embellished by an artist, or has been created in a commemorative or monumental style. While not included in the City Collection, these elements are important City assets and often represent valued contributions to the history and civic design of the City. PACD will work with other City departments whenever possible to support the care and conservation of these items.

- **Artist-Designed Infrastructure:** Elements of functional city infrastructure that have been purposefully designed or embellished by an artist.
- **Non-Monumental Markers:** Signs or other markers, which may be done in a commemorative style, whose purpose is to convey information, recognize donors, honor community contributions, or dedicate assets/infrastructure.
IV. Permitted Placements

Limited-Term and Temporary Art may be permitted to be placed on City property for a set period of time. These works may be implemented by the City or may be sponsored by an artist or external organization with the City’s approval.

- **Limited-Term Art**: Limited-term artworks are those intended to be on display for a limited term of one to several years. These commonly include asphalt art or other murals where traffic and weather can be expected to cause increasing wear to the artwork. These works require Art Commission approval, any necessary permits from DPW and/or DOMI, and may require a legal agreement and approval of City Council.
  - **City Sponsored Limited-Term Art**: Those artworks implemented by the City will not be considered part of the City Collection. At its discretion, the City may accept the loan of Limited-Term Art.
  - **Exterrnally Sponsored Limited-Term Art**: In those instances where an artist or external organization sponsors the artwork, the work will not be donated to the City.

- **Temporary Art**: Temporary artworks are those intended to be on display for less than one year. These commonly include asphalt art, vinyl graphics or other adhesives, lighting displays, or textile art. These works require review by PACD and any necessary permits from DPW and/or DOMI, and may require a legal agreement and approval of City Council.
  - **City Sponsored Temporary Art**: Those artworks implemented by the City will not be considered part of the City Collection. At its discretion, the City may accept the loan of Temporary Art.
  - **Exterrnally Sponsored Temporary Art**: In those instances where an artist or external organization sponsors the artwork, the work will not be donated to the City.
  - Temporary works may involve a program of revolving content, wherein the overall structure of the work remains constant but images, text, or other content within it changes periodically. All iterations must be submitted to and approved by PACD prior to installation.

The City reserves the right to control what is depicted on City-owned property or in the City right-of-way. Limited-Term or Temporary Art may not contain speech or imagery that includes or promotes hate speech or is otherwise representative of values and/or narratives which are harmful to the mission or goals of the City of Pittsburgh.

No installation may be allowed to degrade to an unsightly condition. If maintenance beyond the approved plan is deemed necessary by the Art Commission or PACD to maintain the quality of the artwork, and the sponsor is unable to perform this maintenance, the sponsor must enact the removal process immediately, within the time frame set by the Art Commission or PACD. Otherwise, the sponsor will be expected to remove the work according to the timeframe set in the permit.

In cases where a Limited-Term or Temporary Art installation has been seen as successful by the community and all necessary maintenance has been performed in a timely manner, approval may be sought for an extension. The sponsor must seek this approval no later than two months prior to the end of the original permit period. This will entail approval from the Art Commission, an extension of permits from DPW and/or DOMI, a revised plan approved by PACD, and if applicable, an amendment to the written legal agreement and authorization by City Council. An extension of the term will require that either 1) the materials used have not degraded and are not anticipated to degrade during the extension period, or 2) the materials will be replaced with a more durable version.