

ArtCare

Collections Management Policy for
Washington's State Art Collection

Art in Public Places



WASHINGTON STATE
ARTS COMMISSION

Updates

- Adopted February 2006 with Board approval for Deaccession and Gifts and Transfers sections
- Revised September 2006
- Approved in its entirety by the Board February 1, 2011
- Revised with changes to Deaccession section May 7, 2013
- General revisions not requiring Board approval June 2013
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INTRODUCTION

Statement of Purpose and Authority

To preserve the State’s investment, the State Art Collection (Collection) requires dedicated resources for its ongoing care, including resources for conservation and maintenance.

ArtCare guides the management of the Collection. This living document was adopted in February 2006 and is updated regularly.

Artworks in the Collection are held by partner agencies—state agencies, K-12 public schools, universities, colleges, community colleges, and other public entities—working with the Washington State Arts Commission (ArtsWA) Art in Public Places program under the terms of an Interagency Agreement.¹ Development, administration, and management of the Collection are carried out by ArtsWA.²

ArtsWA is authorized by the Revised Code of Washington (RCW) 43.46.040 to adopt rules (Washington Administrative Code or WAC) and to administer the Art in Public Places program (RCW 43.46.090). The WAC is intended to implement RCW 43.46.090, 43.46.095, 43.17.200, 43.17.205, 43.17.210, 43.19.455, 28A.335.210, 28B.10.025, and 28B.10.027.³ WAC related to ArtsWA’s Art in Public Places program were revised in 2010 and 2018. Under the authority established in the RCWs, ArtsWA develops, inventories, maintains, and presents the Collection to the public.⁴

Staff has the authority and responsibility to implement all aspects of *ArtCare* and related day-to-day decisions. The Executive Director is responsible for the overall realization of *ArtCare*. Policy-level revisions require Board approval.⁵ Staff may clarify or make grammatical changes to existing sections of *ArtCare* or update timely information, such as Strategic Plan excerpts, without Board approval.

Strategic Direction - Art in Public Places

Overview

In establishing ArtsWA, the Legislature recognized that developing and conserving the state’s artistic resources is essential to the social, educational, and economic growth of the state. Legislation establishing and authorizing ArtsWA (RCW 43.46.005) asserts that “Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of the state, and are an appropriate matter of concern to the government of the state of Washington.”

Mission and vision⁶

Mission

The Washington State Arts Commission is a catalyst for the arts, advancing the role of the arts in the lives of individuals and communities throughout the state.

Vision

The arts thrive and are celebrated throughout Washington State, and are woven into the fabric of vital and vibrant communities.

Strategic Plan excerpts

The Art in Public Places program and Collection are central to ArtsWA's 2017-2021 Strategic Plan. The Strategic Plan focuses on five goals. Goal 3 addresses the Collection.

Goal 3 – Activate and enhance public buildings and campuses through the acquisition, stewardship, and presentation of the State Art Collection.

Objective 1 – Deepen community engagement with the State Art Collection.

Objective 2 – Improve long-term care and conservation of the State Art Collection.

Objective 3 – Develop the web-based presentation of the State Art Collection through My Public Art Portal.

Objective 4 – Maintain clear acquisition and collection care policies and practices in order to acquire enduring public art for Washington's public schools, colleges, universities, and state agencies.

About the State Art Collection

Scope and description

The Collection consists of artwork and select design models commissioned or purchased under authority of state law (RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455). Artworks are placed where Washingtonians study, work, and gather.

The Collection includes two- and three-dimensional, freestanding, and integrated artworks.⁷ Artworks by artists from Washington State and beyond are acquired by both commission and purchase. The Collection includes works by such notable Washington State artists as Kenneth Callahan, Gloria Crouse, William Ivey, Fay Jones, Jacob Lawrence, Gerald Bruce (subiyay) Miller, Mary Randlett, and George Tsutakawa. It includes works by artists significant to our national heritage, such as Rudy Autio, Louise Bourgeois, and Joan Brown. Nearly all artworks in the Collection have been acquired during the lifetime of the artist.

The ArtsWA Art in Public Places program is responsible for the development, administration, and management of the Collection.⁸ Funding for the acquisition of most artworks is generated by state-funded construction of any new building or additions to an existing building or structure except for

highway construction sheds, warehouses, or other temporary buildings. In addition, funding for public art is generated by any renovation or remodel work exceeding \$200,000 at colleges and universities.⁹ Funding is calculated at one-half of 1 percent for such projects.¹⁰

Collection history

The first artwork in the Collection was commissioned from artist Ken Lundemo (Seabeck, Washington) in 1975 for Poulsbo Elementary in the North Kitsap School District. That year, 28 artworks by 20 artists were added to the Collection. Artwork acquisitions—both purchases and commissions—continued to grow through the remainder of the 1970s, averaging 100 artworks per year in the first 5 years.

During the 1980s and 1990s, in addition to ongoing commissions and purchases of artwork, ArtsWA initiated three traveling exhibitions to K-12 public schools: *Beyond Blue Mountains* (1984-85), *Who We Are: Autobiographies in Art* (1990), and *Multiples: The Sciences and Art* (1991). ArtsWA published school workbooks to accompany the exhibitions.

In 1995, ArtsWA collaborated on a pilot project with the state Department of Corrections to fabricate artist-designed works in limited editions for placement in public schools. The Limited Edition Artists Design (LEAD) project resulted in six artwork designs selected by public schools for acquisition during the 1997-1999 biennium.

For nearly three decades, the Collection grew quickly, averaging 173 artworks added annually through 2002. This rate proved unsustainable in terms of maintenance, conservation, and restoration and, in 2003, ArtsWA purposefully slowed the growth of the Collection to ensure better stewardship. The primary focus of artwork acquisitions centered on site-responsive commissions. A small number of artwork purchases were restructured, with the introduction of Curated Collections¹¹ and the pooling of small public school artwork allocations.¹² These initiatives further reduced the number of small works purchased and increased the quality of presentation and placement. From 2003 through 2015, ArtsWA acquired about 50 artworks annually.

In 2005, staff implemented a 2004 directive from the state Department of Corrections to place artwork funded by corrections' construction projects in communities rather than within corrections centers.¹³ Revisions to RCW 28A.335.210, 28B.10.027, and 43.17.200 enacted through House Bill 2188 in the same year allowed a portion of artwork allocations to be used for conservation of the growing Collection.¹⁴ Provisos replicated in each subsequent Capital Budget specify how that funding may be used. A comprehensive approach to re-site returned artworks to new permanent homes was implemented in 2009.¹⁵ In addition, staff implemented a conservation review process for artwork acquisitions to ensure the use of durable materials and appropriate fabrication and installation techniques.¹⁶

In 2010, the conservation review process was augmented by the publication of the *Materials and Fabrication Handbook*¹⁷ for artists and the Curator Roster was established to support Curated Collections. In 2011, all K-12 public school artwork allocations were pooled for the first time, requiring eligible K-12 public schools to apply for fully-funded artwork acquisitions.¹⁸

Starting with the 2015-2017 Capital Budget, the Legislature allowed higher education institutions to expend up to 10% of their projected art allocations for project design in order to more fully integrate artworks into building design.¹⁹

Collections management history

The first inventory of the Collection was conducted in 1990 by ArtsWA fiscal office staff. Subsequent inventories were conducted in 1993, 1996, 1997, 1999, 2002, and 2004. In 2006, staff introduced an inventory cycle to document one-third of the Collection every year in an effort to better identify and address artwork damage and loss. Portions of the Collection to be inventoried were designated by county. Until 2008, inventories were completed via hard-copy forms mailed to artwork sites. ArtsWA conducted the first online inventory in 2008, still based inventorying artwork by county. In 2011, staff conducted an online inventory based on location records more than 3 years old, rather than by county, which ensures that partner agencies not responding in one year will be asked to complete the inventory again the next (and every year until it has been done).

In fiscal year 1994, when the Collection was 20 years old, ArtsWA began committing \$25,000 annually from General Fund monies for artwork conservation and restoration. The 2005-2007 Capital Budget²⁰ and changes to public art authorizing legislation²¹ first allowed for \$100,000 per biennium in artwork acquisition funds to be used to contract for services to conserve or maintain artwork in the Collection. To implement the new conservation funding provisions and to guide the care of the Collection, staff introduced *ArtCare*. Given anticipated construction projects, staff determined that allocating 3 percent of artwork acquisition budgets for conservation would generate approximately the allowable conservation funding. Funding for conservation projects was first collected in fiscal year 2007, with expenditures beginning in 2008. ArtsWA committed additional conservation funding as available. The conservation proviso was revised starting with the 2007-2009 Capital Budget to remove the language requiring contracting for services. Beginning in July 2013, 5 percent of artwork acquisition budgets was set aside for conservation.

The Collections Manager position was established in 1999, when the Collection was 30 years old and included more than 4,400 artworks. This position has continued since that time, though sometimes at a part-time status. In 2007, a half-time conservation technician position was established to strengthen stewardship and capacity of ArtsWA to conduct artwork conservation and maintenance projects. The position was made full-time in March 2012.

The first artwork deaccessions from the Collection occurred in 1990. Deaccession action has proceeded sporadically since then, typically reflecting information gathered from inventories, as well

as the age of the Collection and the increase in construction projects affecting sites where artworks are located.

In January 2015, ArtsWA launched My Public Art Portal with information and images for about 600 artworks, including all those acquired after 2004. ArtsWA received a competitive grant from the Office the Chief Information Officer for the 2015-2017 biennium dedicated to expanding the Portal. Portal staff were hired in early 2016 to develop content, improve the system, and visit and document all artworks. Ongoing Portal work was funded through ArtsWA's State General Fund appropriation for the 2017-2019 biennium, which covered content development and system oversight, but not in situ documentation of artworks.

At ArtsWA's request, the conservation funding cap was increased in the 2017-2019 Capital Budget. The cap went from \$100,000 to \$150,000 per biennium, increasing ArtsWA's capacity for contracting for conservation services.²²

ACQUISITION

Process

ArtCare does not address art selection processes. The RCW, WAC, and Art in Public Places program guidelines govern the selection of artists and the processes for acquiring artwork for the Collection.²³ Artworks enter the public environment through a careful process facilitated by staff, informed by professional judgment, and approved by representatives of partner agencies.

Gifts and Transfers

ArtsWA does not accept gifts or transfers of artwork to the Collection.²⁴ The Collection consists only of artwork and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455.²⁵

CARE OF THE COLLECTION

Maintenance and Stewardship

Stewardship of artwork in the Collection is the responsibility of ArtsWA and its partner agencies. Care of the artwork and its surroundings must consider the physical condition of the artwork; the intentions of the principal partners in the acquisition, including the artist, partner agency, and ArtsWA; and stewardship terms as set out in Interagency Agreements and acquisition contracts.²⁶

Partner agencies are responsible for all artwork maintenance, both routine and special, as specified by staff or by the artist. Routine and special maintenance may include maintenance of the environment surrounding the artwork, in addition to maintenance of the artwork itself. Maintenance requirements are detailed in Technical and Maintenance Records, Detailed Artwork Reports, and/or supplemental materials provided by ArtsWA after the artwork is installed. All costs associated with maintenance are the responsibility of the partner agency.²⁷ As outlined in the Interagency Agreement, ArtsWA relies on regularly scheduled inventories and on the leadership, participation, and reporting of partner agencies in identifying artwork damage and safety issues as they occur.²⁸

At the close of the artwork acquisition and through regular inventory efforts, staff provide the partner agency with documentation about the acquisition, care, and maintenance of the artwork. In addition to its responsibilities for routine and special maintenance and reporting, the partner agency is responsible for retaining all records related to the artwork. These records are supplemental to ArtsWA records.

Staff may provide training on artwork care as needed or at the request of the partner agency.

Artwork Handling

Storage standards

Artworks in the Collection are intended to be on permanent display and not in storage. Artwork is typically placed in storage while waiting for re-siting, conservation, or restoration. Under the direction of staff, a partner agency may store an artwork at its facilities, in ArtsWA offices or workspace, or in third-party, off-site storage. Storage that is managed by art handling professionals and has a climate controlled environment, as well as substantial security system, is preferred, but factors such as cost, artwork size, and vulnerability will be considered by staff before artwork storage is finalized.

Handling

Preferably, only staff trained in professional standards handle or supervise handling of artwork in the Collection. Addendum II “Conservation and Art Handling” of the ArtsWA *Accident Prevention*

Plan includes information about artwork handling issues related to the safety of personnel. Staff follow the *Accident Prevention Plan* when handling artwork.

Condition reporting

Staff examine the condition of an artwork when it arrives at ArtsWA offices. Artwork condition is also documented when an artwork is removed from ArtsWA offices. Staff may also examine the condition of an artwork when it is on-site under the day-to-day care of the partner agency. ArtsWA may ask partner agencies to evaluate the condition of an artwork when it is scheduled for outgoing loan and at any time. Partner agencies also evaluate the basic condition of their artwork and report that information to ArtsWA through the inventory process. Condition examination reports and corresponding digital images are entered into the ArtsWA electronic database system.

Inventory²⁹

Overview

As part of their stewardship of the Collection, partner agencies are responsible for participating in regularly-scheduled inventories, conducted by ArtsWA. Inventories ensure that artwork records are up-to-date and help maintain an overview of the Collection. Inventories are necessary to:

- Determine the physical condition and confirm the current location of artwork in the Collection
- Set priorities for conservation and restoration
- Evaluate effectiveness of documentation, labeling, cataloguing, and other methods of record keeping.

Procedure

Staff implement regularly scheduled inventories based on the *State Administrative and Accounting Manual*.³⁰ Staff report overall inventory results through performance measures to the Office of Financial Management annually.

In 2011, staff began inventorying artworks with location confirmation dates more than 3 years old at all partner agencies. Information gathered through the inventory process includes the artwork's location; a summary of its condition using the best judgment of the partner agency; and anticipated construction that could impact the artwork.

Staff evaluate and determine appropriate actions based on inventory responses from partner agencies. Actions may include examination, re-siting, conservation, restoration, or deaccession. Costs for these actions are typically borne by ArtsWA, but may also be negotiated. For example:

Reports of damage: Staff may require photographic documentation or a police report from the partner agency. Staff may ask the artist or other qualified arts professional to examine the artwork condition to determine if it is repairable and at what cost.

Reports of missing artwork: Staff will collaborate with partner agencies to conduct a thorough search, or document a previous search, and may request a property loss form, police report, or other formal report indicating that the artwork is no longer located at its intended partner agency or site. The property loss form asks for any information known or suspected about loss of the artwork.

Reports of construction: Staff follow up with partner agencies to ensure that impacts to artworks are included in construction plans. ArtsWA works with partner agencies to remove, store, and/or re-site affected artworks.

Conservation and Restoration

Responsibilities

ArtsWA is responsible for conserving and restoring artwork in the Collection, unless those actions are necessary due to changes or intentional or negligent damage caused by the partner agency.³¹ Conservation and restoration may be required to repair damaged or malfunctioning artworks to meet their original intent and function.³² Partner agencies and/or sites generally report damaged or malfunctioning artwork to ArtsWA, and this may initiate action by staff.

ArtsWA is responsible for ensuring that conservation or restoration is undertaken in accordance with appropriate professional standards. The ability of ArtsWA to conserve or restore artwork is contingent upon Legislative appropriations for this purpose.³³ Artworks selected for conservation or restoration will be prioritized for limited funding by using the “Priorities” subsection, below.

Staff coordinate conservation and restoration and may work directly with the artist, a selected conservation professional, or other vendor.³⁴ The terms of the contract under which the artwork was acquired will guide the specific course of action.

The partner agency must make the artwork available to the staff or its representatives for the purposes of examination, documentation, repair, conservation, and restoration.³⁵

Preventive conservation

For the Collection, preventive conservation means taking actions that minimize potential future conservation needs. Preventive conservation is recognized in the collections management field as the most desirable form of artwork conservation—it costs the least over the long-term and has the least invasive impact on the artwork. To increase preventive conservation of the Collection, ArtsWA implemented the following:

Materials and Fabrication Handbook: Published in 2010, the handbook provides information to artists about durable materials and preferred or required fabrication and installation methods. Based on consultations with conservators, experience with past Collection conservation projects, materials research, and fabrication experience, the handbook informs artists about the specific challenges artwork faces in the public environment and helps artists to mitigate those challenges through use of appropriate materials, design, fabrication, and installation techniques.

Conservation consultation and review: Artists are required to consult with a conservator (or conservation technician, as appropriate) selected by staff to evaluate artwork materials, placement, and fabrication; reversibility of artwork installation; future maintenance; and potential lifespan of the artwork.

Conservation consultation: A phone or in-person consultation takes place during the early concept and design phase of an artwork acquisition. The conservation professional concludes the consultation with a written summary. ArtsWA implemented the requirement for conservation consultation in 2010.³⁶

Conservation review: ArtsWA requires a formal assessment of an artist's draft final proposal.³⁷ Conservation reviews were first conducted in 2008 for select artwork commission proposals. In 2010, the process was implemented for all artwork commissions.

Acquisition contract scopes of work: Scopes of work for ArtsWA contracts specify detailed information about materials, fabrication, placement, and installation, determined through the proposal phase and informed by conservation consultation and review.

Extended artwork warranty periods: In 2008, the standard warranty period for newly commissioned artwork was increased from 1 year to 2 from the artwork acceptance date, with the option for staff to require longer warranty periods as needed.

Framing: Framing is managed with oversight from staff to ensure conservation-grade, durable methods of presentation.

Security installation methods: As appropriate, newly acquired and re-sited artworks must be installed using security hardware or secure mending plates to deter theft.

Artwork identification: Artworks must be marked with ArtsWA information and accession numbers. See "Marking" subsection of Documentation and Records, below.

Plaques with artist's statement: Commissioned artwork must include plaques bearing standard artwork identification and artist credit information. As of 2009, the plaques may also include interpretative information from the artist, including the site-responsive qualities of the artwork and

other information to promote understanding of the artwork.³⁸ In 2018, artist biographical information was added to replacement plaques for purchased artworks.

Final project documentation: Detailed information that notes the artist’s long-term intent for the artwork is required to support well-informed future conservation and maintenance decisions.³⁹ ArtsWA requires that artists submit “as built” information (including materials and material samples, as required) and fabrication and installation (including de-installation instructions) at the completion of a project. Expanded forms for final project documentation were first required of artists completing projects in 2010.

Agency-level inventory contacts: Since 2012, the artwork inventory has been conducted with a contact at the partner agency, rather than with site contacts. Through this process, partner agencies gain awareness of state-owned artwork located in facilities for which they are responsible and ArtsWA is better able to ensure that we are contacting current partner agency staff.

Funding

Sources

State construction funding and artwork acquisition allocations (Capital Budget): Fees assessed on each percent-for-art artwork allocation may be combined to fund artwork conservation and restoration.⁴⁰ The fee is assessed as a percentage and will fluctuate based on the total amount of funds generated from qualifying capital projects in any given biennium. staff determine the fee percentage and method of application at the beginning of each biennium. Per enacted Capital Budgets conservation fees expended may not exceed \$150,000 a biennium.

State operating budget (General Fund): The State General Fund may fund conservation and restoration. The Executive Director may, as part of the agency budgeting cycle, assign funds from this source.

Other sources: Third party sources—such as partner agency, private, or federal funding—may fund conservation and restoration in whole or in part, at the discretion of the Executive Director.

Services

Conservation funds will be used for costs directly related to the care of individual artworks and may include the following: conservation or restoration activities and materials, artwork examinations, staff-initiated routine or special maintenance activities and materials, replacement plaques, special conservation related projects (i.e. partner trainings), artwork documentation/photography, appraisals, artwork transportation, deaccession disposition, and fine art storage.⁴¹

Priorities⁴²

Conservation funds and collections care staffing levels are not adequate to meet the needs of the growing and aging Collection. Staff prioritize projects for available conservation and restoration funding. To best use available resources, staff takes the following factors into consideration when determining which artworks will receive conservation and/or restoration:

- Potential safety hazards or liabilities.
- An existing permanent site, an appropriate site to which to return the artwork, or the high potential for successful re-siting.
- Partner agency or site participation in conservation or restoration through matching or contributing funds or in-kind contributions.
- Opportunities created by site construction.
- Potential for significant deterioration and/or loss if conservation/restoration is delayed or denied.
- Potential for repairs to significantly increase artwork lifespan.
- Potential for conservation/restoration to be efficiently combined with repair of other artwork/s (e.g. geographic proximity creates travel efficiencies).
- The artwork is among a small number of surviving examples by an artist or of a style or period, especially within the Northwest region.
- Conservation/restoration supports ArtsWA's 2017-2021 Strategic Plan Crosscutting Objective.
- The artwork is unique in the Collection: it is neither duplicated nor substantially similar to other artworks in the Collection by the same artist.
- The artwork demonstrates artistic excellence as evidenced by:
 - Mastery of skills and techniques and/or
 - Communication of unique vision or perspective.

Capitalizing Assets

The Collection is held in the public trust for exhibition, education, and research, not for the state's financial gain. Therefore, ArtsWA does not capitalize artwork in the Collection.⁴³ However, staff may research and document artwork values for purposes such as deaccession or outgoing loans.

Insurance

ArtsWA does not carry an insurance policy to cover the Collection; the Collection is self-insured.⁴⁴ A partner agency may wish to insure artwork in its care.

Appraisals

Staff neither conduct appraisals nor authenticate artwork in the Collection. Staff may estimate value for artwork in the Collection for internal purposes and outgoing loans.

Staff determine when a professional appraisal is necessary and contracts for appraisal services. Staff will only select appraisers who demonstrate fine art expertise, have an appraisal designation from a recognized professional appraiser organization, and agree to adhere to the *Uniform Standards of Professional Appraisal Practice*, as published by The Appraisal Foundation⁴⁵.

Native American Graves Protection and Repatriation Act

As an agency that has received funding from the federal government, ArtsWA recognizes its responsibility to comply with Public Law 101-601, the Native American Graves Protection and Repatriation Act (NAGPRA)⁴⁶. Under this law, agencies are obligated to inventory and summarize all human remains, associated funerary objects, unassociated funerary objects, sacred objects, and cultural patrimony. If such objects are held by an agency, the agency is required to return the objects to the appropriate tribe, if indeed, the tribe desires their return.

As of this writing, staff is not aware of objects in the State Art Collection protected by NAGPRA.

DEACCESSION⁴⁷

ArtsWA is responsible for the deaccession or removal of artwork from the Collection. Deaccession and disposal are necessary parts of the management of the Collection. These actions help maintain its integrity.

Deaccession requires conscientious review and should reflect 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, should not be subject to changes in fashion and taste, and should represent professional judgment. Artwork may only be deaccessioned after consideration of the criteria for deaccession and appropriate approvals, as outlined below.

Review Criteria

ArtsWA will deaccession artworks from the Collection only if reasonable cause has been established by one or more of the following:

- The artwork has been lost or stolen.
- The artwork presents a safety hazard in its present condition.
- The artwork is beyond repair, because conservation or restoration of the artwork's structural or aesthetic integrity is either:
 - Technically infeasible.
 - Disproportionate to the value of the artwork.
- The artwork requires excessive maintenance that is disproportionate to its value and/or unsustainable.
- The environment or architectural support (on which a site-specific artwork depends) is to be, or has been, destroyed or modified such as to compromise the artist's intentions and/or re-siting is infeasible.
- The artwork was acquired without proper or full title transfer to ArtsWA or without necessary permissions secured by the artist.
- The artwork includes material subject to the Native American Graves Protection and Repatriation Act (NAGPRA).

Procedure

The deaccession process is initiated by reports from any source indicating an artwork meets one or more of the deaccession criteria. Staff may:

- Request written notification and photographs from the partner agency, when appropriate.
- Review the documentation and may request additional information or examination of the artwork's condition or situation, and/or conduct a site visit before proceeding with deaccession.
- Gather records as documentation of the deaccession, including related police reports, property loss forms, correspondence, and photographs.

At the recommendation of staff, the Executive Director has the authority to initiate immediate action that may lead to deaccession for purposes such as safety, liability, imminent construction, or other timely need. Such decisions must be ratified by the Board at its next meeting following the action.

In cases where immediate action need not be taken, staff convene a panel at the discretion of the Executive Director. The panel's membership may include Board members, outside experts in conservation and restoration, and/or other arts professionals and must include at least three voting (non-staff) members. The panel may be convened as a standing panel (with membership changed at the discretion of the Executive Director), or as a project-specific panel. Staff present artwork deaccession recommendations and related support materials to the panel. A simple majority of panel members must vote in favor of deaccession for the artwork to be recommended to the Board for deaccession.

Final authority to deaccession artwork rests with the Board. Deaccession recommendations may be presented to the Board at any of its meetings, at the discretion of the Executive Director and Board chair.

In order for a recommended deaccession to be carried out, all the following conditions must be met:

- A third-party appraisal is on file in the case of artwork of substantial cultural or market value, as determined by staff.
- An artist whose work is considered for deaccession has been notified in writing at the current address or if unknown, at the last address on file with the U.S. Copyright Office and any other authoritative address..
- Photographic documentation is on file where reasonably possible.

- A property loss form, police report, and/or equivalent information is on file in all deaccession cases based on loss or theft.
- Board approval of recommended deaccession.

Disposition

Pursuant to the authority of ArtsWA under RCW 43.17.210, 43.19.455, 28B.10.025, and 28A.335.210, staff determine the best means of disposal given the condition, materials, and scope of the artwork. The deaccession panel may be consulted. Staff must take steps to notify the artist.

Artwork recommended for deaccession may be removed in one or more of the following ways, listed here without preference:

Destruction: In the event the deaccessioned artwork has been damaged beyond repair, the artwork presents a safety hazard in its present condition, or the environment or architectural support is to be destroyed or modified such as to compromise the artist's intentions, and the artist will not be salvaging the artwork, staff may authorize that an artwork be disposed of.

Reconfiguration: In the event of damage or loss of part of an artwork, a deaccessioned work may be reconfigured. Reconfiguration may occur only in collaboration with the artist. The newly created work must receive a new accession number and be treated as a different artwork from the deaccessioned artwork.

Repatriation: The artwork or relevant part/s may be repatriated where legally required by NAGPRA.

Sale: ArtsWA primarily deaccessions artworks due to loss, major condition issues (the artwork no longer reflects the artist's intent), and loss of site, sale is unlikely to be an appropriate disposition method. If appropriate, the artwork may be sold at a public auction to individuals or groups not affiliated with the artwork, ArtsWA, or the deaccession action. Proceeds realized from the sale must be used for the acquisition of artwork for the Collection. Provisions in some acquisition contracts require that 15 percent of the appreciated value of the deaccessioned artwork must be paid to the artist.

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).

Transfer: The artwork, if of significant cultural or market value as determined by staff, may be transferred to a nonprofit or public cultural organization or agency with a collecting mission

appropriate to the artwork and with the means to care for the artwork in the manner of the acquisition contract.

Documentation and Records

For each artwork deaccessioned from the Collection, ArtsWA will maintain complete and accurate records, including photographs and a description of the method used for disposal, as well as notations of special circumstances, as appropriate. When an artwork is deaccessioned, all paper and electronic files and related photography will be clearly marked with the artwork's deaccessioned status.

ACCESS AND USE

Public Access

ArtsWA encourages research, interpretation, and contemplation of Collection artworks, which are sited statewide, typically in or on the grounds of state-constructed buildings. Access to these spaces varies and is managed by partner agencies. Should a partner agency be unable to display an artwork, ArtsWA may pursue re-siting at its own initiative. Meaningful access to artwork is desirable and will be considered at the time of artwork acquisition or re-siting.

Staff may determine that artworks in the Collection be restricted in their display if they are portable, have appreciated significantly in cultural or monetary value, and are fragile. Access to these works is on a case-by-case basis and will be determined by the Executive Director, giving consideration to purpose of access, artwork condition, and storage situation.

My Public Art Portal

Web-based public access to the Collection was initiated in January 2015 with the launch of My Public Art Portal, a searchable, online database of artwork in the Collection. Staff continues to develop content with the goal of having the entire Collection online by the middle of 2019. Portal development work includes researching and writing about artists and artworks; digitizing slide imagery and editing borne-digital images for web publication; and scrubbing data to ensure complete and accurate information.

Additionally, all artworks published on My Public Art Portal are featured on data.wa.gov, an open government data platform of the Office of the Chief Information Officer.

Re-siting

Re-siting is intended to provide an appropriate, long-term and secure site for an artwork when its original site is no longer feasible or desirable. Re-siting may not be feasible for architecturally integrated or site-responsive artwork.

Whenever possible, artwork that is not site-integrated should be re-sited within the jurisdiction of the original partner agency. Acquisitions occur through a deliberate and thoughtful process facilitated by staff and informed by stakeholders in the local community; re-siting within the partner agency ensures this process is respected.

Before an artwork is moved within a partner agency site, the partner agency must consult staff in order to identify an appropriate site for the artwork (considering for example, public access, site-responsive nature of the artwork, environmental conditions, public safety, and security of the

artwork). Partner agencies may be asked to submit an artwork handling and reinstallation plan for staff approval. Staff may remove an artwork if site conditions compromise the artwork's security or integrity.

If re-siting within the original partner agency jurisdiction is not feasible, then the artwork may become available for re-siting to other partner agencies. Priority may be given to partner agencies that have generated funding pursuant to WAC 30-40-050 but have not received a public art project.

When re-siting occurs at the request of the partner agency, that agency is responsible for associated costs. ArtsWA may contribute to re-siting costs at staff discretion.

Artwork Loans⁴⁸

Outgoing Loans - Institutional

Artwork may be loaned to nonprofit or public cultural organizations or agencies for exhibition purposes when the exhibition shares the artwork with new audiences, promotes scholarship, and/or offers new consideration of the artwork and/or artist. Loans will not be made for commercial purposes.

All loans are made at the discretion of the Executive Director or his/her designee and are coordinated by staff. The Executive Director will consider such issues as the following when determining loan approval:

- Nature of the exhibition and its benefits to the Collection.
- Capacity of the borrower to provide appropriate safeguards for the artwork (this may include review of the borrower's General Facility Report, as adopted by the Registrars Committee of the American Alliance of Museums).⁴⁹
- Length of loan period.
- Impact of loan on the partner agency.
- Feasibility of artwork removal.
- Artwork condition and capacity to withstand travel and display.

Loan costs are borne by the borrower. Insurance for loans is covered by the borrower "wall-to-wall," starting when the artwork is removed from its site and continuing until it is returned.

All loan requests must be made in writing directly to ArtsWA. Staff negotiate loan terms and complete loan agreements with the borrower. Staff will coordinate loans with the borrower and the

partner agency. In the case of non-integrated artwork, the partner agency must make the work available for loan.⁵⁰

Staff collaborate with the borrower to determine packing and shipping. The safety and security of the artwork and specific travel-related risks are taken into consideration.

Staff reserve the right to recall loaned artwork if loan agreement terms are violated or for any reason.

Outgoing Loans – Elected Officials

ArtsWA may loan artwork to the following offices of elected officials:

- Office of the Governor
- Office of the Lieutenant Governor – Legislative Building only
- Office of the Secretary of State – Legislative Building only
- House and Senate Leadership Offices – Legislative Building only

ArtsWA may decline loans to elected officials for any reason including but not limited to problems with proposed locations and/or staff capacity. Staff reserves the right to recall loaned artwork if loan agreement terms are violated or for any reason.

Loan periods should coincide with the elected official's term in office and may be extended upon reelection. Loan terms are at the discretion of staff. In most cases, staff delivers, installs, and deinstalls artworks in the offices of elected officials.

Incoming loans

ArtsWA does not ordinarily borrow artwork. However, should ArtsWA determine that an incoming loan is necessary, the artwork will be protected to the same degree as is required for outgoing loans.

ArtsWA will not borrow artworks for which the lender does not have clear title, nor will it borrow materials that may be subject to repatriation.

DOCUMENTATION AND RECORDS

Accession Numbers

Staff assign unique accession numbers for artwork identification at the initiation of the first contract related to an artwork acquisition. The accession number of a deaccessioned artwork may not be reused.

Accession numbers include the following: agency acronym (WSAC), year contracted, lot or sequence of placement into the Collection, and object number. Letters at the end of an accession number indicate that an artwork is composed of significant, related component parts.

Accession number examples:

WSAC2010.002.000: “2010” indicates the year of the contract; “002” indicates that this was the second acquisition initiated in the year 2010; “000” indicates that the artwork is composed of only one component part and was acquired as an individual work.

WSAC2010.002.00A-D: “2010” indicates the year of the contract; “002” indicates that this was the second acquisition initiated in the year 2010; “00A-D” indicates that the artwork is composed of four significant component parts, which must be exhibited as one artwork, a polyptych.

WSAC2010.002.001, then WSAC2010.002.002, etc.: “2010” indicates the year of the contract; “002” indicates that this was the second acquisition initiated in the year 2010; “001” and “002” indicate that multiple artworks by the same artist were acquired under a single contract; these works are not necessarily related or part of a series. Numbered endings also indicate that each artwork is separate from the other and can therefore be displayed separately should it become necessary for reasons such as re-siting or deaccession.

The assignment of accession numbers following the method outlined above became consistent with the adoption of *ArtCare* in 2006. The relationship of one object to another based on an accession number assigned prior to 2006 cannot be assumed. For example, a number assigned prior to that year that ends in letters may not indicate one artwork with related components.

Cataloguing

Staff catalogue artwork in the Collection as it is acquired. Since the implementation of a new database system in 2008-2009, artwork digital records include information about funding source, fiscal coding, expenditures for artwork acquisition, project manager, artist, artwork title, date, medium, dimensions, location, description, location, and condition, among other information.

Marking

Responsibility

Artwork marking is typically done with a permanent identification plaque or other label affixed to or near the artwork. The artist is responsible for designing, fabricating, and installing an identification plaque for artwork commissions.⁵¹ ArtsWA is responsible for creating identification plaques or other labels for purchases, re-siting, and replacement. Plaques must include the artist's name, artwork title, date, primary media, credit line ("Washington State Arts Commission in partnership with name of partner agency; Collection"), accession number, and optional interpretive text. The required plaque text is determined by ArtsWA and is published in the *Public Artist Handbook*⁵². Before an artwork is fabricated, the artist-generated plaque text, materials, and installation method are reviewed by staff.⁵³

Marking methods by artwork type

Commissioned artwork: is marked with a permanent identification plaque designed by the artist as part of his/her commission contract. Plaques for artworks commissioned in the early years of the Collection may not include the same information as plaques for artworks acquired more recently, due to changing standards.

Purchased artwork: is marked with a wall- or pedestal-mounted plaque a label on the artwork verso with artwork-specific information including its accession number, and a general Collection label. In 2017, during the first hands-on inventory of the Collection undertaken by staff, small "State Property" labels were added to a visible section of artwork frames where feasible to reduce artwork loss.

Through 2003, purchased artworks were delivered directly from the vendor (artist or gallery) to the site and were therefore not labeled directly with an accession number or Collection label.

Plaques for artworks purchased in the early years of the Collection may not include the same information as plaques for artworks acquired more recently, due to changing standards.

Records

Paper files

ArtsWA retains three types of paper files for the Collection: interagency agreement files, project files, and contract/conservation files. All files are housed in the ArtsWA office.

- **Interagency agreement files:** original interagency agreements and limited related correspondence.

- **Project files:** documents, correspondence, and notes related to the acquisition process. Project files may include preliminary proposals, fabrication images, Art Selection Committee lists, and Conservation Consultation and Review documentation (beginning in 2010).
- **Contract/conservation files:** original contracts for the initiation of design/proposal, commission, or purchase of an artwork and any subsequent conservation; the artist's final artwork proposal; stamped engineering documents; Artist's Specification Sheet; Technical and Maintenance Record or Detailed Artwork Report; Artist's Public Report or resume and artwork-related statement; correspondence relative to the artwork after its acquisition and loan or re-siting-related documents.

Inventory files were completed by partner agencies or sites in paper form through 2007; those files have been retained in electronic form only. Since 2008, inventory records are kept electronically within the Collection database only. Follow-up correspondence is typically kept in paper form in contract/conservation files.

Electronic records

Staff maintain electronic records in a database system. This database is the primary tool for tracking an artwork's current status, information about its acquisition, and its condition and location history. Since 2016, these records have been stored on a cloud server that is backed up nightly by WaTech. Electronic records may include digital image files, in addition to text-based information.

Photographic documentation

The acquisition contract with the artist requires photographic documentation of the final artwork; current commission contracts also require in-process photographic documentation. ArtsWA retains these photographs in print, slide, and/or digital format.

Slide documentation is kept in three image archives:

Archival (non-circulating): one copy of each image, typically of master quality.

Circulating: one or more copies of each image, typically of duplicate quality.

Conservation (non-circulating): Slide format images of artworks made in conjunction with conservation examinations.

ArtsWA stores digital documentation on the database server and sometimes additionally on CDs, by accession number.

Rights and Reproductions

Photography

Photography or filming of artwork in the Collection for personal use is generally permitted. This does not include permission to publish. ArtsWA does not own copyright to Collection artworks and therefore cannot provide copyright permission to third parties.

Requests to ArtsWA for photographic material for publicity, education, or exhibition must be made in writing.

ArtsWA has the irrevocable license to make graphic reproductions of artwork for non-commercial purposes. Specific reproduction rights are granted to ArtsWA through acquisition contracts with artists and will guide ArtsWA use of artwork reproductions. All reproductions by ArtsWA will credit the artist and will include the artwork title, date, credit line (i.e. “Washington State Arts Commission in partnership with partner agency”), and photography credit, as designated by the artist, if applicable.⁵⁴

Copyright

ArtsWA makes every effort to comply with copyright laws and to adhere to the copyright provisions of contracts under which each artwork is acquired.

Reproduction rights

The artist reserves all rights under copyright law to which preliminary studies, drawings, specifications, models, and the artwork may be subject.⁵⁵

In the case of outside publication, ArtsWA does not assume responsibility for either of the following:

- Determining the nature of any rights, the ownership or interest therein, and for obtaining the appropriate permissions to publish or use.
- Determining the nature of any liabilities (including liabilities for defamation and invasion of privacy) that may arise from any publication or use.

Visual Artists Rights Act

The Visual Artists Rights Act of 1990 grants artists certain rights including the rights of attribution and the rights of integrity; acquisition contracts with artists address these rights and will guide ArtsWA actions. The artist is responsible for notifying ArtsWA with any changes of contact information.

KEY DEFINITIONS

Art in Public Places program: The visual art program of ArtsWA, established by the Legislature in RCW 43.46.090 to acquire works of art and to develop, administer, and manage the Collection.

ArtsWA: The collective entity of the Washington State Arts Commission, including the Board, and staff.

Board: Members of the Board of Commissioners, consisting of nineteen members appointed by the Governor and four members of the legislature appointed to the Washington State Arts Commission pursuant to RCW 43.46.015.

Board member: An individual appointed to the Board of the Washington State Arts Commission.

Chair: The chair of the Board, elected pursuant to WAC 30-08-050 and fulfilling duties as established in Title 30 WAC.

Collection: see “State Art Collection.”

Collections management: The ongoing care, preservation, and maintenance of the Collection, including activities such as the management of conservation, restoration, deaccession, documentation, inventory, labeling, loans, and re-siting of artwork.

Commission: A type of artwork acquisition in which an artist is hired to create a work of art (verb).

Conservation: Repair of malfunctioning or damaged artworks for the purpose of bringing them to a stable condition so that future routine and special maintenance can be effective. Conservation-related activities may also include examination and documentation.

Cultural patrimony: Artwork having ongoing historical, traditional, or cultural importance central to an Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal member. These items may not be conveyed (sold or gifted) by an individual.

Deaccession: Board action to remove an accessioned artwork from the Collection.

Executive Director: That person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter and Title 30 WAC.

Inventory: A periodic survey of the physical state and current location of artwork in the Collection.

Pacific Northwest: the region including British Columbia, Idaho, Oregon, and Washington.

Panel: A group of individuals convened by staff to review applications, nominations, or staff recommendations based on published review criteria, in order to make recommendations to the Board or Executive Director.

Partner agency: A state agency, K-12 public school, university, college, community college, or other public entity working with the Art in Public Places program.

Re-siting: The relocation of an artwork in the Collection within the jurisdiction of a partner agency or between partner agencies.

Restoration: Repair that returns a malfunctioning or damaged artwork to a known or assumed state, often through the addition of non-original material.

Revised Code of Washington (RCW): The compilation of all permanent Washington laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws, such as appropriations acts. The RCW is published by the Statute Law Committee and is the official version of the code.

Routine maintenance: A regular procedure to preserve an artwork in the Collection in proper condition: clean, presentable, and in working order. It may include activities such as surface dusting, replacement of lights, cleaning of glass or Plexiglas, removal of debris, oiling of moving parts, etc.

Site: The location of an artwork. The site may be the same as the partner agency, a division thereof, or another public agency. In the case of temporary artwork loans, the borrower's location is the site.

Special maintenance: Anticipated but infrequent activities required to maintain aesthetic and/or structural aspects of the artwork in the Collection, including integrity of the overall surface and individual elements. Special maintenance typically involves non-art specific skill sets, such as painting with industrial materials, mortar replacement, or landscape maintenance.

Staff: Employees of the Washington State Arts Commission's Art in Public Places program, under the direction of the Executive Director, pursuant to RCW 43.46.045, employed to carry out the functions of that chapter and Title 30 WAC.

State Art Collection (Collection): All artwork and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455.

Stewardship: The responsible management of an artwork entrusted to one's care.

Washington Administrative Code (WAC): Regulations of executive branch agencies that are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State.

Washington State Arts Commission: see “ArtsWA.”

¹ [Sample Interagency Agreement](#), ArtsWA.

² RCW [43.046.090](#) and [43.46.095](#).

³ WAC [30-40-020](#).

⁴ RCW 43.046.090 and 43.46.095.

⁵ WAC [30-40-060](#) (3)(h).

⁶ [Strategic Plan 2017-2021](#), ArtsWA.

⁷ RCW 43.46.095 and WAC [30-40-50](#) (3)(b).

⁸ RCW 43.46.090; RCW 43.46.095; and [WAC 30-02-010](#) (Definition of State Art Collection).

⁹ RCW [28B.10.027](#) and WAC 30-40-50 (1)(c).

¹⁰ RCW [28A.335.210](#); 28B.10.027; and [43.17.200](#).

¹¹ [Guidelines for Artwork Selection: State Agencies, Colleges, Universities](#), Funding Project Options section, ArtsWA.

¹² [Guidelines for Artwork Selection: K-12 Schools](#), K-12 Pooled Funds section, ArtsWA.

¹³ [DOC Policy 270.050](#), DOC Effective May 27, 2004.

¹⁴ RCW 28A.335.210; 28B.10.027; and 43.17.200.

¹⁵ WAC 30-40-060 (3)(g); [30-40-110](#) (2)(c); and [Guidelines for Artwork Selection: State Agencies, Colleges, Universities, Resiting](#) section, ArtsWA.

¹⁶ [Public Artist Handbook](#), ArtsWA.

¹⁷ [Materials and Fabrication Handbook](#), ArtsWA.

¹⁸ WAC 30-40-050 (7).

¹⁹ [2018 Substitute Senate Bill \(SSB\) 6090, Section 7013 \(2\)](#)

²⁰ [2005 Engrossed Substitute Senate Bill \(ESSB\) 6094, Section 910 \(4\)](#)

²¹ RCW 28A.335.210; 28B.10.027; and 43.17.200.

²² 2018 Substitute Senate Bill (SSB) 6090, Section 7012 (4)

²³ RCW 28A.335.210; [28B.10.025](#); 28B.10.027; 43.17.200; [43.17.205](#); [43.17.210](#); [43.19.455](#); 43.46.090; 43.46.095; WAC 30-40-020; 30-40-050; [30-40-100](#); 30-40-110; [30-40-120](#); [30-40-130](#); and [program guidelines](#) published on agency website as relevant to programmatic activities.

²⁴ WAC 30-40-060 (3)(c).

²⁵ WAC 30-02-010 (Definition of State Art Collection).

²⁶ [Sample Interagency Agreement](#), ArtsWA

²⁷ WAC 30-40-060 (2)(b); [Sample Interagency Agreement](#), ArtsWA.

²⁸ WAC 30-40-060 (3)(e); [Sample Interagency Agreement](#), ArtsWA.

²⁹ WAC 30-40-060 (1) and 30-40-060 (3)(e).

³⁰ *State Administrative and Accounting Manual*, [Chapter 30.45 – Capital Asset Physical Inventory Policy](#), 2009, Washington State Office of Financial Management (OFM).

³¹ [Sample Interagency Agreement](#), ArtsWA

³²; 30-40-060 (3)(a) and 30-02-010 (Definitions of Conservation and Restoration).

³³ WAC 30-40-060 (1); [Sample Interagency Agreement](#), ArtsWA; and [Sample Commission Contract](#), ArtsWA.

³⁴ WAC 30-40-060 (3)(a).

³⁵ [Sample Interagency Agreement](#), ArtsWA

³⁶ [Public Artist Handbook](#), ArtsWA.

³⁷ [Public Artist Handbook](#), ArtsWA.

³⁸ [Public Artist Handbook](#), ArtsWA.

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- ³⁹ Sample Commission Contract and [Detailed Artwork Form](#) (Commission and Purchase), ArtsWA.
- ⁴⁰ RCW 28A.335.210; 28B.10.027; 43.17.200; and WAC 30-40-050 (1).
- ⁴¹ WAC 30-40-060 (1).
- ⁴² WAC 40-40-060 (3)(a).
- ⁴³ *State Administrative and Accounting Manual*, [Chapter 30.20 – Valuing, Capitalizing, and Depreciating Capital Assets, Section 22 Assets Not Capitalized](#), 2001, OFM.
- ⁴⁴ WAC 30-40-060 (3)(d).
- ⁴⁵ [The Appraisal Foundation](#).
- ⁴⁶ [The Native American Graves Protection and Repatriation Act \(NAGPRA\)](#).
- ⁴⁷ WAC 30-40-060 (3)(b).
- ⁴⁸ WAC 30-40-060 (3)(f).
- ⁴⁹ [General Facility Report](#), 2011, Registrar’s Committee of the American Alliance of Museums
- ⁵⁰ Sample Interagency Agreement, ArtsWA.
- ⁵¹ Sample Commission Contract, ArtsWA.
- ⁵² Public Artist Handbook, ArtsWA.
- ⁵³ Public Artist Handbook, ArtsWA.
- ⁵⁴ Sample Commission Contract, ArtsWA.
- ⁵⁵ Sample Commission Contract, ArtsWA.