

## Los Alamos County Art in Public Places Board Policies and Guidelines

This policy was voted on and approved by the Art in Public Places Board on **May 22, 2025**, and Los Alamos County Council on \_\_\_\_\_, 2025.



*J. Robert Oppenheimer and General Leslie R. Groves by Susanne Vertel at Fuller Lodge lawn, 2010*

## Purpose

These policies and guidelines are adopted by the Los Alamos County ("County") Art in Public Places Board, ("APPB" or "Board"), for the purpose of establishing procedures for implementing Los Alamos County Code ("Code") [Chapter 8, Article II, Sections 8-31 through 8-34](#) and [Chapter 20, Article III, Sections 20-363 through 20-365](#).



*Valle Grande and Jemez River* by Sam Tubiolo at the Los Alamos Municipal Building, Council Chambers, 1991

## Policy

APPB is a standing board of the County and is responsible for making recommendations to the County Council ("Council") for selection, acquisition, placement, and disposal of Public Art, plus general management of the County's Public Art Collection.



*From Los Alamos Looking East*  
by Don Taylor at the Justice Center, 2014



## Definitions

**ACQUISITION:** The inclusion of artwork in the permanent Public Art Collection of the County by commissioning, purchase, or donation.

**ART or WORK(S) OF ART:** Any non-ephemeral work of visual art, and may include landscaping and landscape design. See also County Code [Section 20-364](#).

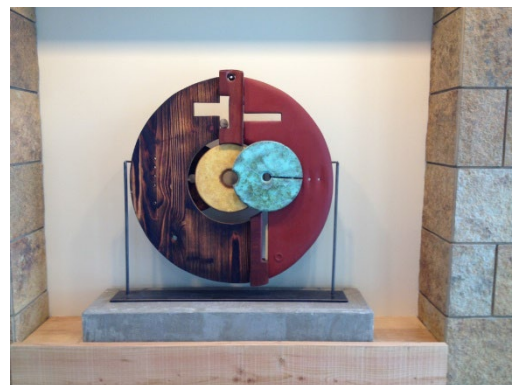
**ART IN PUBLIC PLACES ACCOUNT:** A special County fund, as provided in [County Code Chapter 20, Article III](#), established to facilitate the purchase, placement, and maintenance of the County's public collection of art.

**APPB or BOARD:** The Art in Public Places Board, as defined in the Los Alamos County Code.

**COLLECTION:** Consists of art purchased with Art in Public Places funds and/or Works of Art donated to Los Alamos County through the Art in Public Places Board.

**DISPOSAL OR DISPOSITION:** The permanent removal of public art from the County's Public Art Collection (formally called "deaccessioning").

**PUBLIC and COMMUNITY MEMBERS:** Those who are exposed to the County's Public Art Collection.



*Kodo by David Maple at the White Rock Visitors Center, 2010*

## I. Purpose and Objectives

The Board, according to Los Alamos County Code of Ordinances, is charged with the following functions, powers, and duties:

- 1) Recommend to Council the acquisition and maintenance of all Works of Art funded from the Art In Public Places Account;
- 2) Recommend to Council the public sites selected for the display of art funded from the Art In Public Places Account and establish criteria to be used in the selection of the Artists or the Work(s) of Art desired;
- 3) Provide advice to Council on the proposed removal, relocation or alteration of any public facility or Works of Art funded from the Art In Public Places Account;
- 4) Recommend to Council programs and policies to further the development and public awareness of Public Art;

- 5) Seek private donations for the County to supplement the Art In Public Places Account and advise the Council regarding additional sources of funding for Public Art;
- 6) Recommend necessary policies and procedures to include, but not be limited to, criteria for selection of Artists, procedures for artistic competitions, selection of public locations for art equitably distributed throughout the community, and recommendations for the maintenance of art funded by the Art In Public Places Account;
- 7) Recommend a policy to coordinate with the County's Capital Improvement Program and other County activities to ensure that Works of Art funded by the Art In Public Places Account are properly integrated into the community and do not pose excessive maintenance costs or public health risk and do not unduly encumber public lands; and
- 8) Perform additional related duties as may be assigned by Council or requested by the County Manager

The Board shall also encourage the integration of Public Art into the architecture of municipal structures and public spaces and shall strive to enhance the community visually.



*Kites of Many Colors*  
by Eric Markow & Tom Norris  
at the White Rock Library, 2019

The Board will address its purpose and objectives by recommending the acquisition and maintenance of various Works of Art, including creating and maintaining labels or plaques to identify the Work of Art. This will be accomplished through:

1. Ongoing review and evaluation of appropriate art for County structures, both indoor and outdoor, by:
  - a. Working with the Public and Community Members of the proposed location;
  - b. Fostering collaboration between artists, architects, or engineers; and
  - c. Considering factors in the site selection process to ensure substantial public access, specifically, not in private offices of public officials or in inaccessible public areas.
2. Recommending the selection of appropriate art through a new acquisition or from the existing County Public Art Collection.
3. Ensuring that the recommended acquisition, placement, and disposal of Works of Art are governed by carefully designed procedures to enhance the Public's viewing of art.



*Lucky* by Jim Agius at Ashley Pond, 1998



*Corky* by Madeleine Vanderpool  
at Ashley Pond, 1993

## **II. Acquisition, Donation, and Disposal**

The Board will prepare a recommendation with the rationale and cost estimate to Council for the acquisition or disposal of Public Art. The final decision regarding acquisition or disposal will be by Council action after consideration of the APPB recommendations.

## **ACQUISITIONS**

Given the diverse nature of public art projects, varying in size, scope, format, location, and medium, the Arts in Public Places Advisory Board (APPB) recommends acquiring art through a range of methods. These include:

- Purchasing a completed Work of Art
- Commissioning new art
- Holding an open call for art to select an artist or proposal
- Artist invitation
- Direct artist selection
- Or utilizing another appropriate method of artist selection as recommended by the APPB



*Solar Tree by Eric Thelander at the Municipal Building, 2016*

### **1. Planning the Project**

APPB shall engage in comprehensive and thoughtful planning for each public art project to ensure it is well-conceived, feasible, and aligns with public art best practices and County protocols ("Project Plan").

Each Project Plan should include:

- a. Identifying the opportunity for artist participation;
- b. Forming a project-specific working group to include one or two APPB members, a representative from the proposed project site, and other interested parties as deemed appropriate ("Project Working Group");
- c. Anticipating process requirements (e.g., permitting, permissions, construction logistics);
- d. Establishing a realistic budget and timeline; and
- e. Communicating early and effectively about the intent, scope, and goals of the project.

Every project must be initiated and/or guided by a Project Plan developed by the Project Working Group, including works of art submitted for purchase. The Project Plan should outline key objectives, budget, timeline, artist selection method, and anticipated deliverables. Updates to the Project Plan will be made as the project evolves. The Project Plan Outline/Form is provided in Appendix A.

### **2. Selecting the Artist(s) or Art Source**

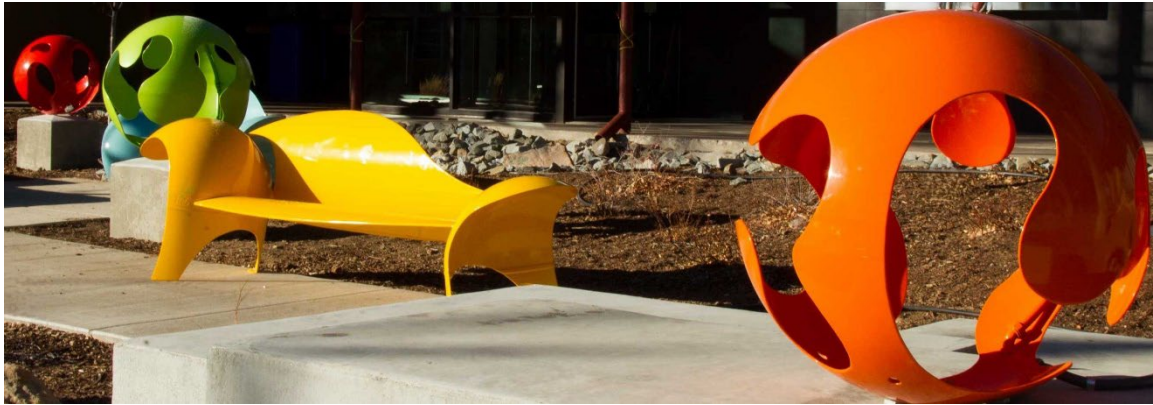
The artist selection method must be determined at the beginning of the project and documented in the Project Plan. The process should be tailored to the project's scope



and goals, and it should maximize the opportunity to engage the most appropriate artist(s).

Selection processes should generally be open and competitive unless extraordinary circumstances justify an alternative approach, provided that the rationale is clearly documented in the Project Plan.

APPB should prioritize artist selection approaches that offer fair compensation for proposal development and creative effort.



*Lumi-sphere 1, 2 and 3 Asymmetric Bench Club Love Seat By Colin Selig at the Teen Center, 2017*

APPB may utilize the following artist selection methods:

a. Open Call for Art

In an open competition, artists are invited to respond to a public call for art. The call for art must clearly outline eligibility criteria as stated in the Project Plan and include sufficient detail to allow artists to self-assess whether their work(s) of art, qualifications and/or artistic approach align with the opportunity.

b. Artist Invitation

A select group of artists is invited to submit qualifications and/or proposals. This method may be most appropriate when:

- i. The project is complex or large in scale
- ii. Timelines are constrained
- iii. The project has specialized requirements that can only be met by a small pool of qualified artists

Artists may be invited from previous open calls or known past applicants before the APPB.

c. Direct Selection

In rare cases, the Board may directly recommend an artist without a formal competition. This method may be appropriate when specific artistic qualifications or experience are required.

The artist may, but not required to be, selected from a prior pool of applicants. Any use of direct selection must be fully justified in the Project Plan. All potential, perceived, and/or direct conflicts of interest must be disclosed in advance and documented in the Project Plan. Appendix C provides a comprehensive explanation of what constitutes a conflict of interest.

#### d. Acquisition of Completed Work of Art

APPB may also recommend the purchase of an existing Work of Art. In such cases, the Project Plan must explain why purchasing an existing Work of Art is suitable or preferred.

To evaluate available Art, APPB will request the following from artists or galleries, as applicable:

- i. Title(s) of Work of Art
- ii. Detailed descriptions of available Work(s) of Art
- iii. Photographic documentation of the art, including multiple angles and close-ups
- iv. Photographic documentation of artist's signature or other identifying mark
- v. Artist name, résumé, biography, and portfolio
- vi. Artwork specifications (dimensions, materials, weight, fabrication date, installation/security requirements, etc.)
- vii. Condition and provenance
- viii. Asking price
- ix. Verifiable documentation of similar work sold for similar price as the asking price
- x. Statement of fit with the Los Alamos Public Art Collection (explained by APPB members in section #4 of the Project Plan)



*Flying Folds* by Kevin Box at White Rock Branch Library, 2015

The Board will determine further action based on the review of the above required materials.

APPB may also obtain:

- xi. A conservation report assessing the condition of the artwork

If a significant discrepancy between the work of art's price and previous similar works sold, a justification for proceeding with the purchase must be documented in the Project Plan. Conversely, if the discrepancy is deemed too substantial and results in project cancellation, this decision and its rationale must also be clearly recorded in the Project Plan.

### 3. Criteria for Selection of Artists or Work(s) of Art

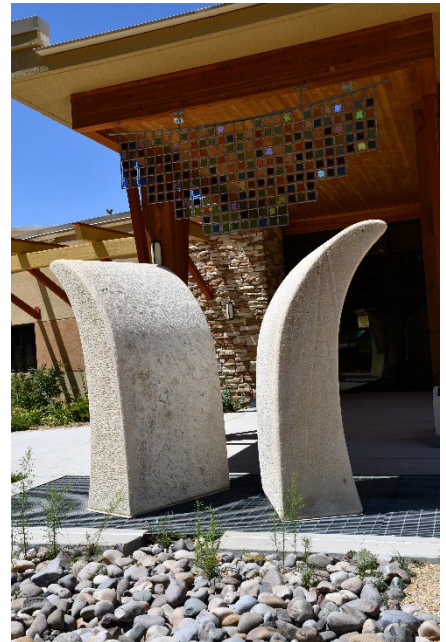


a. Minimum Criteria (as defined in the County Code)

- i. The work of art must be located in a public place with public visibility and impact.
- ii. The work of art shall have a permanence generally of at least twenty (20) years, and shall be likely to remain a thing of value for this time period given appropriate site selection and maintenance.
- iii. The work of art shall enhance the environment of the County.

b. Additional Criteria

- i. Quality and craftsmanship
- ii. Artist's reputation and/or recognition
- iii. Appropriateness of the art for the intended location
- iv. Long-term maintenance considerations, informed by the artist's expertise
- v. Environmental impact (light, noise, weather exposure)
- vi. Long-term maintenance and restoration considerations (specifically for environmentally impacted artwork) informed by the artist's expertise and input from the County and/or its maintenance and restoration contractor.
- vii. Security considerations (e.g., vulnerability to theft or vandalism)
- viii. Public safety
- ix. Public input (e.g., community feedback or surveys)



*Flower of Flight* by Greg Reiche  
at the Nature Center, 2015

4. Coordination with County Projects

When acquiring a Work of Art for a County capital or development project, in addition to the above steps, APPB shall:

- a. Consult with relevant County staff and the project architect (if applicable)
- b. Involve these participants in the selection process as required by County

5. Cataloging and Public Access

All Works of Art in the County's Public Art Collection will be catalogued in an online Public Art Archive database, funded by the Art in Public Places Fund per Sec. 20-365 of the Los Alamos County Code.

This database will be updated regularly to reflect:

- a. New acquisitions
- b. Donated Works of Art
- c. Relocations

d. Disposals

6. Legal Documentation

The APPB Staff Liaison will coordinate with the County Attorney to prepare all necessary purchase agreements or purchase orders.

Public Works of Art shall be acquired without legal restrictions on future use, relocation, or disposal- except in matters involving copyrights held by the artist.

**DONATIONS**

1. **Donations of Art** to the County's Art Collection are to be guided by the County's Works of Art donations policy as provided in Appendix B. The Board is responsible for conducting basic research to determine whether the piece is unique or widely available for purchase by the Public, and to evaluate the potential benefit to the County before accepting any donation.
2. **Donation of Cash** to the Art in Public Places Account can be added to the Art in Public Places Account and used, budgeted, and appropriated in the same manner as all other APPB funds. In general, cash donations or gifts will only be accepted without restrictions. If a cash contribution or donation is proposed to be earmarked for a particular project, the Board, in consultation with the County Manager, will determine if the proposed project/Work of Art is reasonable depending on the circumstances and is in accordance with the objectives and intent of the County's Public Art program.



*Pollyanna by Glenna Goodacre at the Mesa Public Library, 2003*

**DISPOSAL**

1. A recommendation for disposal of any Public art Work can come to APPB from any person, source, or Board member. The Board, in an open Public meeting, will decide whether to proceed with recommending the disposal of the Public Work of Art or to dismiss the proposed disposal. Generally, a Work of Art may be considered for disposal if one or more of the following conditions apply:
  - a. It has received consistent adverse reactions on the part of the Public.
  - b. It is duplicative in the County's Public Art Collection.
  - c. It possesses faults of design or Workmanship.

*Industrial Machine by Robert Davis at the Eco Station, 2011*



- d. It requires excessive or unreasonable maintenance.
  - e. It is damaged irreparably or to an extent where repair is unreasonable or impractical.
  - f. It represents a threat to Public safety or unduly encumbers Public land.
  - g. A suitable place for display no longer exists.
  - h. The Work is not, or is rarely, displayed.
2. If APPB decides to proceed with recommending to Council the disposal of a Work of Art, the Board will:
- a. Gather information from the Public and Community Members and discuss the results at an APPB meeting. If possible, the artist whose Work is being considered for disposal will be notified by reasonable means of the meeting.
  - b. If the Board decides to recommend disposal of the Work of Art, a plan for the path forward will be developed reflecting input from the Public and Community Members and the artist. The role of the artist is advisory only. The current monetary value of the Art, if available, will be included in the plan along with a description of the applicable conditions listed above.
  - c. Notify the Council Liaison of the recommended plan for Council approval and disposition. Disposal of any Public Work of Art requires Council approval, so the Board Chair, the Council Liaison, and the Staff Liaison will formulate a plan and path forward for final Council decision.
3. Disposal by any means of County-owned Public Art shall comply with all applicable County and State legal requirements.

### **III. Placement, Movement, or Relocation of Works of Art**



The Board is charged with the duty to recommend to Council the placement, movement, or relocation of Public Art from one public building or site to another. The Board's recommendation to Council will generally include the method by which the Work of Art will be moved, handled, or stored, the dates of expected movement, the length of storage, where applicable, and the method for reinstalling the art. Once approved by Council, the Board will assist the Staff Liaison in coordinating the movement, storage, and/or relocation of art to ensure proper handling and care.

*Strange Trio* by Tom C. Hicks at Overlook Park, purchased 1993;  
Moved from storage in 2015, after being located at the old police station until 2008.



#### **IV. Maintenance, Repair, and Restoration of Works of Art**

The Board shall recommend to Council the general requirements for maintenance, repair, or restoration of all County-owned Works of Art.

If the Collection needs maintenance, repair, and/or restoration, the Board will prepare a recommendation with a rationale and cost estimate to Council for the specific maintenance, repair or restoration. The final decision regarding maintenance, repair or restoration will be by Council action after consideration of APPB's recommendations.

An agreement with a contractor or contractors to provide outdoor sculpture, indoor cleaning and maintenance services to assess the condition of, clean, maintain, restore and repair the Collection should be maintained in order to help keep the Collection in good condition.

#### **V. Plaques and Identification Signs**

To the extent practicable, APPB will comply with the current County's Graphic Standards related to identifying County-owned Works of Art. All new and replacement plaques identifying Works of Art in the Los Alamos County Collection should be designed in alignment with general guidelines used by New Mexico Public Art collections, museums, and cultural institutions, as well as adhering to Los Alamos County's specific plaque guidelines.



*Multiverse* by Evelyn Rosenberg at Ashley Pond, 2020

## Appendix A

### Work of Art Project Plan

This document outlines key objectives, budget, timeline, artist selection, and deliverables for a proposed public art project and will be completed by members of the project's working group.

Complete **Sections 1–11** prior to beginning the project and present to the Art in Public Places Advisory Board (APPB) for final approval. This form will accompany the APPB's recommendation to spend Art in Public Places funds to County Council and will be updated as the project progresses.

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**1. Name of Project/Working Group:** \_\_\_\_\_

### **2. Working Group Members**

| <b>Role</b>                             | <b>Name</b> |
|---|-------------|
| a. APPB Member                          | _____       |
| b. APPB Member (Optional)               | _____       |
| c. Proposed project site Representative | _____       |
| d. Other Interested Party (Optional)    | _____       |
| e. Other Interested Party (Optional)    | _____       |

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### **3. Introduction – Project Overview**

Describe the artistic opportunity, project background, goals, how it originated, fits in the Los Alamos Public Art Collection, and any other important context.

*Project Introduction:*

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## 4. Site and Context

Describe the proposed site location and any associated capital projects, plans, or site-specific considerations.

*Site Description:*

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## 5. Artist Selection Process

### a. Proposed Method for Artist Solicitation (Check one):

- ☐ Open Call for Art
- ☐ Artist Invitation
- ☐ Direct Selection (explain rationale below)
- ☐ Completed Work of Art (explain rationale below)
- ☐ Other (describe below)

*If Direct Selection or Completed Work is chosen, provide rationale:*

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*If Other is chosen, describe the proposed method for artist selection:*

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*If there is a potential, perceived, or direct conflict of interest, provide details (see Appendix C for COI definition):*

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### b. Selection Process Details:

Describe desired number of finalists, whether proposals or interviews are required, if artists will be compensated for proposals and any other details deemed appropriate for this section based on the project plan.

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## 6. Artist's Scope of Work

Describe the artist's expected responsibilities (e.g., design, fabricate, install, participate in planning meetings).

*Scope of Work:*

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## 7. Evaluation Criteria

All proposals will be evaluated using the criteria below. Add any project-specific criteria as needed.

### Standard Criteria:

- The work of art must be located in a public place with public visibility and impact.
- The work of art shall have a permanence generally of at least twenty (20) years, and shall be likely to remain a thing of value for this time period given appropriate site selection and maintenance.
- The work of art shall enhance the environment of the County.
- Quality and craftsmanship shall be suitable for the type of artwork considered.
- Artist's reputation and/or recognition may be considered if important.
- Appropriateness for intended location.
- Long-term maintenance needs shall be reviewed, based on artist's description and/or County or its maintenance and restoration Contractor.
- Environmental impact (light, sound, exposure).
- Security and vandalism resistance.
- Public safety.
- Relevant community input (e.g., community feedback or surveys).

### Additional Criteria for This Project:

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## 8. Proposed Project Timeline

### a. Artist Selection Timeline:

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### b. Design, Fabrication, Installation Timeline:

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## 9. Proposed Budget

Provide a generalized break down the anticipated project budget, including artist selection, design, fabrication, installation, signage/plaques, events, outreach, and contingency. Include an explanation of how this budget was determined (e.g. by allocating 1% from a specific capital project budget, based on the costs of similar projects, etc.)

Total Budget: \$\_\_\_\_\_

Breakdown and Explanation:

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## 10. Anticipated Process Requirements

Identify any requirements related to permitting, installation, coordination, or logistics:

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## 11. Community Engagement, Marketing & Communications

### a. Marketing and Outreach Strategy:

Describe proposed methods to communicate with the public and promote the project.

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### b. Community Input Survey Questions:

List proposed questions or desired information needed for gathering community feedback.

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## Sections 12–16: To Be Completed During and After the Project

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## 12. Conservator Report (If Applicable)

### a. Findings: *(attach documents if available)*

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### b. Justification for Purchase *(if cost and value significantly vary):*

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### 13. Maintenance and Restoration Information, Recommendations and Requirements *(if applicable)*

Details:

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### 14. Recommendation to County Council

Select one:

- ☐ **Do NOT recommend; project cancelled** *(include who cancelled project in explanation)*

Explanation:

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- ☐ **Recommend to Council** *( include this document in the agenda packet for the Council's agenda item)*

Important Details:

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### 15. Closing of Working Group

Once the project has been either cancelled by the Board Chair or approved by County Council, the Project Working Group may be released of its obligations and dissolved. Details regarding the purchase, installation, and celebration may be coordinated with the Staff Liaison, individual APPB members, and/or the appropriate County staff.

### 16. Closing of Project

Provide a narrative on project closure (e.g., project completed, Work of Art installed, ribbon cutting celebration planned or held, project cancelled).

Closure Summary:

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## Appendix B

### Work of Art Donations to the Los Alamos County Public Art Collection Policy



#### Purpose

In addition to Works of Art purchased for the Los Alamos Public Art Collection, the County may accept donations of art. The purpose of this policy is to establish procedures for the acceptance or rejection of these donations. This policy only applies to art work donation offers made through the Board.

#### Policy

It is the Board's policy that when any gifts or donations of works of art are proposed to the Board for placement within any County facility (interior or exterior) or any other Public space, such proposals of gift or donations shall be evaluated by the Board, the respective County department, and the County Council using the procedures listed in this policy.

FH-1033 by Francis Harlow at the Justice Center, 2006

#### Exemptions to this Policy

1. Portable Works of Art on short-term loan to Los Alamos County shall not be subject to review under this policy [i.e., temporary exhibitions, generally 60 days or less].
2. Donations of Works of Art made directly to other County divisions shall not be subject to this policy unless specifically requested.

#### Criteria for Acceptance of Donations

**Aesthetics** - Visual criteria shall include consideration of the following:

1. Artistic merit of the Work of Art, including consideration of its artistic social and/or historical significance and provenance, as evidenced by Form A - Intent to Donate (which shall include a written description and drawings and/or photographs of the proposed Work of Art);
2. Artist's background, as evidenced by Form A - Intent to Donate (which shall include information about the artist plus slides/photographs or other visual examples of past work and a resume, if possible);
3. Compatibility of the Work of Art within the context of the County's Collection;
4. Warranty of originality of existing Work of Art (**only original Works or limited editions shall be considered**);

5. Ability of the Work to meet the Board's criteria for quality of Workmanship and permanence; and
6. Verification that any permanently attached text components (including signage and/or plaques) for the Work of Art will not violate the requirements of Los Alamos County regulations relating to the displaying of non-commercial signs in Public places. As noted under "Special Conditions," the Work of Art shall not contain/display anything that can be construed as advertising.

**Location** - Consideration shall be given to the following:

1. Appropriateness of the proposed site concerning the Work of Art's audience and physical environment;
2. Compliance with any Master Plans or other plans the County has developed regarding site location;
3. Identification of potential Public safety concerns;
4. Proposed method of display (including any necessary base design: landscaping, lighting, utilities, or anchoring);
5. Scale, form, content, color, and design of the Work of Art at the site;
6. Ecological impact (i.e., percentage of impervious cover, etc.);
7. Accessibility to the Public, including persons with disabilities; and
8. Compatibility with Works of Art already in existence at the proposed site.

**Installation** - The standards to be considered for placement of the Work of Art at a site shall include:

1. Electricity, lighting, and water, including irrigation water. If the irrigation system needs to be relocated but is not feasible, then the effect of the irrigation water on the artwork must be taken into account;
2. Method of installation;
3. Transportation costs;
4. Storage requirements, if any; and
5. Maintenance requirements.

**Financial** - Financial criteria to be considered shall address the cost and availability of funding and shall include the following:

1. All costs associated with fabrication and installation (including site preparation, plaque, and unveiling/dedication event, if any);
2. Source of funding and date funds are available (i.e., must funds be raised through private fundraising before the artwork can be installed or fabricated?); and
3. Estimated annual maintenance costs.

**Liability** – Added costs or liabilities the County may incur if the Work of Art is accepted, such as:

1. Susceptibility of the Work of Art to normal wear and vandalism;
2. Potential risk to the Public;

3. Public access, in general, as well as compliance with ADA requirements; and
4. Any special insurance requirements.

**Timeliness** – Subjects of concern related to timeliness include:

1. Allowance of sufficient time for the normal review process by the impacted County department(s), the Board, the County Council, and any other affected parties; and
2. A failure by the donor to promptly respond to additional materials or information may be grounds to reject a gift or donation.

**Special Conditions** - Conditions imposed by the donor may not be compatible with the County's plans. Therefore, such conditions will be a factor in determining the advisability of accepting a proposed gift or donation

## **Procedures**

The following procedures have been established to provide a fair and consistent application of this policy.

1. The potential donor shall submit a completed Form A - "Intent to Donate Art Work" including the required attachments, to the Board's staff liaison. The staff liaison will schedule the proposal on the Board's agenda. The Board shall perform a preliminary review based on the "Aesthetics" criteria, listed above. If the Board determines that the donation does not meet the criteria, the process is concluded.
2. If the donation offer passes the review above, the Board will review the offer. Upon a recommendation to accept the donation, the Staff Liaison will be directed to contact all interested County departments affected by the decision for review and technical evaluation, when technical expertise is needed. The purpose of the departmental review is to determine the feasibility of accepting the Work of Art, i.e., the viability of the recommended location, maintenance costs, and other impacts. If the affected department(s) has a Board or Commission that is appropriate to involve, that Board or Commission should review and comment on the proposal.
3. If the proposed donation is deemed appropriate through the process outlined above, the Board shall either vote to make a recommendation to County Council to accept the donation, or vote to decline the donation as presented. The recommendation to County Council shall consider the input from all others involved in the review process; however, if the Board votes to decline the proposed donation, the process is concluded.
4. If the Board's review of the proposed donation results in a recommendation to accept the donation with modifications, the modified donation shall be resubmitted to the respective department for review before the Board takes its

final recommendation to the County Council.

5. When the Work of Art donation approval process has been successfully completed, the County and the donor shall enter into an agreement for the transfer and placement of the work of art that legally conveys the title to the County and includes the appropriate warranty of originality. The agreement shall also enumerate any conditions of the gift the County has agreed to accept and outline the responsibilities of each party concerning the donation, including installation and maintenance. In general, gifts may only be accepted without restrictions. Once installed, the artwork shall be added to the County's Collection and covered under the County's insurance policies for the appraised value.
6. Until an agreement has been accepted by both the donor and the County, the donor may withdraw the offer of gift or donation.



*Heading Home* by Dorothy Hoard at the Nature Center, 2016

Date Appendix B (formally Appendix A) was approved by the Board:



April 25, 2013; Revised November 21, 2013; Revised March 24, 2016; Revised June 23, 2016; Revised January 25, 2025

Date Appendix B (formally Appendix A) was approved by the Los Alamos County Council:

November 5, 2013; Revised August 30, 2016;

## **Appendix C**

### Conflicts of Interest (COIs)

Every APPB member is required to refrain from any action which constitutes a conflict of interest.

As defined in the County Charter Section 910:

“Any elected official, County employee, committee member or advisory board or commission member who has a financial interest in the outcome of any policy, decision, or determination shall not vote or act on the issue in which he or she has such an interest.”

Each APPB member is required to excuse themselves from any Board discussions or actions that could be interpreted as representing a conflict of interest. See County Code Chapter 30, Article I.

For art acquisitions specifically, a conflict of interest occurs when a member of the Board has financial, business, or personal interests that could interfere with, or appear to interfere with, the Board's purpose of fairly selecting and recommending artists or artworks. Such conflicts may compromise a member's ability to make impartial decisions and may result in an unfair advantage for certain artists or works of art.

Close personal relationships, financial interests, or professional affiliations—whether current or prospective—can all give rise to real or perceived conflicts. APPB members must uphold the integrity of the selection process by avoiding situations that could compromise, or appear to compromise, their duty to act impartially.

To maintain public trust and ensure transparency:

- Board members must disclose any actual or potential conflicts of interest at the earliest opportunity, either to the APPB Chair in writing or during a APPB meeting.
- Upon disclosing a conflict, the member must recuse themselves from both the discussion and voting on the relevant agenda item or project.
- Members must abstain from attempting to influence Board decisions that could materially benefit their personal, financial, or professional interests.
- This recusal remains in effect until the conflict has been fully resolved or the member is otherwise disqualified from participating in the matter.

APPB members are expected to avoid even the appearance of a conflict and to always act in the best interest of the public trust and the integrity of the Board.

**Form A**

To be completed by donor

**Los Alamos County  
Art in Public Places Board  
Intent to Donate**

I am presenting the following Work of Art for consideration by the Art in Public Places Board to be included in the Los Alamos County Public Art Collection. I understand that the acceptance and disposition of this piece will be governed by the Policies and Guidelines established for the Art in Public Places Board.

**Donor Information**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number/s:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Information about the Work of Art**

**Title:** \_\_\_\_\_

**Provenance** (or any known history): \_\_\_\_\_

**Medium:** \_\_\_\_\_

**Dimensions:**

Height: \_\_\_\_\_ Length: \_\_\_\_\_ Diameter: \_\_\_\_\_ Weight: \_\_\_\_\_

**Estimated Value:** \_\_\_\_\_ Photos attached: Yes\_\_\_\_ No\_\_\_\_

**Appraised:** Yes\_\_\_\_ No\_\_\_\_ If yes, date of Appraisal: \_\_\_\_\_

**Appraisal Value:** \$\_\_\_\_\_

**Appraiser's Name & Phone Number:**

\_\_\_\_\_

**Appraisal attached?** Yes\_\_\_\_ No\_\_\_\_

### Information about the Artist, if known

**Artist Name:** \_\_\_\_\_

**Resume Attached:** Yes \_\_\_\_\_ No \_\_\_\_\_

**Represented By:** \_\_\_\_\_

**Additional Information:** (Attach additional pages, as needed. Provide photographs, or other visual examples of the artist's Work, if possible.)

### Donor Requests/Recommendations

**Desired or requested location:**

1<sup>st</sup> choice: \_\_\_\_\_

2<sup>nd</sup> choice: \_\_\_\_\_

3<sup>rd</sup> choice: \_\_\_\_\_

**Description of Annual Maintenance:**

**Requested or Recommended Plaque wording:**

**Additional Information or Comments:**

***\*Please attach photographs of the piece (at least 2 photos from different angles) and any additional information you have about the artist and the artWork.***

Donor's Printed Name: \_\_\_\_\_

Donor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Form B**

To be completed by County

**Los Alamos County  
Art in Public Places Board  
Work of Art Donation Offer – Internal Review Form**

**Donation Packet**

**Submitted by:** \_\_\_\_\_ **Date Submitted** \_\_\_\_\_

**APPB Member/s:** \_\_\_\_\_

**Date Reviewed:** \_\_\_\_\_

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**Title of Work of Art:** \_\_\_\_\_

**Artist:** \_\_\_\_\_

**Medium:**     Abstract \_\_\_\_\_     Representational \_\_\_\_\_

**Aesthetics:**     Merit \_\_\_\_\_     Artist Qualification \_\_\_\_\_     Compatability \_\_\_\_\_  
*Rate from 1 (low) to 5 (high)*  
                         Originality \_\_\_\_\_     Quality & Permanence \_\_\_\_\_

**Quality:**     Professional \_\_\_\_\_     Non-Professional \_\_\_\_\_

**Proposed Location:** \_\_\_\_\_

**Rating (1-Low to 5-High)**     Indoor \_\_\_\_\_     Outdoor \_\_\_\_\_

**Installation Requirements:**



**Maintenance:**

Base: Yes \_\_\_\_\_ No \_\_\_\_\_

Price Estimate: \_\_\_\_\_

Plaque: Yes \_\_\_\_\_ No \_\_\_\_\_

Price Estimate: \_\_\_\_\_

Lighting: Yes \_\_\_\_\_ No \_\_\_\_\_

Price Estimate: \_\_\_\_\_

**Comments:**

**Liability Issues:** Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, Explain:

**Additional Comments or Special Conditions:**

**Form C**

To be completed by donor

**Los Alamos County  
Art in Public Places Board  
Acceptance of Donated Art**

I understand that the acceptance and disposition of the Work of Art will be governed by the Policies and Guidelines established for the Art in Public Places Board and the Terms and Conditions outlined below.

**Donor Information**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number/s:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Is this your original Work of Art<sup>(1)</sup>?** Yes \_\_\_\_\_ No \_\_\_\_\_

**Are you the Artist?** Yes \_\_\_\_\_ No \_\_\_\_\_

*If "Yes", proceed with the below.*

*If "No", please contact the Arts in Public Places Staff Liaison to review what rights you may have in donating the Work of Art.*

Are you the sole creator of this Work or was it created in coordination with others<sup>(2)</sup>?

Sole Creator \_\_\_\_\_ Created with other artists or Individuals \_\_\_\_\_

## Information about the Work of Art

**Title:** \_\_\_\_\_

**Date Created** (if known) or Est. age of the Work of Art:

\_\_\_\_\_

**Medium:** \_\_\_\_\_

### Dimensions:

Height \_\_\_\_\_ Length \_\_\_\_\_ Diameter: \_\_\_\_\_ Weight \_\_\_\_\_

Estimated Value: \$\_\_\_\_\_ Photos Attached: Yes\_\_\_\_\_ No\_\_\_\_\_

Appraised?: Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, date of Appraisal: \_\_\_\_\_

Appraiser's Name & Phone Number:

\_\_\_\_\_

<sup>(1)</sup> If you answered "No" to the question on whether you are the Artist or creator of the Work, a case-by-case analysis is required to determine what rights you may have, hold, or possess in relation to the Work of Art and what rights may be transferred to the County.

<sup>(2)</sup> If you are not the sole creator of the Work of Art, can you or will you obtain the other artist(s) release and agreement to donate the Work of Art? All creators of the Work of Art must agree to donate the Work of Art either by full copyright or irrevocable license.

## **Incorporated County of Los Alamos Acceptance of Donated (Original) Work of Art**

I, \_\_\_\_\_, and \_\_\_\_\_ ("Artist" hereafter used individually or collectively) hereby, on this the \_\_\_\_ day of \_\_\_\_\_, of \_\_\_\_\_, donate my original Work of Art, described fully below, (hereafter "Art") to be included in the Incorporated County of Los Alamos ("County") Public Art Collection. The County hereby accepts the donation of the Art from Artist in accordance with the following term and conditions.

The Work of Art, is titled "\_\_ (title) \_\_," is as follows: (describe the Work of Art)

For good and valuable consideration, Artist agrees that upon the acceptance, transfer, receipt, and installation of the donated Art by County into the County's Public Art Collection that the County shall be granted, given: (choose one and initial)

\_\_\_\_ Full ownership, including the Copyright as held by Artist, whether recorded or not and to include all rights, title, and interests Artist has in the art work, including possession, is transferred and vested with and in perpetuity to the County. County shall have the sole right to any and all derivative works and the County has all rights to publish, print, copy, or otherwise distribute the Art. County may, at its option and costs, record the copyright with the U.S. Copyright Office; or

\_\_\_\_ An irrevocable license to perpetually hold, possess, and publish, including, but not limited to, reproductions used in advertising, brochures, media publicity and catalogues or other similar publications, the Art for the life of the Artist plus seventy (70) years. Artist retains all copyrights under the United States Copyright Act of 1976, 17 U.S.C. sec. 101 et seq., as amended, and all derivative rights to the Art, except that Artist agrees to: 1) not enter into any agreements which would authorize the creation, duplication, or installation of copies or derivatives of the Art as part of a Public Art Collection within a one hundred (100) mile radius of the County's installation site; and 2) Artist shall not make any additional exact duplicate reproductions of the final project, nor shall Artist grant permission to others to do so, derivative works, except with the express written permission of the County.

### **Visual Artists Rights Act (VARA) and Derivative Works**

Artist agrees that if the Art is found to be a work of "visual art" as provided by the Visual Artists Right's Act, the Parties specifically agree that: (1) Artist, as author of the Art, will only have the right to claim authorship of the work, pursuant to 17 U.S.C. § 106A(a)(1)(A), but herein specifically waives all rights to prevent the use of Artist name by County related to PUBLICATION or showing of the Art; and (2) Artist hereby expressly waives all other rights, including the right to limit or prevent the use of the Artist's name(s) in relation to the Art, the right of to prevent, limit, or halt the placement, movement, or temporary loaning of the Art and of the right to be notified of movement, sale, or decommissioning of the Art. Artist, where applicable, will provide to County any instructions on the preservation, maintenance, or cleaning of the Art.

### **Authorship Credit**

Display of the Art by County will include a credit to Artist pursuant to the County's Arts in Public Places Policies and Procedures, as may be amended. In any Public showing or publication of the Art, derivative works, or reproductions by Artist, as permitted herein, Artist shall give the following credit: "\_\_ (title)\_, an original work held as a public Work of Art by the Incorporated County of Los Alamos." This requirement may be waived upon written approval and mutual agreement of the Parties.

### **Release**

Artist agrees there are no claims or liens against the Art and that Art was solely created as an original Work of Art by the Artist. Artist releases, waives, and gives to County, whether granted a license or copyright, all income from the art work. Each party is responsible for their own costs in holding, maintaining, or preserving the Art or their right(s) therein. Artist agrees to release County against any and all claims of the Artist for any infringement of copyright by the publication, duplication, or copy of the Art including derivative works. Artist understands, agrees, and releases County from any actions in law or equity relating to resulting from such infringement of rights that may be held by the Artist.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

\_\_\_\_\_  
MICHAEL D. REDONDO  
COUNTY CLERK

BY: \_\_\_\_\_  
ANNE W. LAURANT  
COUNTY MANAGER

DATE

ARTIST/DONOR

BY: \_\_\_\_\_  
DATE