

## Deaccession Guidelines: City of Portland and Multnomah County

Revised 2021

### Background

When the Metropolitan Arts Commission (MAC) was formed in 1973, artwork owned by both the City of Portland and Multnomah County, including historical and memorial statuary deemed to be fine art, became the responsibility of MAC. Works of art have also been acquired through the Comprehensive Employment and Training Act (CETA), donations, and the Percent for Art Program. In 1995, when MAC became a non-profit agency, the Regional Arts & Culture Council (RACC), this responsibility continued via contracts between RACC and the City of Portland and Multnomah County. RACC is the agency that has been tasked with building these Public Art Collections and overseeing their maintenance and conservation. When necessary, RACC also oversees the removal of artworks from the Public Art Collections – this process is referred to as “deaccessioning”.

### Policy

While it is regrettable, occasionally it is necessary to remove an artwork from the collection. Deaccessioning is the formal procedure by which an artwork is permanently withdrawn from the Public Art Collection. The deaccession of artwork will be considered only after a careful and thorough evaluation. In general, deaccession will only be considered ten years after accession or if there are extraordinary conditions. Every attempt will be made to notify the artist and donor when applicable. Final approval for deaccession is made by the Public Art Committee or by the RACC Board on recommendation from the Public Art Committee (PAC) if the value of the artwork exceeds \$10,000.

### Criteria for Deaccessioning

A work of art may be deaccessioned for one or more of the following reasons:

1. A work is not or is rarely on display for lack of a suitable site.
2. The condition or security of the artwork cannot be reasonably guaranteed.

3. The artwork has been damaged or has deteriorated and the cost of repair is disproportionate to the value of the artwork as determined by RACC staff or by an appraiser as the situation dictates.
4. The artwork endangers public safety.
5. The location of a site-specific artwork is so severely altered that the work's installation is no longer physically possible or conceptually relevant.
6. The artwork is significantly incompatible or inferior in the context of the collection.
7. The City/County chooses to replace the artwork with a work of more significance by the same artist.
8. There has been sustained and overwhelming public objection to the artwork over a two-year period. This can include regular social justice-oriented graffiti, vandalism, or defacement.
9. The property on which a site-specific artwork is located is no longer owned by the City of Portland or Multnomah County.
10. The artwork has been stolen or destroyed.
11. The subject or impact of an artwork is significantly at odds with values of antiracism, equity, inclusion.<sup>1</sup>
12. The artwork is an ongoing rally point for gatherings centered on racist or bigoted ideology.
13. Artwork does not support RACC's Mission Statement.

## **Murals**

Murals approved through the Murals Program will be deaccessioned upon the termination of the Art Easement. If the Easement is terminated exclusively on the initiative of the property owner, the deaccession is exempt from the deaccession criteria and does not require approval. If RACC proposes the termination the Easement, then the requirements for deaccession stated in this policy must be met.

## **Monuments**

The Public Art Collection has the power to create spaces that are inclusive and welcoming to all the communities living in the city. Conversely, public art in the form of historic monuments and memorials in these spaces frequently depicts figures or events seen through the lens of privilege, failing to recognize the nuance of history that contains dispossession, enslavement, and discrimination. The legacy of the people or events depicted can change over time and it is therefore imperative that these artworks be regularly reevaluated, taking into account new information that comes to light during research or based on the evolution of a changing community. Monuments and memorials may be considered for deaccession based on careful and in-depth evaluation of the artwork and are subject to the criteria stated above. A review plan will be written and agreed to by all parties at the outset of a

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<sup>1</sup> Additional resource: [City of Portland's Core Values \(Resolution 37492\)](#)

review that identifies affected parties; outlines roles, responsibilities, and decision making; identifies the spectrum of the community to be engaged; and defines community feedback.

Review Criteria:

1. Research the subject of the artwork, the artist, and the donor if applicable.
  - a. Are any of these elements at odds with the values of antiracism, equity, and inclusion
  - b. Is the artwork an ongoing rally point for gatherings centered on racist or bigoted ideology?
2. Owner provides research on the means of acquisition and any legal restrictions.
3. Evaluate community feedback, both historic and current, as defined in the review plan.
4. Center those most impacted in the recommendation for deaccession and removal.

## Disposition

The PAC is responsible for determining the final disposition of a deaccessioned artwork, taking into account the reason for deaccessioning, and the materials and scope. The following actions may be considered:

1. Exchange:
  - An exchange may be made with the artist, a gallery, museum, or other institution for one or more artwork(s) of comparable value by the same artist. The artist will be given the first opportunity to exchange the artwork. Any artwork that is accessioned into the collection through an exchange is subject to the accessioning criteria outlined in the RACC Collections Management Policy.
2. Transfer:
  - The artwork, or any part of the artwork, can be donated to the artist, the original donor, a non-profit organization, a conservator for educational purposes, or, in the case of site-specific artwork, to the owner of the property on which the artwork is installed.
  - The work may be sold through auction, gallery resale, or direct bidding by individuals, in compliance with City and County law and policies governing surplus property.
  - Proceeds from the sale of an artwork will be deposited in the Public Art Trust Fund departmental account from which the original purchase was made if acquired through the Percent for Art Program.
  - Funds from the sale of donations will go into the Public Art Trust Fund for future undesignated projects. Any pre-existing contractual agreements between the artist or donor and the City or County regarding transfer of ownership will be honored.

3. Destruction:

- An artwork may be destroyed when it has deteriorated or been damaged and the cost of repair is disproportionate to the value. Options for recycling will be pursued when possible.

## Procedure\*

1. RACC staff is responsible for recommending artworks for deaccession and should first determine if there are any possible barriers, legal or otherwise, that stand in the way of either deaccession or disposition. The artist, City Attorney/County legal staff, and the appropriate City/County bureau will be consulted if necessary.
2. A Deaccessioning Subcommittee of the PAC will be appointed as needed. This subcommittee will consist of four members of the PAC and an art conservator or curator. Representatives of the City or County will be included as the situation requires. In the case of monuments, the subcommittee will develop and oversee a review plan as stated above.
3. RACC staff presents the deaccession candidates and the findings of the subcommittee to the PAC. The PAC will either approve or reject the recommendation for deaccession and disposition, or, in the case of artwork valued above \$10,000 and under \$150,000, forward it to the RACC Board for final approval.
4. The deaccession of artwork valued above \$10,000 is approved or rejected by the RACC Board. Final approval for artwork valued above \$150,000 may be determined by the owner.
5. If approved, RACC staff will proceed with the final disposition as approved by the PAC.
6. Staff will record the deaccession process with a Deaccession Worksheet. The worksheet and all other related documentation will be permanently retained by RACC regardless of the outcome of the recommendation for deaccession.

\*Procedure for monuments and memorials will depend upon the review plan as outlined above.



## Donation Guidelines: City of Portland and Multnomah County Revised 2021

### Background

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### Policy

It is the responsibility of RACC, on behalf of the City of Portland and Multnomah County, to provide and approve all aspects related to the acceptance of public art. RACC and the PAC review and approve the acceptance of donations into the Public Art Collection based on the stated accessioning criteria. The RACC Board of Directors makes the final approval of donations of a value of \$10,000 or more.

### Types of Donations

#### A. Existing Works of Art

- Portable - works of a scale appropriate for rotation through public spaces owned by the City of Portland or Multnomah County.
- Non-Portable - works of a scale larger than would be appropriate for the Portable Works Collection and that require a permanent site, including monuments, memorials, and site-specific artwork.

**B. Commissioned Works of Art:** Works of art that are specifically commissioned as gifts to the City of Portland or Multnomah County and are usually designed for a specific site. Commissioned artwork

donated to the City or County by bequest must include provisions for the administration of the commission.

- Maintenance Provisions: maintenance needs to be a primary consideration, with adequate provision made for ongoing care. If applicable, the donor will provide RACC with detailed instructions for the work(s) of art and a mutually agreed-upon sum for costs of future care as determined by the PAC and RACC.

**C. Requests to the Public Art Trust Fund:** Requests to the Public Art Trust Fund can vary in scope from being general gifts of unspecified use to gifts that are of a specified scope. As an example, the sponsor could stipulate that the bequest be used to purchase portable works by Native American artists. Requests to the Public Art Trust Fund are strongly encouraged and are reviewed by PAC and RACC on a case-by-case basis.

## Criteria for Accessioning Artwork

- Artwork is consistent with the Scope of the Collection and the Public Art Collection Statement of Purpose (see Collections Management Policy).
- The artwork is compatible with RACC's Mission Statement.
- Artwork is of exceptional quality and enduring value as judged by the PAC and RACC.
- Artwork has importance/significance within the context of the artist's work and the collection as a whole.
- The artwork is not at odds with the values of antiracism, equity, and inclusion.<sup>2</sup>
- Permanently sited artwork considers the architectural, historical, geographical and/or socio-cultural context of the site.

### Technical Criteria

- Title and exhibition criteria for donations must be unrestricted.
- Existing artwork must have provenance information establishing clear title.
- Provisions for installation and future maintenance, as determined by the PAC and RACC, must be satisfied.
- As applicable, the artwork must meet City structural, building, right-of-way, electrical, and other codes for safety.
- As applicable, the artwork must meet Federal Americans with Disabilities Act requirements.
- Artwork must be in stable condition.
- There must be adequate storage space and appropriate exhibition venues for the artwork.

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<sup>1</sup> Additional resource: [City of Portland's Core Values \(Resolution 37492\)](#)

## Monuments and Memorials

While appropriate monuments and memorials can enrich public spaces, careful consideration is given to the subject of the artwork and its impact on the diverse communities of Portland. The history of individuals and events is nuanced and care should be taken in evaluating the impact on non-privileged communities that have suffered from racism, bigotry, and discrimination. Monument and memorial proposals should align with the values of antiracism, equity, inclusion, and be mindful of future generations.

### Additional Criteria for Review:

- A comprehensive review of the background of both the subject of the artwork and the artist should be provided by the donor.
- Community support: the donor has identified and engaged with racial, ethnic, or other marginalized communities most affected by the proposed artwork and artist. The donor should be able to demonstrate support from these groups, as well as support from the surrounding neighborhood and adjacent businesses of the proposed site if applicable.

## Procedure

RACC staff has the authority to set procedures. Steps taken typically include:

### Existing Works of Art

#### 1. Initial Contact with RACC

Donor sends photographs of work(s) of art to RACC along with the name of the artist, medium, size, date of creation, an estimated fair market value of the work(s).

In the case of non-portable works, if the donor has identified a specific site for the placement of the artwork(s) that it wishes to have considered, information about the site and the work of art in relation to the site should also be included in these materials. Any site which is suggested for a Portland Park must go through the review process set by the Parks Planning section.

*Note:* Values of antiracism, equity, and inclusion are paramount when considering the artwork and the proposed site. The review criteria for Monuments and Memorials stated above should be considered.

#### 2. RACC Staff Review

RACC staff conducts an initial review and declines the donation or forwards the offer to the Public Art Committee. RACC staff may also recommend necessary provisions for the future maintenance of the artwork.

*Note:* Unless otherwise agreed upon, works of art should be ready for installation. Two-dimensional works should be framed with archival materials and three-dimensional works should have an appropriate hanging apparatus.

For tax purposes, if the fair market value of the artwork exceeds \$5,000, a professional appraisal may also be required.

3. Review by Public Art Committee (PAC)

The PAC reviews the submitted material and may ask to see the actual work of art to give it further consideration. In the case of donations of a value over \$10,000, the PAC will either decline the donation or forward the recommendation to the RACC Board of Directors. If the PAC approves acceptance of the work of art, it will review any suggested sites for non-portable artwork. If no site has been suggested or the proposed site is rejected, the PAC may suggest suitable locations for placement. Final placement is at the discretion of RACC staff. The PAC may also make a recommendation about provisions for future maintenance.

4. Review by the RACC Board of Directors

The RACC Board will review the PAC recommendation for acceptance of artwork over the value of \$10,000 and will either approve or decline the donation. Final approval will not be granted until provisions for future maintenance as agreed upon by RACC Staff and the PAC have been satisfied.

5. RACC staff will determine if the donation will go to the City of Portland or Multnomah County. If applicable, the donation will be accepted by City or County ordinance.

6. A Deed of Gift must be signed by the donor and the RACC Executive Director signifying the transfer of title to the City of Portland or Multnomah County. In addition, the donor must complete a Conservation Record Form which contains detailed maintenance instructions for the work of art.

## **Commissioned Works of Art**

1. Initial contact with RACC

The sponsor should submit a written proposal to RACC which includes such information as the concept and the process for selection of the artist(s) and site, the medium, time frame, and a budget proposal. If the sponsor has not chosen an artist, the RACC staff will meet with the sponsor to



discuss the artist/artwork selection process. Staff may offer to help or suggest the donor hire a consultant or advisory committee to assist with selection procedures and technical, maintenance, budgetary, and aesthetic issues. In the case of Monuments and Memorials, the sponsor should refer to the review criteria stated above. *See methods for artist selection described below.*

Typically sponsors who come to RACC early in their process and keep RACC staff advised of progress have a greater rate of acceptance than those who have not. Sponsors of gifts are strongly encouraged not to select specific designs prior to the approval of the proposed concept and site. If the proposed site is under the jurisdiction of any other City or County bureau, such as the Bureau of Parks and Recreation, that bureau should also be contacted at this preliminary point and the project must simultaneously go through any review process set forth by that bureau.

*Note:* Bequests for commissioning works of art must include provisions for the administration of the commission as well as the future maintenance of the work of art as determined by the PAC and RACC.

2. Review of the proposal by RACC

RACC staff conducts an initial review of the materials and either declines the offer or forwards it to the PAC.

3. Review of the concept by PAC

The PAC will review the submitted proposal and will either approve or decline the concept of the proposed artwork(s). If approved, the PAC will begin to outline provisions for the future maintenance of the work of art.

*Note:* Members of the affected City or County Bureau will be consulted throughout the decision-making process.

4. Review of the design by PAC

When a site, artist(s), and a specific design have been chosen, a model and/or scale representation of the design must be presented to PAC for review. The PAC will review the design and will either forward a recommendation for approval to the RACC Board or will deny the donation. If approved, the final recommendation for provisions of future maintenance will be included.

*Note:* If in the development and execution of the project, the concept or aesthetics of the work is substantially changed, the concept and design should be re-approved before the work will be considered for final acceptance.

5. Review and acceptance of the completed work of art by the PAC and RACC

The artwork is created. Final acceptance and accession into the public art collection will be approved by RACC and the PAC when they have determined that the final artwork is consistent with the

approved concept and design. The donor or artist must also supply RACC with detailed maintenance instructions for the work of art.

6. Acceptance by City or County Ordinance if applicable.

## **Selection of Artists**

An artist is considered to be a practitioner in the visual arts who generally recognized by peers and adjacent arts and cultural communities.

Any of the following methods of selecting an artist(s) are possible, although they are not exclusive.

- **Open Competition:** A request for proposal is widely distributed inviting artists to submit their qualifications and images of past work. When the selection is narrowed to a few finalists, it is desirable to commission the artists will be paid to produce a proposal of the artwork's concept and design, the construction of the artwork, and placement at the site. A final decision is made after review of the proposal.
- **Invitation:** One or more artists are invited to submit images and qualifications. If finalists are chosen, it is desirable to commission them to produce a proposal of the artwork's concept and design, the construction of the artwork, and placement at the site.
- **Direct Purchase:** A completed work of art is selected for the site.

The sponsor should enter into a written contract with the final selected artist(s). The Regional Arts & Culture Council can assist in the drafting of a contract.

## **Term Definitions**

**Accession** – The act of adding an artwork to the permanent collection.

**Anti-racism** – A belief or practice that recognizes pervasive racism in society, and actively combats racial prejudice and discrimination in order to promote racial justice and equality.

**Art Easement** – The right to place public art on the property of another.

**Artist** – A practitioner in the visual arts generally recognized by peers and adjacent arts and cultural communities.

**Artwork** – All forms of art conceived in any discipline or medium, including visual, performance, literary, media, and temporary works.

**Bequest** – A gift or donation made through a will.

**Bigoted ideology** - a belief, opinion, or faction devoted to prejudice against a person or people based on their membership of a particular group.

**Collections Management** – The process of managing the information and disposition of all objects for which RACC has permanently or temporarily assumed responsibility. This includes developing, maintaining, and enforcing collections policies and procedures that address the care, handling, placement, and storage of artwork.

**Conservation** – The repair of damaged or deteriorating artwork in a way that maximizes endurance with as little change to the object as possible. Treatment performed by a conservator can typically be undone if necessary. As opposed to **restoration** which refers to treatment that returns the artwork to a known or assumed state, often by the addition of non-original material.

**Deaccession** – The formal removal of accessioned artwork from the permanent collection.

**Disposition** – The ultimate method of disposal of a deaccessioned artwork. This can be done through sale, trade, donation, or destruction.

**Diversity** - The quality or state of having many different forms, types, ideas, etc.; the state of having people who are of different races, ages, who have different cultures, or who are from different geographical locations in a group.

**Donation** – An artwork or sum of money given willingly and without compensation.

**Equity** – Equity addresses the historic, institutional systems that create oppression based on identity. We strive to use an intersectional approach to transform historic power dynamics for accountable systemic change based on the principles of humanity, justice, and belonging.

**Inventory** – The process of checking the physical location of an artwork against the location record. Inventory is also a method of surveying the physical condition of artwork in the collection.

**Loan** – (1) Outgoing: a work of art lent to a City or County bureau for exhibition in an approved public space. Artwork may also be lent to outside organizations for special exhibition at their expense.  
(2) Incoming: a work of art borrowed by RACC for exhibition purposes at RACC’s expense.

**Inclusion** - The active practice of sharing power with traditionally excluded individuals or groups in processes, activities, and decision or policy making.

**Maintenance** – Regular routine inspection and care of an artwork carried out by a trained technician.

**Monument/memorial** - a statue, building, or other structure erected to commemorate a famous or notable person or event; a structure intended to commemorate someone or something.

**Mural** – A large-scale painting or other work of art executed directly on or attached to a wall.

**Percent for Art** – A percentage of capital construction costs for public buildings mandated by City and County ordinances to be set aside for art.

**Provenance** – The history of ownership of an artwork.

**Public Art** – Original works of art that are accessible to the public and which may possess functional as well as aesthetic qualities, regardless of accession into the public art collection.

**Public Art Collection** – All accessioned works of art owned by the City of Portland and/or Multnomah County.

**Public Art Murals Program** – The program adopted by the City of Portland in 2005 expanded RACC’s public art program to include reviewing submissions for public art murals to be placed on publicly accessible walls and administered by RACC. Refer to the *Public Art Murals Program As Adopted Report* and the *Public Art Murals Program Guidelines and Application*.

**Public Art Staff** – The staff person(s) hired by RACC to oversee the development and execution of Public Art programs and the public art collection.

**Public Art Trust Fund** – The RACC fund that receives all Percent for Art monetary contributions derived from improvement projects and public art funds from other sources.

**Rotation (of Artwork)** – Moving artwork to multiple locations over a period of time for the purpose of exhibition.

**Site-specific** – Artwork specifically designed for and permanently installed in a particular location.

**Selection Panel** – A panel appointed by RACC responsible for the artist selection, reviewing proposed works of art, and recommending to the PAC and to RACC specific expenditures for Percent for Art funds for each project.

**Work of Art** – see Artwork.