

**CITY OF PHILADELPHIA
OFFICE OF THE MANAGING DIRECTOR**

MANAGING DIRECTOR’S DIRECTIVE 67

**POLICY ON THE DONATION/GIFTING, PLACEMENT,
AND REMOVAL OF PUBLIC ART**

Issued November 6, 2018

**SECTION A:
POLICY ON THE DONATION/GIFTING AND/OR PLACEMENT OF
PUBLIC ART**

I. Objectives of the Policy:

The City of Philadelphia (“City”) owns the largest and most important collection of public art of any American city. Any request for the permanent placement of a new artwork, monument or memorial must be considered in this context as an important addition to Philadelphia’s public space and its public art collection. The City reserves the right to determine, through a rigorous process, whether to accept proposed donations/gifts of public art and to allow public art to be placed on City property. For the purposes of this policy, the terms “public art”, “work of art” or “work”, “artwork”, “monument” and “memorial” are interchangeable. The following policies, procedures and criteria shall guide the review of potential donations/gifts to the City’s collection, and the permanent placement of artwork on public property.

II. General Requirements:

1. Any proposed donation/gift of public art to be owned by the City or permanently installed on City property shall be reviewed by the Office of Arts, Culture and the Creative Economy, or any successor office, department or agency of the City and the Art Commission for artistic merit, cultural context, site appropriateness, context within the collection, liability issues and maintenance considerations.

2. Proposals for commemorative monuments to an individual or an event will only be considered for those persons or events that are evidenced to have made significant contributions to Philadelphia, have had significant impact on Philadelphia and beyond, and represent broadly shared community values.
3. For commemorative monuments, there must be a strong thematic and/or historical association between the subject or artist and the location, as well as an appropriate formal connection to the proposed site. In general, there must be specific geographic justification for the monument being located at a specific site.
4. The City does not permit the installation of monuments to living persons, and a minimum of ten (10) years between an event (or a person's death) and its commemoration is required to allow for sufficient historical perspective.
5. All donations/gifts of works of art to the City for permanent installation shall be accompanied by the execution of a legal instrument of conveyance in the form of a Donation and Maintenance Agreement establishing the parameters of the donation/gift, transferring title of the work of art to the City and funding for its long-term maintenance.
6. All donations/gifts of works of art to the City for permanent installation shall be accompanied by a maintenance endowment placed in trust to ensure the long-term maintenance and conservation of the work of art. The amount of the endowment is to be determined by the City and is generally 15-20% of the project budget; it is based on the total final cost of the project, the estimated cost of routine maintenance, and the potential for vandalism or other associated costs.
7. The City's Law Department will represent the City in the negotiation, drafting review and approval of the Donation and Maintenance Agreement or any other agreement executed by the donor organization, the artist/designer and the City for the artwork prior to the execution of such agreement.
8. Donors should not begin to raise funds or fabricate a monument prior to receiving all of the necessary approvals, including, without limitation, the approval of the Philadelphia Art Commission and any permit or licensing approvals required under the Philadelphia Code.
9. Ceremonial objects or Gifts of State to be donated to the City that are proposed for permanent installation on or inside City property are subject to the same review process and criteria as above, including the requirement for a maintenance endowment, unless such objects are of a size and scale appropriate for placement in an office on a desk or shelf, or hung on a wall. The City strongly recommends that such ceremonial gifts intended for the City or the Mayor be of a size and scale appropriate for display on a desk, shelf or wall.

III. Criteria for Evaluation:

The following criteria shall be used in evaluating a proposed donation/gift and/or placement:

- The artistic merit of the work, including considerations of the work's artistic, social and historical significance.
- Quality of the proposed artwork (lasting value, artist's credentials and recognition, craftsmanship in fabrication, uniqueness).
- In the case of a proposed donation/gift and/or placement of artwork on, in or around the Benjamin Franklin Parkway, artwork must be of artistic merit and artists of equal caliber to the permanent artwork along the Parkway; artists must be of similar stature as those permanently represented.
- The compatibility of the art work within the context of the City's public art collection, including the City's goal to foster a varied collection of the highest quality.
- The suitability of the subject matter or theme of the work of art to the context, character, landscape, and design intentions of the site, including considerations of the work's scale, form, content, color and design with respect to its immediate and general social and physical environment.
- Intended audience and relationship to the social and cultural identity of the immediate local community.
- Timeless qualities and future significance of the person or event being memorialized.
- The process through which the artist/designer was selected. The Public Art Director is available to assist the donor in designing an appropriate selection process using the City's Percent for Art Program Guidelines and Best Practices as a reference.
- The technical feasibility, durability and maintenance implications of the work, as indicated by its proposed materials, construction, and installation.
- Potential liabilities associated with the public display of the work, including considerations of security, lighting, environmental impact, public access and safety.
- Any conditions imposed on the transfer of ownership to the City by the donor.
- Precedent set by the placement relative to potential future artworks at the site.
- Landscape design, accessibility, pedestrian circulation patterns, and traffic implications.
- Future development plans for the site, if any.

IV. Donation/Gift and/or Placement Review Process:

Individuals proposing to donate and/or place a public artwork on City property are required to contact the Public Art Director for assistance in the review of the proposal. The following submittals are required:

1. A letter describing the proposed project accompanied by a detailed description of the work, the materials proposed to be used, the proposed location, the name, contact information and organization structure of the donor/proposing organization and an itemized budget outlining the total anticipated costs of the proposed project.
2. Documentation demonstrating support for the proposal from the community surrounding the proposed site, such as letters of support from the relevant civic association(s), business improvement district or friends group, or, in the absence of those, a list of signatures representing the support of a majority of the immediate neighborhood.
3. A concept drawing to scale or Photoshop images illustrating the proposed work at its proposed location from multiple views, and any other pertinent information relevant to considering the review of the work and the location. The images should give an accurate representation of the dimensions and color of the proposed donation/gift.
4. The Public Art Director will facilitate the review of the proposed donation/gift by the Public Art Advisory Committee and the City department(s) with oversight of the property indicated in the proposal (i.e. Department of Public Property or Department of Parks and Recreation). The results of the Committee and departmental review process will be provided to the donor/proposing organization.

Should the proposal advance from the Committee review and departmental review, the Public Art Director shall forward the proposal along with the recommendations of the Committee and the department to the Philadelphia Art Commission for conceptual or final review. Art Commission final approval is required for all donations/gifts of public art and/or their permanent placement on City property.

For questions and review:

Public Art Director
Office of Arts, Culture and the Creative Economy
116 City Hall
Philadelphia, PA 19107
margot.berg@phila.gov
215.686.4596 or
215.686.8446

SECTION B: POLICY ON THE REMOVAL OF PUBLIC ART

I. Objectives of the Policy:

The City of Philadelphia (“City”) owns the largest and most important collection of public art of any American city. The City reserves the right to remove works of public art from public view following a thorough review process. For the purposes of this policy, the terms “public art”, “work of art” or “work”, “artwork”, “monument” and “memorial” are interchangeable.

II. General Requirements/Criteria for Removal:

The City may consider the removal of City-owned artwork from public display for one or more of the following reasons:

1. The work of art is damaged or otherwise requires conservation that must be undertaken off-site before being returned to public view.
2. The work of art is damaged irreparably and/or repair is unfeasible or costs exceed the value of the work.
3. The work has been damaged or has deteriorated to the point that it can no longer be represented to be the original work of art.
4. The artwork has faults or inherent vices that require repeated and excessive maintenance efforts.
5. The artwork endangers public safety.
6. The condition or security of an artwork cannot be reasonably guaranteed.
7. Upon receiving significant and continuing protests against a public work of art, the then Mayor, acting as the Chief Executive Officer of the City, determines that it is in the best interest of the City to implement the procedures set forth in this policy for the removal of the public art then under protest.
8. The approved terms of the Donation and Maintenance Agreement or other agreement pursuant to which the artwork was installed have not been fulfilled.
9. Significant changes in the use, character or actual design of the site lead to a determination that there has been a sufficient change in the relationship of the artwork to the site such that removal is warranted.

10. A determination is made that the artwork is no longer suitable in its current location or will be more suitable in a new location.
11. Temporary Removal – A work of art may be temporarily removed from its current location for reasons such as the need to maintain, repair or renovate the site, maintain or repair the work of art, or otherwise take action deemed necessary by the Public Art Director to preserve the work of art or its location. A temporary removal shall only be undertaken with the intent to return the work of art to its original location upon the completion of the work that necessitates its temporary removal. A proposal to temporarily remove a work of art shall be presented to the Art Commission for its approval, but shall not require notice to, or the approval of the public, the adjacent community or the artist who created the work (or his or her family or estate).

III. Removal Process

1. Proposals for removal shall be initiated by the Public Art Director, after assessment and approval by the Chief Cultural Officer or the occupant of his/her equivalent position in the Office of Arts, Culture and the Creative Economy, or any successor office, department or agency of the City, of the condition and status of the artwork and evaluation of the artwork in relation to the above criteria for removal. The Public Art Director will facilitate the review of the proposed removal by the Public Art Advisory Committee in consultation with the Department of Public Property or Department of Parks and Recreation, depending on which Department has jurisdiction based on the location of the artwork.
2. In the case of a proposal to remove due to public protest, an opportunity to solicit and obtain public input shall be provided by the Office of Arts, Culture and the Creative Economy or its successor agency prior to further action on the proposal. A period of no less than ninety (90) days shall be provided for public input on the matter.
3. In the case of a proposal to remove for reasons other than public protest, the Public Art Director shall hold or attend one community meeting or otherwise advise the affected community of the plan to remove the artwork and allow for public input, unless public safety is a concern, in which case the artwork will be removed as soon as feasible.
4. If they are living, the Public Art Director shall notify the artist and the donor, if applicable, in writing, or, if deceased, the artist's or donor's estate or representative, or one or more members of the family of the artist and/or donor, if known and readily capable of being contacted, or the donor organization if extant, of the reason for removal and shall provide the above recipients of such notice, as the case may be with 30 days to respond to the proposal, unless public safety is a concern, in which case the artwork will be removed as soon as feasible.
5. After the period of public notice and input, and after any adjustment is made to the proposal based on the input received, the Public Art Director shall present the proposal to the

Department of Parks and Recreation and/or the Department of Public Property, for the respective department's approval to proceed.

6. Upon approval of the proposal by the department having jurisdiction over the location of the public art at issue, the Public Art Director shall make application to the City's Art Commission for final approval of the proposal, unless public safety is a concern in which case the artwork will be removed as soon as feasible. In the event that the Public Art Director determines that removal of a work is necessitated by a concern for public safety, he or she will provide the Art Commission with written notice of such removal as soon as practicable taking into consideration the action required, and the timing of such action necessary to adequately address the public safety concern. The written notice shall state the public safety concerns presented by the artwork; the date the work was removed and its current location if immediate action to address public safety was required, or the proposed date of removal if immediate action to address safety concern is not required; and a proposed timeline for making a proposal to the Art Commission for approval of the final disposition of the artwork (removal, relocation, deaccession, etc.). The Art Commission meeting at which it considers the Public Art Director's proposal shall be duly advertised and held in compliance with applicable law and provide an adequate opportunity for public comment at the meeting.
7. If final approval of the proposal to remove is obtained from the Art Commission, the Public Art Director shall oversee the removal of the artwork by sculpture conservation professionals and qualified riggers, in partnership with the department having jurisdiction, to a secure location for storage, relocation or deaccession.

For questions and review:

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**SECTION C:
POLICY ON THE RELOCATION OF PUBLIC ART**

I. Objectives of the Policy:

The City of Philadelphia (“City”) owns the largest and most important collection of public art of any American city. The City reserves the right to relocate works of art in its collection following a thorough review process. For the purposes of this policy, the terms “public art”, “work of art” or “work”, “artwork”, “monument” and “memorial” are interchangeable.

II. General Requirements/Criteria for Relocation:

Publicly displayed City-owned artwork may be considered for relocation for one or more of the following reasons:

1. The condition or security of an artwork at its current location cannot be reasonably guaranteed.
2. Upon receiving significant and continuing protests against a public work of art, the then Mayor, acting as the Chief Executive Officer of the City, determines that it is in the best interest of the City to implement the procedures set forth in this policy for the removal of the public art then under protest.
3. Significant changes in the use, character or actual design of the site lead to a determination that there has been a sufficient change in the relationship of the artwork to the site such that relocation is warranted.
4. A determination is made that the artwork is no longer suitable in its current location or will be more suitable in a new location.
5. The artwork endangers public safety.

III. Relocation Process

1. Proposals for relocation shall be initiated/reviewed and assessed by the Public Art Director and approved by the Chief Cultural Officer or the occupant of his/her equivalent position in the Office of Arts, Culture and the Creative Economy, or any successor office, department or agency of the City, of the condition and status of the artwork and evaluation of the artwork in relation to the above criteria for relocation. The Public Art Director will facilitate the review of the proposed relocation by the Public Art Advisory Committee and in consultation with the Department of Public Property and/or Department of Parks and Recreation, depending on which department (s) has/have jurisdiction based on the location of the artwork and the proposed new location.

2. If they are living, the Public Art Director shall notify in writing the artist and the donor, if applicable; the artist's or donor's estate or representative, if deceased; or one or more members of the family of the artist and/or donor, if known and readily capable of being contacted; or the donor organization if extant, of the reason for relocation and shall provide the above recipients of such notice, as the case may be with 30 days to respond to the proposal.
3. In the case of a proposal to relocate due to public protest, an opportunity to solicit and obtain public input shall be provided by the Office of Arts, Culture and the Creative Economy or its successor agency prior to further action on the proposal. A period of no less than ninety (90) days shall be provided for public input on the matter.
4. In the case of a proposal to relocate for reasons other than public protest, the Public Art Director shall advise the stakeholder community organizations in the current and proposed new locations of the proposal to relocate the artwork. An opportunity for public input from each community shall be accomplished by the Public Art Director either by holding or attending one community meeting in each location or holding a single joint community meeting, as the Public Art Director elects. Subject to the Public Art Director's consent, public input may be obtained by such other reasonable means as is proposed by each community to convey the information.
5. After the period of public notice and input, and after any adjustment is made to the proposal based on the input received, the Public Art Director shall present the proposal to the Department of Parks and Recreation and/or the Department of Public Property, for the respective department's approval to proceed.
6. Upon approval of the proposal by the department(s) having jurisdiction over the location of the public art at issue, the Public Art Director shall make application to the City's Art Commission for final approval of the proposal. The Art Commission meeting shall be duly advertised and held in compliance with applicable law and provide an adequate opportunity for public comment at the meeting.
7. If final approval of the proposal to relocate is obtained from the Art Commission, the Public Art Director shall oversee the relocation of the artwork by sculpture conservation professionals and qualified riggers, in partnership with the department(s) having jurisdiction, to its new location.

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**SECTION D:
POLICY ON THE DEACCESSIONING OF PUBLIC ART**

I. Objectives of the Policy:

The City of Philadelphia (“City”) owns the largest and most important collection of public art of any American city. One aspect of collection management is the potential permanent removal of a work from the collection should certain conditions arise. The City has established a process and criteria for deaccessioning¹ publicly accessible artwork and reserves the right to deaccession works in its collection following a thorough review process. For the purposes of this policy, the terms “public art”, “work of art” or “work”, “artwork,” “monument” and “memorial” are interchangeable.

II. General Requirements/Criteria for Deaccessioning:

City-owned public art may be considered for deaccession for one or more of the following reasons:

1. The work is damaged irreparably and/or repair is unfeasible or costs exceed the value of the work.
2. The work has been damaged or has deteriorated to the point that it can no longer be represented to be the original work of art.
3. The artwork has faults or inherent vices that require repeated and excessive maintenance efforts.
4. The artwork endangers public safety.
5. The condition or security of an artwork cannot be reasonably guaranteed.
6. Upon receiving significant and continuing protests against a public work of art, the then Mayor, acting as the Chief Executive Officer of the City, determines that it is in the best interest of the City to implement the procedures set forth in this policy for the removal of the public art then under protest.
7. The approved terms of the Donation and Maintenance Agreement or other agreement pursuant to which the artwork was installed have not been fulfilled.

¹ Deaccession: to officially and permanently remove a City-owned publicly displayed artwork from the City’s collection.


III. Deaccessioning Process

1. Proposals for deaccessioning shall be initiated and assessed by the Public Art Director and approved by the Chief Cultural Officer or the occupant of his/her equivalent position in the Office of Arts, Culture and the Creative Economy, or any successor office, department or agency of the City, of the condition and status of the artwork and evaluation of the artwork in relation to the above criteria for deaccessioning. The Public Art Director will facilitate the review of the proposed deaccessioning by the Public Art Advisory Committee and in consultation with the Department of Public Property or Department of Parks and Recreation, depending on which department has jurisdiction based on the location of the artwork.
2. If they are living, the Public Art Director shall notify in writing the artist and the donor, if applicable; the artist's estate or representative, if deceased; or one or more members of the family of the artist and donor, if known and readily capable of being contacted; or the donor organization if extant, of the reason for deaccessioning and shall provide the recipients of such notice, as the case may be with 30 days to respond to the proposal.
3. In the case of a proposal to deaccession due to public protest, an opportunity to solicit and obtain public input shall be provided by the Office of Arts, Culture and the Creative Economy or its successor agency prior to further action on the proposal. A period of no less than ninety (90) days shall be provided for public input on the matter.
4. After the period of public notice and public input, and after any adjustment made to the proposal based on the input received, the Public Art Director shall present the proposal to the Department of Parks and Recreation and/or the Department of Public Property, as required based on their jurisdiction, for approval to proceed.
5. Upon approval to proceed by the department having jurisdiction over the location of the public art to be deaccessioned, the Public Art Director shall make application to the City's Art Commission for final approval of the proposal. The Art Commission meeting shall be duly advertised and held in compliance with applicable law and provide an adequate opportunity for public comment at the meeting.
6. In the case of deaccessioning public art due to its endangerment to public safety, the Public Art Director shall have the authority to remove the artwork from public view prior to providing an opportunity for public notice and comment and obtaining Art Commission approval.
7. If deaccessioning is approved by the Art Commission, the Public Art Director shall offer the artist and/or donor, if living, the right of first refusal and offer the artist and or donor a reasonable opportunity to recover the artwork at his/her expense. If the artist and/or donor is deceased, the Public Art Director shall offer the artist's or donor's estate or representative, or one or more members of the family of the artist and/or donor, if known and readily capable of being contacted, or the donor organization if extant a reasonable opportunity to recover the artwork at their expense. If any of the above decline to recover

the artwork, the Public Art Director shall, in conjunction with the Procurement Department and pursuant to subsections 6-500(d) and 8-203 of the Home Rule Charter, provide the necessary public notice of the intent to dispose of the artwork by sale or otherwise and receive bids in connection with the disposal.

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Approved: 

Michael DiBerardinis, Managing Director

Date: 11.6.18