



Policy Type	General Administrative Practices
Policy Name	AR 37, Gift and Donation Acceptance Policy
Resolution Number	2021-0158
Effective Date	March 17, 2021

PURPOSE

This policy:

1. Establishes rules for accepting donations to the County, and describes the interaction of those rules with donations to Friends of Tulare County.
2. Establishes a policy in accordance with Fair Political Practices Commission (FPPC) Regulation section 18944 regarding donations to the County which might otherwise have to be considered gifts to individual County officials, and the limitations of certain donations of travel under FPPC Regulation 18950.1.

POLICY FOR THE ACCEPTANCE OF DONATIONS

General donations are those which are not intended to be used by an individual public official. Pursuant to the authority of Government Code section 25355, the Board of Supervisors may accept or reject any gift, bequest, or devise made to or in favor of the County; or to or in favor of the Board in trust for any public purpose. The Board may hold and dispose of the property and the income and increase thereof for those lawful uses and purposes as are prescribed in the terms of the gift, bequest, or devise.

As authorized by this statute, the Board may delegate to any County officer or employee the power to accept any gift, bequest, or devise made to or in favor of the County, with such limitations as the Board may determine, provided the officer or employee shall file with the board at least quarterly a report that describes the source and value of each gift valued in excess of ten thousand dollars (\$10,000) or any other amount as determined by the board.

Pursuant to Government Code section 25356, if any gift, bequest, or devise is unaccompanied by any provision prescribing or limiting the uses and purposes to which the property received, or the income or increase thereof, may be put, it may be put to any uses and purposes which the Board prescribes, and the proceeds or income therefrom shall be paid into the general fund of the County.

1. GENERAL DONATIONS

The County has three thresholds for accepting general donations.

A. Donations which may be accepted by a County Department/Agency.

1. County Department/Agency Heads may accept any gift or bequest of personal property earmarked for use by that department/agency with an individual value of \$1,500 or less.
2. Department/Agency Head shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an



aggregate value in excess of \$10,000, quarterly reports to the Board are required thereafter.

B. Donations which may be accepted by the County Librarian.

1. The County Librarian may accept any gift or bequest of personal property to the Library with an individual value of \$10,000 or less.
2. The Librarian shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$50,000, quarterly reports to the Board are required thereafter.

C. Donations which may be accepted by the County Administrative Officer.

1. With the exception of the donations accepted by any Department/Agency described above, all individual donations with a value of \$15,000 or less may be accepted by the County Administrative Officer.
2. The County Administrative Officer shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$75,000, quarterly reports to the Board are required thereafter.

D. Donations which must be accepted by the Board of Supervisors.

1. Donations with an individual value of more than \$15,000 shall be accepted by formal action of the Board of Supervisors.
2. The donee department, if any, or the County Administrative Office, if the gift is general, shall be responsible for the agenda item.

2. DONATIONS TO THE COUNTY ART COLLECTION

Donations of artwork to the County Art Collection, as defined in the Tulare County Public Art Policy and managed by the Public Art Selection Committee, may be accepted by the General Services Agency Director in consultation with the Public Art Selection Committee.

A. The General Services Agency Director, in consultation with the Public Art Selection Committee, may accept a gift or bequest of art to the County Art Collection with a value of \$10,000 or less, so long as the donation satisfies the art evaluation criteria, donation selection criteria, and procedural requirements set forth in the Tulare County Public Art Policy.

B. The General Services Agency Director shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$50,000, quarterly reports to the Board are required thereafter.

2.3. DONATIONS FOR USE BY INDIVIDUAL OFFICIALS

Donations which must be used by an individual official (such as a gift basket, or travel and lodging) may be made to the County in such a way that the donation does not need to be reported as a gift to the individual public official. This section of the policy is pursuant to FPPC Regulations (tit.2, Cal. Code Regs.) sections 18944 and 18950.1, and does not include the distribution of tickets or passes under FPPC Regulation section 18944.1 (see Administrative Regulation No. 46.



“Donation” means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible, including the payment for, or provision of, fees, goods or services to the County, where:

- A. The person providing the payment has no legal obligation to do so; and
- B. The donation would otherwise be subject to disclosure as a gift to the official (e.g., a single gift from one donor worth \$50 or more).

(Note: see separate AR re distribution of tickets.)

Donations Subject to Section 18944 (Gifts Other than Travel or Lodging)

In order for a donation subject to this section of the policy to be considered a gift to the County, and not a gift to an individual public official, ALL of the following requirements must be met:

- A. The donation must be used for official County business.
- B. The County Administrative Officer, or his or her designee, must determine and control the County’s use of the donation. The donor may identify a purpose for the donation, but the donor may not designate by name, title, class, or otherwise, an official who may use the donation. If the donation will provide a personal benefit to an official, the County Administrative Officer, or his or her designee, shall select the individual who will use it. The County Administrative Officer, or his or her designee, may select himself or herself as the individual who will use the donation, provided that the donation is for an item that provides for general use by County officials, and the County Administrative Officer or designee is one of those officials who will have access to such use.
- C. The gift must be reported, posted, and retained as required by FPPC Regulation section 18944:
 1. The gift must be reported on the appropriate FPPC form. The following information must be included on the form:
 - a. A description of the donation, the date received, the intended purpose, and the amount of the donation (or the actual or estimated fair market value of the goods or services provided, if the amount is unknown).
 - b. The name and address of the donor. If the donor is not an individual, the report shall also describe the business activity, or the nature and interests of the entity. If the donor has raised funds from other persons for the specific purpose of making the donation to the County, the report shall contain the names of and amounts given by these persons.
 - c. The County’s use of the donation, and the name, title, and department of the County official for whom the donation was used.
 2. The form must be signed by the County Administrative Officer or his or her designee, and must be maintained by the County as a public record subject to inspection and copying under Section 81008(a).
 3. For any quarter year in which payments aggregating to \$2,500.00 or more since the last filing are received by the County, the form, or a detailed summary of the information on the form, shall be filed with the Clerk of the Board of Supervisors, within 30 days after the close of the quarter. The Clerk shall post a copy of the completed form on the County website in a prominent fashion, within 30 days after the close of the quarter.



3. DONATIONS OF TRAVEL OR LODGING, SUBJECT TO SECTION 18950.1

A. Under FPPC Regulation section 18950.1, a gift

of travel and/or lodging intended to facilitate the public's business need not be considered a gift or income to the individual official, merely because the payment is provided by someone other than the County.

The rules under section 18950.1 are as follows:

A. The donation must be made directly to or coordinated with the County. This means:

1. The donation must be made directly to the County, or by arranging with the County any payments for transportation and lodging that are made directly to the provider of those services.
2. Food may be accepted for attendance at an event where food is provided as part of the admission to the event. All other payments for food must be made to the County pursuant to the County's per diem travel policy.

B. The donation must be used for official County business. This means any of the following:

1. The donation is made pursuant to a provision in a contract that requires the contracting party to pay any expenses associated with any required governmental travel resulting from the County's participation in the contract and the payment is used for that purpose.
2. The donation is made for the travel expenses of an official for the purpose of performing a regulatory inspection or auditing function that the County is mandated to perform.
3. The donation is made for the travel expenses of an official and the official is attending solely for purposes of providing training or educational information directly related to the County's functions or duties under the laws that it administers for individuals who are affected by those laws, and the payment is made by an organization to provide such training for its members.
4. The donation is made for the travel expenses of an official to an educational conference directly related to the County's functions or duties under the laws that it administers, the official is a named presenter at the conference, and the payment is made by the organizers of the event.
5. The donation is made for the travel expenses of an official for the purpose of receiving training directly related to the official's job duties and the payment is provided by an organization that commonly provides such training.
6. The donation is made for food provided to all attendees at a working group meeting in which the County official participates as a representative of the County in a working group meeting under his or her officially assigned job duties and the County is authorized to provide an official to attend the meeting.
7. The payment is for travel expenses that are required to attend a location to view an in place operation, structure, facility, or available product where the viewing would substantially enhance an official's knowledge and understanding in making an informed decision to enter into a contract regarding a similar operation, structure, facility or purchase the product pursuant to the jurisdictional authority of the County.

C. The County must determine the official who will make use of the donation. If the payment is for expenses related to an oral presentation to either provide training on a subject on which the County provides training, or discuss policy and direction in implementing the functions of the County, the donor may request the official who is most qualified to make the presentation.

D. The donation cannot provide a personal benefit to the official who makes use of the payment. This means:



1. The travel must be for purposes approved by the County under the same requirements applicable to travel using County funds, and the official is representing the County in the course and scope of his or her official duties.
2. The travel expenses must be limited to no more than the expenses allowable for travel for County business paid at County expense.

E. Limitations on application of exception:

1. The exception for a donation of travel expenses does not apply if the donation is made for travel by an elected County official, or a County official listed in Government Code section 87200, unless the transportation, lodging, and food is directly related to the official's public duties, is for a purpose that would otherwise be paid for with County funds, is authorized in the same manner as transportation, lodging, and food using County funds, and otherwise meets the requirements of FPPC regulation section 18950.1.

"Elected County official," for purposes of this limitation, means:

- Member of the Board of Supervisors,
- Assessor/County Clerk-Recorder,
- Auditor-Controller/Treasurer-Tax Collector,
- District Attorney-Public Administrator,
- Sheriff-Coroner,
- A person who has been elected to one of these offices but has not yet taken office, and
- A candidate for one of these offices.

(Note: the restriction applies even if the person is appointed to the elected office.)

The additional officials listed in Government Code section 87200 are:

- Chief Administrative Officer
- County Counsel,
- Members of the Planning Commission, and
- Other public officials who manage public investments (i.e., certain subordinate employees in the Treasurer's office).

(Note: for the employees listed in this statute, the restriction applies only to the individual person holding the specified position, and not to any other deputies or subordinates in those departments.)

2. The exception for a donation of travel expenses does not apply if acceptance of a pass or discount from a transportation company by a public official would violate Article XII, Section 7 of the California Constitution.

4. FRIENDS OF TULARE COUNTY

Although donations to the County are deductible from income taxes, just like any other charitable contribution, some donors prefer to donate only to a private entity which is eligible for charitable contributions pursuant to Internal Revenue Code section 501(c)(3). If a potential donor to the County has such a preference, the potential donor should be directed to Friends of Tulare County (FOTC), through the County of Tulare Health & Human Services Agency, which serves as FOTC staff.



COUNTY OF TULARE

ADMINISTRATIVE REGULATION

If such a potential donor wishes to donate a restricted gift to FOTC for ultimate use by the County, County staff assigned to serve as FOTC staff shall coordinate with the department ultimately intended to use the gift, to ensure that the County is willing and able to use the gift in the restricted manner. If the potential gift is not logically limited to use by a particular department, the CAO shall be the coordinating department. County staff assigned to serve as FOTC staff shall ensure that these restricted gifts are accounted for properly until actually accepted by the County.

County staff assigned to serve as FOTC staff may accept gifts to FOTC without reference to the thresholds for departments in accepting gifts to the County. Instead, they shall follow the procedures set by FOTC for its staff in accepting and reporting gifts to FOTC.



COUNTY OF TULARE

ADMINISTRATIVE REGULATION

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As authorized by this statute, the Board may delegate to any County officer or employee the power to accept any gift, bequest, or devise made to or in favor of the County, with such limitations as the Board may determine, provided the officer or employee shall file with the board at least quarterly a report that describes the source and value of each gift valued in excess of ten thousand dollars (\$10,000) or any other amount as determined by the board.

Pursuant to Government Code section 25356, if any gift, bequest, or devise is unaccompanied by any provision prescribing or limiting the uses and purposes to which the property received, or the income or increase thereof, may be put, it may be put to any uses and purposes which the Board prescribes, and the proceeds or income therefrom shall be paid into the general fund of the County.

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1. With the exception of the donations accepted by any Department/Agency described above, all individual donations with a value of \$15,000 or less may be accepted by the County Administrative Officer.
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D. Donations which must be accepted by the Board of Supervisors.

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- A. The General Services Agency Director, in consultation with the Public Art Selection Committee, may accept a gift or bequest of art to the County Art Collection with a value of \$10,000 or less, so long as the donation satisfies the art evaluation criteria, donation selection criteria, and procedural requirements set forth in the Tulare County Public Art Policy.
- B. The General Services Agency Director shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$50,000, quarterly reports to the Board are required thereafter.

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“Donation” means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible, including the payment for, or provision of, fees, goods or services to the County, where:

- A. The person providing the payment has no legal obligation to do so; and
- B. The donation would otherwise be subject to disclosure as a gift to the official (e.g., a single gift from one donor worth \$50 or more).

(Note: see separate AR re distribution of tickets.)

Donations Subject to Section 18944 (Gifts Other than Travel or Lodging)

In order for a donation subject to this section of the policy to be considered a gift to the County, and not a gift to an individual public official, ALL of the following requirements must be met:

- A. The donation must be used for official County business.
- B. The County Administrative Officer, or his or her designee, must determine and control the County’s use of the donation. The donor may identify a purpose for the donation, but the donor may not designate by name, title, class, or otherwise, an official who may use the donation. If the donation will provide a personal benefit to an official, the County Administrative Officer, or his or her designee, shall select the individual who will use it. The County Administrative Officer, or his or her designee, may select himself or herself as the individual who will use the donation, provided that the donation is for an item that provides for general use by County officials, and the County Administrative Officer or designee is one of those officials who will have access to such use.
- C. The gift must be reported, posted, and retained as required by FPPC Regulation section 18944:
 - 1. The gift must be reported on the appropriate FPPC form. The following information must be included on the form:
 - a. A description of the donation, the date received, the intended purpose, and the amount of the donation (or the actual or estimated fair market value of the goods or services provided, if the amount is unknown).
 - b. The name and address of the donor. If the donor is not an individual, the report shall also describe the business activity, or the nature and interests of the entity. If the donor has raised funds from other persons for the specific purpose of making the donation to the County, the report shall contain the names of and amounts given by these persons.
 - c. The County’s use of the donation, and the name, title, and department of the County official for whom the donation was used.
 - 2. The form must be signed by the County Administrative Officer or his or her designee, and must be maintained by the County as a public record subject to inspection and copying under Section 81008(a).
 - 3. For any quarter year in which payments aggregating to \$2,500.00 or more since the last filing are received by the County, the form, or a detailed summary of the information on the form, shall be filed with the Clerk of the Board of Supervisors, within 30 days after the close of the quarter. The Clerk shall post a copy of the completed form on the County website in a prominent fashion, within 30 days after the close of the quarter.



3. DONATIONS OF TRAVEL OR LODGING, SUBJECT TO SECTION 18950.1

A. Under FPPC Regulation section 18950.1, a gift

of travel and/or lodging intended to facilitate the public's business need not be considered a gift or income to the individual official, merely because the payment is provided by someone other than the County.

The rules under section 18950.1 are as follows:

A. The donation must be made directly to or coordinated with the County. This means:

1. The donation must be made directly to the County, or by arranging with the County any payments for transportation and lodging that are made directly to the provider of those services.
2. Food may be accepted for attendance at an event where food is provided as part of the admission to the event. All other payments for food must be made to the County pursuant to the County's per diem travel policy.

B. The donation must be used for official County business. This means any of the following:

1. The donation is made pursuant to a provision in a contract that requires the contracting party to pay any expenses associated with any required governmental travel resulting from the County's participation in the contract and the payment is used for that purpose.
2. The donation is made for the travel expenses of an official for the purpose of performing a regulatory inspection or auditing function that the County is mandated to perform.
3. The donation is made for the travel expenses of an official and the official is attending solely for purposes of providing training or educational information directly related to the County's functions or duties under the laws that it administers for individuals who are affected by those laws, and the payment is made by an organization to provide such training for its members.
4. The donation is made for the travel expenses of an official to an educational conference directly related to the County's functions or duties under the laws that it administers, the official is a named presenter at the conference, and the payment is made by the organizers of the event.
5. The donation is made for the travel expenses of an official for the purpose of receiving training directly related to the official's job duties and the payment is provided by an organization that commonly provides such training.
6. The donation is made for food provided to all attendees at a working group meeting in which the County official participates as a representative of the County in a working group meeting under his or her officially assigned job duties and the County is authorized to provide an official to attend the meeting.
7. The payment is for travel expenses that are required to attend a location to view an in place operation, structure, facility, or available product where the viewing would substantially enhance an official's knowledge and understanding in making an informed decision to enter into a contract regarding a similar operation, structure, facility or purchase the product pursuant to the jurisdictional authority of the County.

C. The County must determine the official who will make use of the donation. If the payment is for expenses related to an oral presentation to either provide training on a subject on which the County provides training, or discuss policy and direction in implementing the functions of the County, the donor may request the official who is most qualified to make the presentation.

D. The donation cannot provide a personal benefit to the official who makes use of the payment. This means:



1. The travel must be for purposes approved by the County under the same requirements applicable to travel using County funds, and the official is representing the County in the course and scope of his or her official duties.
2. The travel expenses must be limited to no more than the expenses allowable for travel for County business paid at County expense.

E. Limitations on application of exception:

1. The exception for a donation of travel expenses does not apply if the donation is made for travel by an elected County official, or a County official listed in Government Code section 87200, unless the transportation, lodging, and food is directly related to the official's public duties, is for a purpose that would otherwise be paid for with County funds, is authorized in the same manner as transportation, lodging, and food using County funds, and otherwise meets the requirements of FPPC regulation section 18950.1.

"Elected County official," for purposes of this limitation, means:

- Member of the Board of Supervisors,
- Assessor/County Clerk-Recorder,
- Auditor-Controller/Treasurer-Tax Collector,
- District Attorney-Public Administrator,
- Sheriff-Coroner,
- A person who has been elected to one of these offices but has not yet taken office, and
- A candidate for one of these offices.

(Note: the restriction applies even if the person is appointed to the elected office.)

The additional officials listed in Government Code section 87200 are:

- Chief Administrative Officer
- County Counsel,
- Members of the Planning Commission, and
- Other public officials who manage public investments (i.e., certain subordinate employees in the Treasurer's office).

(Note: for the employees listed in this statute, the restriction applies only to the individual person holding the specified position, and not to any other deputies or subordinates in those departments.)

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COUNTY OF TULARE

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County staff assigned to serve as FOTC staff may accept gifts to FOTC without reference to the thresholds for departments in accepting gifts to the County. Instead, they shall follow the procedures set by FOTC for its staff in accepting and reporting gifts to FOTC.

TULARE COUNTY PUBLIC ART POLICY

I. PURPOSE

To encourage the integration of community inspired Art into public spaces to create beautiful, inviting environments within County buildings and around County property.

II. SCOPE

Nothing in this Policy shall be construed to limit a County entity's individual, pre-existing, or other Board of Supervisor-delegated authority to accept, reject, and/or display Art, on its own behalf, at County Locations subject to the control of such entity.

III. DEFINITIONS

- A. *Art*: Existing or proposed artistic and cultural, objects, facilities, services, or amenities, consisting of one or more of the following:
1. *Sculptures*: Free standing, wall-supported, or suspended three-dimensional fixtures, whether kinetic, electronic, mechanical, or any other combination of materials;
 2. *Murals or Portable Paintings*: Paintings applied to fixed or movable surfaces, consisting of various traditional or nontraditional materials, with or without collage;
 3. *Works on Paper*: Photographs, prints, calligraphy, watercolors, drawings, pastels, charcoal, documents, maps, letters, and other paper ephemera;
 4. *Textiles*: Tapestries, quilts, flags, banners, costumes, embroideries, and other forms of woven or non-woven fiber Art;
 5. *Media Art*: Film, video, or digital media;
 6. *New Media*: Emergent media including but not limited to new technologies in light, sound, film, holograms, virtual reality, digital media, and any hybrids of media and new genres; or
 7. *Other Media*: Neon, glass, earthworks, mosaics, tile, ceramics, printmaking, collage, mixed media, assemblage.
- B. *Artist*: A person with an established reputation of excellence in the arts, as judged by peers, through a record of exhibitions, public commissions, sale of works, and/or educational attainment.
- C. *Arts Organization*: The official Arts Council of Tulare County at the time of solicitation and selection of Art. If there is no official Arts Council of Tulare County at the time of solicitation and selection of Art, the County will designate an organization existing for the advancement of the Arts.
- D. *County Art Collection*: Art that has been accessioned or acquired by the Public Art Selection Committee in conformance with Art Evaluation Criteria and Art Acceptance Procedures contained in this Policy.
- E. *County Locations*: County-owned, public locations including, but not limited to:
- a. *Public Indoor Locations*: Inside County-owned building common areas, such as lobbies, hallways, conference rooms, clinics, etc.
 - b. *Public Outdoor Locations*: County parks and all other County-owned outdoor spaces, such as outside of buildings, or affixed to or placed upon rights-of-way, infrastructure, etc.
- F. *Public Art Selection Committee*: A committee consisting of a maximum of two sitting Board of Supervisors or Supervisors Elect, Tulare County General Services Agency Director or designee, and any interested department heads or stakeholders.

- G. *Requestor*: Any entity submitting Art to the County of Tulare for evaluation, and possible acceptance into, the County Art Collection.

IV. ART EVALUATION CRITERIA

The County may, in its sole discretion, determine whether to accept or reject Art, in whole or in part. To be accepted into the County Art Collection, Art must satisfy the following criteria:

- A. *Aesthetic Merit*: The Art must improve the aesthetics of a location. The term “aesthetic” means pleasing in appearance to the average person.
- B. *County Location*: The Art must be compatible in scale, material, and form to the intended site and County Location. Consideration shall be given to the architectural, historical, geographical, social, and cultural context of the intended site.
- C. *Originality*: The Art must be original, and replicas of another Artist’s work will not be accepted. The Art must not contain or consist of, be substantially related to, in whole or in part, any material subject to third-party intellectual property rights.
- D. *Local*: Preference shall be given to “local” Artists. The term “local” means from Tulare County or an adjacent County.
- E. *Public Safety*: The Art must comply with building codes and accessibility requirements, must not pose any hazard or threat to public safety or public health, and must not create a potential liability for the County in any other way.
- F. *Maintenance*: The Art must not require exorbitant funds or measures to maintain and must not require an excessive use of County resources.
- G. *Historical Significance*: Preference will be given to Art that represents elements of, or honors, the history of Tulare County.
- H. *Discrimination*: The Art must not endorse or disfavor any race, religion, gender, sexual orientation, and/or political affiliation. The purpose of this policy is not to create a forum for public political debate, but to encourage the community’s appreciation of Art in a forum that may be viewed by all community members. Accordingly, Art must not imply that the County is sponsoring and/or endorsing any commercial establishment or business, although the County may allow Art to be sold to the general public and allow the display of information to facilitate a sale of such Art. Furthermore, Art may be rejected that associates the County with a position other than neutrality on matters of political controversy.
- I. *Obscenity*: The Art must not be obscene. “Obscene” means Art, taken as a whole, that to the average person, applying contemporary community standards, appeals to the prurient interest, that, taken as a whole, depicts or describes sexual conduct in a patently offensive way, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- J. *Controversy*: The Art must not be controversial, offensive, intimidating, incite tension and/or encourage violence.
- K. *Legality*: The Art must not violate any Federal, State, or local laws, regulations, ordinances, or other guidance or directives.

V. ART ACCEPTANCE PROCEDURES

A. Solicited Art Proposals and Commissioned Works

1. *Solicitation*: If the County desires a temporary or permanent Art display, the County may: (a) enter into an agreement with the Arts Organization to solicit proposals for a specific piece of Art, (b) solicit proposals from the public directly, under select circumstances. Either the Arts Organization or the County (the “Soliciting Party”) will conduct a request for proposals and will screen qualifying proposals. The Public Art Selection Committee will review qualifying proposals, and select the winning proposal to be installed on County Property. Once the Public Art Selection Committee selects a proposal, the Soliciting Party will contract directly with the Artist. Unsuccessful qualifying proposals may be placed in a public art pool for future project consideration.
2. *Direct Selection*: The County may “sole source” Art if it determines that there exists a need to contract with a particular Artist, or Artists, for a specific Art opportunity. This determination shall be made by the Public Art Selection Committee. The recommended artist may be interviewed and may be requested to develop a preliminary proposal prior to selection.

3. *Ownership*:

- **Art for Temporary Display**

The County will not own temporarily displayed Art. The Arts Organization will be permitted to place Art at County Locations with sales tags for a predefined term. The tag will include the price of the Art piece and contact information for the Arts Organization. The County will not be involved in the sale of Art on behalf of the Arts Organization. If the Arts Organization sells a piece of Art temporarily displayed in a County Space prior to the conclusion of the predefined term, the Art will remain on display until the conclusion of the term.

- **Art for Permanent Display**

The County will obtain ownership of Art intended for permanent display through its agreement, either with the Arts Organization or with the Artist, which shall include intellectual property rights to the extent required by the County.

4. *Agreement*: Specific agreement terms will be negotiated based on location and project type. The Soliciting Party will contract directly with Artists.

Regarding Art for Permanent Display, County shall retain the right to dispose of, relocate, modify, or destroy accessioned works of Art. The County may require Artists to waive their rights pursuant to the California Art Preservation Act (CAPA) and the Visual Artists Rights Act of 1990 (VARA), to the fullest extent allowed by law. In addition, the County may require a perpetual, exclusive, and royalty free worldwide license to reproduce, distribute and/or display reproductions of the Art in its final form and as depicted in any of its design stages, including, but not limited to, advertising, brochures, posting on a County webpage, media publicity, catalogues and similar uses and/or publications. Such license must be in a form acceptable to the County.

B. Gifts, Donations, and Unsolicited Art Proposals

The Tulare County Board of Supervisors delegated authority to accept donations or gifts to the Public Art Selection Committee, subject to the valuation and reporting requirements detailed in Tulare County Administrative Regulation 37 (AR-37).

Tulare County General Services Agency (GSA), following consultation with the Public Art Selection Committee, will determine whether to accept or deny gifts, donations, and unsolicited Art proposals. GSA shall adhere to the following procedures in determining whether to accept gifts, donations, or unsolicited Art proposals:

1. *Request Letter*: Requestors must submit to the GSA Director or the Director's designee a "Request Letter." Request Letters must include, where applicable and to the extent known, or reasonably ascertained by the Requestor:
 - *Contact Information*: The Requestor's name, address, telephone number, and email address. If the Requestor is an organization or a committee, provide information on all board or committee members and a copy of the organization's nonprofit status forms.
 - *Artist/Designer Biography*: Summary of the Artist's or designer's qualifications.
 - *Description*: Written description of the Art, the concept behind the Art, the relationship of the Art to the site and the anticipated audience, materials used in the fabrication and installation of the Art, the size, color and texture of each Art element, and the schedule for completion of the Art, if incomplete at the time of submission.
 - *Photography*: Photographs of the Art with enough detail so that the work can be fully evaluated.
 - *Structural Information*: Shop drawings, renderings, and measurements for Art that requires rigging or special preparations for installation.
 - *Visual Representation*: A visual representation (computer generated or hand-drawn rendering) of the Art showing detailed and overall views; and a maquette, model, photograph and/or map showing the Art in context.
 - *Ongoing Maintenance Report*: Report summarizing the materials to be used, risk assessment, and discussing anticipated routine maintenance and long-term conservation requirements.
 - *Budget*: Detailed budget listing all costs associated with acquisition and installation of the Art.
 - *Valuation*: The Requestor must assign a value to the work.
 - *Terms & Conditions*: Any stipulations placed upon the Art, including but not limited to those pertaining to ownership, disposal, location, or use of the Art.
2. *Selection*: GSA will evaluate Request Letters and respond to inquiries from Requestors. The Public Art Selection Committee will confirm that gifts, donations, and unsolicited Art proposals satisfy the evaluation criteria contained in this policy. In addition, the Public Art Selection Committee will:
 - Ensure funds are available for acquisition, installation, and maintenance of the Art;
 - Help to determine whether an appropriate County Location exists for the Art;
 - Provide guidance for acquiring, retrieving, and installing the Art; and
 - Aid in negotiating the terms of the legal instrument of conveyance with the Requestor.

If the Requestor intends that the gift, donation, or unsolicited Art proposal be used by a specific County Department or at a specific County Location, the recipient department's Director or designee will participate in the Public Arts Selection Committee to determine whether to accept or reject the gift, donation, or unsolicited art proposal. The Public Art Selection Committee may recommend alterations

to final design prior to determining whether to accept or deny a gift, donation, or unsolicited Art proposal.

3. *Ownership*: If selected and approved, the County will obtain ownership of the Art, including intellectual property rights to the extent required by the County, through its agreement with the Requestor.
4. *Agreement*: If accepted, GSA and the Requestor shall execute an agreement. The specific terms of each agreement will vary depending upon the proposed method of conveyance, the conditions specified by the Requestor during negotiations and/or contained in the Request letter, and any other legal or policy considerations relevant to the transaction. The agreement shall contain language specifying that no substantive change to the approved gift, donation, or proposal may take place without written consent by the County.

The County shall retain the right to dispose of, relocate, modify, or destroy accessioned works of Art. The County may require Artists to waive their rights pursuant to the California Art Preservation Act (CAPA) and the Visual Artists Rights Act of 1990 (VARA), to the fullest extent allowed by law. In addition, the County may require a perpetual, exclusive, and royalty free worldwide license to reproduce, distribute and/or display reproductions of the Art in its final form and as depicted in any of its design stages, including, but not limited to, advertising, brochures, posting on a County webpage, media publicity, catalogues and similar uses and/or publications. Such license must be in a form acceptable to the County.

VI. INVENTORY MANAGEMENT

A. Removal, Relocation, Modification, Destruction, and Disposal of Art

Although the County will attempt to maintain an Artist's original intent for a work of Art, the Public Art Selection Committee may remove, relocate, modify, destroy, or dispose of works of art for any of the following reasons:

1. A County building or facility is repurposed, renovated or remodeled;
2. The Art creates safety problems, severe inconvenience, or hardship for the public or County staff;
3. The Art is being degraded by its present environment;
4. The Art's security can no longer be guaranteed in its present location;
5. The Art would serve the public better in a different location;
6. The Art has received consistent adverse reaction from the public or County staff;
7. Changes to Federal, State, County, or local laws, regulations, ordinances, or guidelines have occurred; or
8. The County determines that the Art is no longer suitable for retention or display for any other reason consistent with this policy.

B. Deaccession

Deaccession is the permanent removal of Art from the County's collection. Deaccessioning is essential to continued collection improvement and ensures that staff time and resources are directed toward Art that furthers the County's purpose in adopting this policy.

1. **Deaccession Evaluation Criteria**: the following criteria may be utilized to determine that deaccession of a work of Art, or collection of works of Art, is appropriate:
 - *Provenance* – The object does not retain its identity or authenticity.

- *Relevancy* – The object is unrelated to, outside of, or does not support the County’s Purpose in adopting this policy.
- *Conservation* – The care or cost of the object’s conservation outweighs the aesthetic, historic, or financial value of the object.
- *Duplication* – The object is inferior intrinsically or relative to other objects of the same type, is repeated in kind by superior examples within the collection or is in excess of the County’s need.
- *Condition* – The object has lost its physical integrity, poses a threat to the public or to other County assets.

2. Deaccessioning Procedures

- *Deaccession Proposal*: The GSA Director or the Director’s designee determines that a work of Art or collection of works of Art is eligible for deaccession, and submits a “Deaccession Proposal Form” for each object or group of objects (groups of like objects may be proposed together), to the Public Arts Selection Committee. The form will include, where applicable:
 - The object ID number if known;
 - An object description;
 - The object Artist, donor, or grantor, if known;
 - Justification for proposing deaccession; and
 - A disposal/disposition recommendation.
- *Deaccession Determination*: The Public Art Selection Committee reviews Deaccession Proposal Forms and will vote to approve, amend, or reject proposals. Once the Public Art Selection Committee approves the deaccession proposal, deaccession may occur by any agreed upon method among those described below.

3. Deaccession Methods: The ultimate manner of disposition for deaccessioned Art shall be determined by the Tulare County General Services Agency Department Head or the Department Head’s designee, following consultation with the Public Arts Selection Committee, with reference to any conditions placed upon the Art at the time of conveyance. Disposition of deaccessioned objects may be accomplished by:

- *Sale* – The Art may be advertised for sale as County surplus.
- *Competitive Bidding* - The County may seek competitive bids for the Art. Alternatively, deaccessioned objects may be orchestrated through public auction by an established auction house or through a reputable dealer.
- *Transfer* – The deaccessioned object is transferred to another Tulare County Division, government agency, municipality, or to a museum, archive, library, or nonprofit.
- *Destruction* – if the integrity of the work has deteriorated to such an extent it is no longer stable, has lost all its character or financial value, or if the physical condition of the deaccessioned object is tied to a site scheduled for demolition or if it is structurally or economically infeasible to be safely removed and maintain the integrity of the work.
- *Return* – The County may, in its discretion, attempt to contact the original owner or creator of the work or works, or his or her heirs or assigns, in order to return the object.
- *Exchange* – The County may negotiate an exchange with a dealer or another collections institution.

VII. RECORD KEEPING

Art inventories are intended to make possible the full intellectual and physical control of all works held by the County. This means that the County can determine, through paperwork, indexes, files, and databases, the history of the Art since it was accessioned by the County, its purpose for being in the collection, and information about how it was acquired. The County will maintain appropriate files, whether physical or digital, indexing the County's collection of works.

A. Required Documentation

1. A name or an accession/acquisition number;
2. The date and method of acquisition;
3. A physical description of the Art;
4. The physical location of the Art;
5. The legal instrument(s) pertaining to ownership, title, sale, valuation, and any special restrictions and/or correspondence relevant to continued ownership or care of the Art;
6. An ongoing assessment of the Arts' condition; and
7. Any other characteristics deemed necessary by the General Services Agency Department Director or Designee to maintain adequate inventory records.

B. Reporting to the County Board of Supervisors

Tulare County General Services Agency shall inventory Art annually. An updated inventory report shall be issued to the Board of Supervisors at least once every five years.

Donations of Art are subject to the valuation reporting requirements established by Tulare County Administrative Regulation 37 (AR-37). Tulare County General Services Agency shall periodically issue reports to the Tulare County Board of Supervisors in accordance with the timing and valuation thresholds set forth in AR-37.

C. Records Retention for Works Subject to Deaccession

Tulare County General Service Agency is responsible for organizing and preserving permanent records for all deaccessioned objects including:

1. The approved and dated Deaccession Proposal Form for each object;
2. A photograph, photographs, or other visual representation of the Art, as appropriate; and
3. The method of disposition, including the name and address of the transfer/exchange institution, where applicable.

D. California Accounting Requirements

In accordance with California Gov. Code Section 25355, "in accounting for or inventorying gifts, bequests, or devises, the officer or employee shall follow the appropriate procedures contained in the State Controller's manual entitled 'Accounting Standards and Procedures for Counties.'"

~~POLICY FOR PUBLIC ART ON TULARE COUNTY PROPERTY~~ PUBLIC ART POLICY

9/26/2022

I. PURPOSE

~~The purpose of this policy is to~~ encourage the integration of community inspired ~~art~~ Art into public spaces ~~in order~~ to improve the appearance of and create beautiful, inviting environments within County buildings and around County property.

II. SCOPE

Nothing in this Policy shall be construed to limit a County entity's individual, pre-existing, or other Board of Supervisor-delegated authority to accept, reject, and/or display Art , on its own behalf, at County Locations subject to the control of such entity.

~~II. LOCATIONS FOR ART~~

III. ~~The~~ DEFINITIONS

- A. Art: Existing or proposed artistic and cultural, objects, facilities, services, or amenities, consisting of one or more of the following“:
1. Sculptures: Free standing, wall-supported, or suspended three-dimensional fixtures, whether kinetic, electronic, mechanical, or any other combination of materials;
 2. Murals or Portable Paintings: Paintings applied to fixed or movable surfaces, consisting of various traditional or nontraditional materials, with or without collage;
 3. Works on Paper: Photographs, prints, calligraphy, watercolors, drawings, pastels, charcoal, documents, maps, letters, and other paper ephemera;
 4. Textiles: Tapestries, quilts, flags, banners, costumes, embroideries, and other forms of woven or non-woven fiber Art;
 5. Media Art: Film, video, or digital media;
 6. New Media: Emergent media including but not limited to new technologies in light, sound, film, holograms, virtual reality, digital media, and any hybrids of media and new genres; or
 7. Other Media: Neon, glass, earthworks, mosaics, tile, ceramics, printmaking, collage, mixed media, assemblage.
- B. Artist: A person with an established reputation of excellence in the arts, as judged by peers, through a record of exhibitions, public commissions, sale of works, and/or educational attainment.
- C. Arts Organization: The official Arts Council of Tulare County at the time of solicitation and selection of Art. If there is no official Arts Council of Tulare County at the time of solicitation and selection of Art, the County will designate an organization existing for the advancement of the Arts.
- D. County Art Collection: Art that has been accessioned by the County, either prior to adoption of this policy, or by the procedures outlined by Section IV of this policy.

E. County Locations” may be used for temporary or permanent art displays: County-owned, public locations including, but not limited to:

A. Public Indoor Locations

1-a.: Inside County-owned building common areas, such as lobbies, hallways, conference rooms, clinics, etc.

B-b. Public Outdoor Locations-: County parks, outside of County-owned buildings, County infrastructure, etc.

2. Within County Parks

3. Outside of County-owned buildings, on County-owned property

TYPES OF

F. Public Art Selection Committee: A committee consisting of a maximum of two sitting Board of Supervisors or Supervisors Elect, Tulare County General Services Agency Director or designee, and any interested department heads or stakeholders.

G. Requestor: Any entity submitting Art to the County of Tulare for evaluation, and possible acceptance into, the County Art Collection.

III. IV. ART EVALUATION CRITERIA

The following types of art may be displayed in County Locations:

1. Paintings, prints, drawings, photographs, collages, murals
2. Stained glass, mosaics, fiber and textiles
3. Sculptures of clay, wood, metal, glass, stone, plastic and other materials

IV. ART SELECTION CRITERIA

Art that meets may, in its sole discretion, determine whether to accept or reject Art, in whole or in part. To be accepted into the County Art Collection, Art must satisfy the following criteria may be displayed in County Locations:

A. Aesthetic Merit: The ~~art~~Art must ~~have aesthetic merit and~~ improve the aesthetics of a location. The term “aesthetic” means pleasing in appearance to the average person.

~~B.A. The artist must be local~~County Location: The Art. ~~The term “local” means from Tulare County or an adjacent County.~~

~~C. The art must be original, and replicas of another artist’s work will not be accepted.~~

~~D.B.~~ The art must be compatible in scale, material, and form to the intended site and County Location. Consideration shall be given to the architectural, historical, geographical, social, and cultural context of the intended site ~~and County Location.~~

C. Originality: The Art must be original, and replicas of another Artist’s work will not be accepted. The Art must not contain or consist of, be substantially related to, in whole or in part, any material subject to third-party intellectual property rights.

D. Local: Preference ~~will~~shall be given to “local” Artists. The term “local” means from Tulare County or an adjacent County.

- E. ~~art~~Public Safety: The Art must comply with building codes and accessibility requirements, must not pose any hazard or threat to public safety or public health, and must not create a potential liability for the County in any other way.
- F. ~~Maintenance:~~ The Art must not require exorbitant funds or measures to maintain and must not require an excessive use of County resources.
- ~~E.G. Historical Significance:~~ Preference will be given to Art that represents elements of, or honors, the history of the Tulare County community.
- F.H. ~~Discrimination:~~ The ~~art~~Art must not endorse or disfavor any race, religion, gender, sexual orientation, and/or political affiliation. The purpose of this policy is not to create a forum for public political debate, but to encourage the community's appreciation of ~~art~~Art in a forum that may be viewed by all community members. Accordingly, ~~art~~Art must not imply that the County is sponsoring and/or endorsing any commercial establishment or business, although the County may allow ~~art~~Art to be sold to the general public and allow the display of information to facilitate a sale of such ~~artwork~~Art. Furthermore, ~~art~~Art may be rejected that associates the County with a position other than neutrality on matters of political controversy.
- G.I. ~~Obscenity:~~ The ~~art~~Art must not be obscene. "Obscene art" means a work of ~~art~~Art, taken as a whole, that to the average person, applying contemporary community standards, appeals to the prurient interest, that, taken as a whole, depicts or describes sexual conduct in a patently offensive way, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- H.J. ~~Controversy:~~ The ~~art~~Art must not be controversial, offensive, intimidating, incite tension and/or encourage violence.
- K. ~~Legality:~~ The ~~art~~Art must not endanger public safety, violate any Federal, State, or local laws, regulations, ordinances, or other guidance or directives.

V. ART ACCEPTANCE PROCEDURES

A. Solicited Art Proposals and ~~must comply~~Commissioned Works

- 1. ~~Solicitation:~~ If the County desires a temporary or permanent Art display, the County may: (a) enter into an agreement with ~~building codes~~the Arts Organization to solicit proposals for a specific piece of Art, (b) solicit proposals from the public directly. or under select circumstances. Either the Arts Organization or the County (the "Soliciting Party") will conduct a request for proposals and ~~accessibility requirements will~~ screen qualifying proposals. The Public Art Selection Committee will review qualifying proposals, and select the winning proposal to be installed on County Property. Once the Public Art Selection Committee selects a proposal, the Soliciting Party will contract directly with the Artist. Unsuccessful qualifying proposals may be placed in a public art pool for future project consideration.
- 2. ~~Direct Selection:~~ The County may "sole source" Art if it determines that there exists a need to contract with a particular Artist, or Artists, for a specific Art opportunity. This determination shall be made by the Public Art Selection Committee. The recommended artist may be interviewed and may be requested to develop a preliminary proposal prior to selection.

V. ~~Ownership: THE PROCESS FOR SOLICITATION AND SELECTION OF ART~~

3.

A. Art for Temporary Display

~~1. **Solicitation:** County intends to contract with the Arts Organization to solicit art for temporary display in County Locations. Arts Organization is defined as the Official Arts Council of Tulare County at the time of solicitation and selection of art, or if there is no Official Arts Council of Tulare County at the time some other community organization for the advancement of the arts. Specific agreement terms will be negotiated based on the location and type of art solicited for a given project. The Arts Organization will conduct a request for proposals from local artists in accordance with the terms of the project, and contract directly with artist.~~

~~2.1 **Selection:** The Arts Organization will select art pieces to present to the County's Art Selection Committee in accordance with the Art Selection Criteria listed above. The Art Selection Committee will then decide which pieces comply with this Public Art Policy and would like to display in County Locations. The Art Selection Committee will consist of a maximum of two sitting Board of Supervisors or Supervisors Elect, General Services Agency (GSA) staff, GSA Assistant Director, and any interested department heads on a rotating basis. The Art Selection Committee will meet bi-annually, as necessary. If there is no art for selection in a given time frame, the Committee will not meet.~~

~~3. **Ownership:** The County will not own the temporarily displayed art. The Arts Organization will be permitted to place Art at County Locations with sales tags on temporarily displayed art for a predefined term. The tag will include the price of the art piece and contact information for the Arts Organization. The County will not be involved in the sale of art on behalf of the Arts Organization. If the Arts Organization sells a piece of art temporarily displayed in a County Space prior to the conclusion of the predefined term, the art will remain on display until the conclusion of the term.~~

B. Art for Permanent Display

~~**Solicitation:** In the event that the County desires a will obtain ownership of Art intended for permanent art display, the County intends to enter into a separate through its agreement, either with the Arts Organization to solicit proposals for a specific piece of art according to Art Selection Criteria defined or with the Artist, which shall include intellectual property rights to the extent required by the County.~~

~~4. **Agreement:** Specific agreement terms will be negotiated based on the location and type of art solicited for a given project type. The Arts Organization Soliciting Party will conduct a request for proposals and provide the contract directly with Artists.~~

~~Regarding Art for Permanent Display, County the top three qualifying proposals. Once the shall retain the right to dispose of, relocate, modify, or destroy accessioned works of Art. The County selects may require Artists to waive their rights pursuant to the California Art Preservation Act (CAPA) and the Visual Artists Rights Act of 1990 (VARA), to the fullest extent allowed by law. In addition, the winning County may require a perpetual, exclusive, and royalty free worldwide license to reproduce, distribute and/or display reproductions of the Art in its final form and as depicted in any of its design stages, including, but not limited to, advertising, brochures, posting on a County webpage, media publicity, catalogues and similar uses and/or publications. Such license must be in a form acceptable to the County.~~

B. Gifts, Donations, and Unsolicited Art Proposals

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Tulare County General Services Agency (GSA), following consultation with the Public Art Selection Committee, will determine whether to accept or deny gifts, donations, and unsolicited Art proposals. GSA shall adhere to the following procedures in determining whether to accept gifts, donations, or unsolicited Art proposals:

1. *Request Letter:* Requestors must submit to the GSA Director or the Director's designee a "Request Letter." Request Letters must include, where applicable and to the extent known, or reasonably ascertained by the Requestor:
 - *Contact Information:* The Requestor's name, address, telephone number, and email address. If the Requestor is an organization or a committee, provide information on all board or committee members and a copy of the organization's nonprofit status forms.
 - *Artist/Designer Biography:* Summary of the Artist's or designer's qualifications.
 - *Description:* Written description of the Art, the concept behind the Art, the relationship of the Art to the site and the anticipated audience, materials used in the fabrication and installation of the Art, the size, color and texture of each Art element, and the schedule for completion of the Art, if incomplete at the time of submission.
 - *Photography:* Photographs of the Art with enough detail so that the work can be fully evaluated.
 - *Structural Information:* Shop drawings, renderings, and measurements for Art that requires rigging or special preparations for installation.
 - *Visual Representation:* A visual representation (computer generated or hand-drawn rendering) of the Art showing detailed and overall views; and a maquette, model, photograph and/or map showing the Art in context.
 - *Ongoing Maintenance Report:* Report summarizing the materials to be used, risk assessment, and discussing anticipated routine maintenance and long-term conservation requirements.
 - *Budget:* Detailed budget listing all costs associated with acquisition and installation of the Art.
 - *Valuation:* The Requestor must assign a value to the work.
 - *Terms & Conditions:* Any stipulations placed upon the Art, including but not limited to those pertaining to ownership, disposal, location, or use of the Art.

2. *Selection:* GSA will evaluate Request Letters and respond to inquiries from Requestors. The Public Art Selection Committee will confirm that gifts, donations, and unsolicited Art proposals satisfy the evaluation criteria contained in this policy. In addition, the Public Art Selection Committee will:
 - Ensure funds are available for acquisition, installation, and maintenance of the Art;
 - Help to determine whether an appropriate County Location exists for the Art;
 - Provide guidance for acquiring, retrieving, and installing the Art; and
 - Aid in negotiating the terms of the legal instrument of conveyance with the Requestor.

If the Requestor intends that the gift, donation, or unsolicited Art proposal be used by a specific County Department or at a specific County Location, the recipient department's Director or designee will participate in the Public Arts Selection Committee to determine whether to accept or reject the gift,

donation, or unsolicited art proposal. The Public Art Selection Committee may recommend alterations to final design prior to determining whether to accept or deny a gift, donation, or unsolicited Art proposal.

3. **Ownership:** the If selected and approved, the County will obtain ownership of the Art, including intellectual property rights to the extent required by the County, through its agreement with the Requestor.
4. **Agreement:** If accepted, GSA and the Requestor shall execute an agreement. The specific terms of each agreement will vary depending upon the proposed method of conveyance, the conditions specified by the Requestor during negotiations and/or contained in the Request letter, and any other legal or policy considerations relevant to the transaction. The agreement shall contain language specifying that no substantive change to the approved gift, donation, or proposal may take place without written consent by the County.

The County shall retain the right to dispose of, relocate, modify, or destroy accessioned works of Art. The County may require Artists to waive their rights pursuant to the California Art Preservation Act (CAPA) and the Visual Artists Rights Act of 1990 (VARA), to the fullest extent allowed by law. In addition, the County may require a perpetual, exclusive, and royalty free worldwide license to reproduce, distribute and/or display reproductions of the Art in its final form and as depicted in any of its design stages, including, but not limited to, advertising, brochures, posting on a County webpage, media publicity, catalogues and similar uses and/or publications. Such license must be in a form acceptable to the County.

VI. INVENTORY MANAGEMENT

A. Removal, Relocation, Modification, Destruction, and Disposal of Art

Although the County will attempt to maintain an Artist's original intent for a work of Art, the Public Art Selection Committee may remove, relocate, modify, destroy, or dispose of works of art for any of the following reasons:

1. A County building or facility is repurposed, renovated or remodeled;
2. The Art creates safety problems, severe inconvenience, or hardship for the public or County staff;
3. The Art is being degraded by its present environment;
4. The Art's security can no longer be guaranteed in its present location;
5. The Art would serve the public better in a different location;
6. The Art has received consistent adverse reaction from public and County staff;
7. Changes to Federal, State, County, or local laws, regulations, ordinances, or guidelines have occurred; or
8. The County determines that the Art is no longer suitable for retention or display for any other reason consistent with this policy.

B. Deaccession

Deaccession is the permanent removal of Art from the County's collection. Deaccessioning is essential to continued collection improvement and ensures that staff time and resources are directed toward Art that furthers the County's purpose in adopting this policy.

1. Deaccession Evaluation Criteria: the following criteria may be utilized to determine that deaccession of a work of Art, or collection of works of Art, is appropriate:

- Provenance – The object does not retain its identity or authenticity.
- Relevancy – The object is unrelated to, outside of, or does not support the County’s Purpose in adopting this policy.
- Conservation – The care or cost of the object’s conservation outweighs the aesthetic, historic, or financial value of the object.
- Duplication – The object is inferior intrinsically or relative to other objects of the same type, is repeated in kind by superior examples within the collection or is in excess of the County’s need.
- Condition – The object has lost its physical integrity, poses a threat to the public or to other County assets.

2. Deaccessioning Procedures

~~1.~~▪ Deaccession Proposal: The GSA Director or the Director’s designee determines that a work of Art or collection of works of Art is eligible for deaccession, and submits a “Deaccession Proposal Form” for each object or group of objects (groups of like objects may be proposed together), to the Public Arts Organization will contract directly with the artist. Selection Committee. The form will include, where applicable:

- Selection: The Art Selection Committee will review the top three qualifying proposals provided by the Arts Organization and select the winning proposal to recommend to the Board for installed on County property. The two unsuccessful proposals will be placed in a public art pool for future project consideration. The Art Selection Committee will consist of a maximum of two sitting Board of Supervisors or Supervisors Elect, GSA staff, GSA Assistant Director, and any interested department heads on a rotating basis. The Art Selection Committee will meet, as necessary. The object ID number if known;
 - An object description;
 - The object Artist, donor, or grantor, if known;
 - Justification for proposing deaccession; and
 - A disposal/disposition recommendation.
- Deaccession Determination: The Public Art Selection Committee reviews Deaccession Proposal Forms and will vote to approve, amend, or reject proposals. Once the Public Art Selection Committee approves the deaccession proposal, deaccession may occur by any agreed upon method among those described below.

3. Deaccession Methods: The ultimate manner of disposition for deaccessioned Art shall be determined by the Tulare County General Services Agency Department Head or the Department Head’s designee, following consultation with the Public Arts Selection Committee, with reference to any conditions placed upon the Art at the time of conveyance. Disposition of deaccessioned objects may be accomplished by:

- Sale – The Art may be advertised for sale as County surplus.

- Competitive Bidding - The County may seek competitive bids for the Art. Alternatively, deaccessioned objects may be orchestrated through public auction by an established auction house or through a reputable dealer.
- Transfer – The deaccessioned object is transferred to another Tulare County Division, government agency, municipality, or to a museum, archive, library, or nonprofit.
- Destruction – if the integrity of the work has deteriorated to such an extent it is no longer stable, has lost all its character or financial value, or if the physical condition of the deaccessioned object is tied to a site scheduled for demolition or if it is structurally or economically infeasible to be safely removed and maintain the integrity of the work.
- Return – The County may, in its discretion, attempt to contact the original owner or creator of the work or works, or his or her heirs or assigns, in order to return the object.
- Exchange – The County may negotiate an exchange with a dealer or another collections institution.

VII. RECORD KEEPING

Art inventories are intended to make possible the full intellectual and physical control of all works held by the County. This means that the County can determine, through paperwork, indexes, files, and databases, the history of the Art since it was accessioned by the County, its purpose for being in the collection, and information about how it was acquired. The County will maintain appropriate files, whether physical or digital, indexing the County's collection of works.

A. Required Documentation

1. A name or an accession/acquisition number;
 2. The date and method of acquisition;
 3. A physical description of the Art;
 4. The physical location of the Art;
 5. The legal instrument(s) pertaining to ownership, title, sale, valuation, and any special restrictions and/or correspondence relevant to continued ownership or care of the Art;
 6. An ongoing assessment of the Arts' condition; and
 - ~~7. Any other characteristics deemed necessary by the General Services~~
- ~~3. Ownership—The County will obtain ownership of the permanently displayed art through its agreement with the Arts Organization, which includes some or all intellectual property rights.~~
- ~~4. Agreement between Arts Organization and County. Specific terms to be negotiated per project type. The Arts Organization will contract directly with artists for projects.~~

VI. GIFT AND DONATION ACCEPTANCE POLICY

~~Donations which may be accepted by a County Department/Agency:~~

- ~~1. County Department/Agency Heads may accept any gift or bequest of personal property earmarked for use by that department/agency with an individual value of \$1,500 or less.~~
7. County Department/Agency Heads shall Department Director or Designee to maintain adequate inventory records.

B. Reporting to the County Board of Supervisors

Tulare County General Services Agency shall inventory Art annually. An updated inventory report shall be issued to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$10,000, quarterly at least once every five years.

2- Donations of Art are subject to the valuation reporting requirements established by Tulare County Administrative Regulation 37 (AR-37). Tulare County General Services Agency shall periodically issue reports to the Tulare County Board are required thereafter of Supervisors in accordance with the timing and valuation thresholds set forth in AR-37.

~~..... THRU END OF AR 37 (necessary/prudent?)*****~~

C. Records Retention for Works Subject to Deaccession

Tulare County General Service Agency is responsible for organizing and preserving permanent records for all deaccessioned objects including:

1. The approved and dated Deaccession Proposal Form for each object;
2. A photograph, photographs, or other visual representation of the Art, as appropriate; and
3. The method of disposition, including the name and address of the transfer/exchange institution, where applicable.

D. California Accounting Requirements

In accordance with California Gov. Code, ~~Government Code - GOV §~~ Section 25355

~~The board may accept or reject any gift, bequest, or devise made to or in favor of the county, or to or in favor of the board in trust for any public purpose. The board may delegate to any county officer or employee the power to accept any gift, bequest, or devise made to or in favor of the county. The officer or employee shall file with the board each quarter a report that describes the source and value of each gift valued in excess of ten thousand dollars (\$10,000) or any other amount as determined by the board. The board may hold and dispose of the property and the income and increase~~

~~thereof for those lawful uses and purposes as are prescribed in the terms of the gift, bequest, or devise. In,~~ in accounting for or inventorying gifts, bequests, or devises, the officer or employee shall follow the appropriate procedures contained in the State ~~Controller's~~ Controller's manual entitled "Accounting Standards and Procedures for Counties."