

POLICY ON DEACCESSIONING OF WORKS OF ART

## I. OBJECTIVES

- A. To establish a regular procedure for evaluating the works of art in the City or County's collections.
- B. To insure that the deaccessioning of works of art is governed by careful procedures.
- C. To insulate the deaccessioning process from fluctuations in taste - both on the part of the Sacramento Metropolitan Arts Commission and on the part of the public.

## II. POLICY STATEMENT

The Sacramento Metropolitan Arts Commission desires to have a diverse art collection with consistently high standards of quality. The processes of acquiring works and disposing of them should reflect that desire. To that end, at least once in every five years, every artwork in the City and County collection will be evaluated for the part that it plays in that collection. Because the Sacramento Metropolitan Arts Commission has the responsibility for conserving the collections and because the disposal of artworks may have serious implications for the artists, deaccessioning should be a deliberate and seldom-used procedure. It is the policy of the Sacramento Metropolitan Arts Commission not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized. In any event, no work of art will be deaccessioned within five years after acquisition.

## III. DEFINITIONS

- A. Acquisition: The inclusion of an artwork in the permanent collections of the City and County, whether the acquisition be by commissioning, purchase, employment of artist, donation, or any other means.
- B. Deaccessioning: The indefinite removal of an artwork from permanent display, whether it is disposed of or not.
- C. Disposal: Any actions or set of procedures that result in the cessation of ownership and possession of an artwork by the City or County of Sacramento.

## IV. ACQUISITION POLICY

- A. Consistent with the goals of the Sacramento Metropolitan Arts Commission and its various programs, acquisitions should be directed toward works of art of the highest quality.
- B. The acquisition of an artwork by Sacramento City or County implies a commitment to its preservation, protection and display for the public benefit.

#### IV. ACQUISITION POLICY (CONTINUED)

- C. Acquisition of an artwork by the City or County should imply its permanency within the collection, as long as it retains its physical integrity, identity and authenticity, and as long as it remains useful to the purposes of the people of the City or County.
- D. In general, works of art should be acquired without legal or ethical restrictions as to future use and disposition, except with respect to copyrights and certain clearly defined residual rights that are part of contracts and artists.
- E. The acquisition procedures should insure that the interests of all concerned parties are represented, including the public, the arts community, and the receiving agency.
- F. A legal instrument of conveyance, transferring title of the artwork and clearing defining the rights and responsibilities of all parties, should accompany all acquisitions. Complete records of accession should be made and maintained for all artworks acquired.

#### V. DEACCESSIONING POLICY

- A. At least once in every five year period, the entire City and County collection should be evaluated, whether by the Commission, or by an independent agent.
- B. Conditions: A work of art may be considered for deaccessioning if one or more conditions such as the following apply:
  - 1. It is of clearly inferior quality.
  - 2. It has received consistent adverse public reaction over a period of five or more years.
  - 3. Deaccessioning has been requested by the agency that displays the work.
  - 4. It is not representative of the best work by that artist.
  - 5. It is duplicative, or excess, in a large holding of work of that type, or of that artist.
  - 6. It is fraudulent, or not an authentic work.
  - 7. It can be used to finance, or can be traded for, a work of greater importance.
  - 8. It possesses faults of design or workmanship.
  - 9. It causes excessive or unreasonable maintenance.
  - 10. It is damaged irreparably, or to an extent where repair is unreasonable or impracticable.
  - 11. It represents a threat to public safety.
  - 12. A suitable place for display no longer exists.
  - 13. The work is not, or is rarely, displayed.
  - 14. A written request from the artist has been received.

C. Initiating Deaccessioning

1. The Commission may initiate deaccessioning by a majority vote of its members.
2. The Art in Public Places Committee (APP) of the Commission may initiate deaccessioning by a majority vote of its members.

D. Deaccessioning Procedures

1. Deaccessioning proceedings shall be before the APP Committee of the Sacramento Metropolitan Arts Commission, or before a jury appointed by the APP Committee.
  - a. Proceedings shall be open to the public and shall be publicized.
  - b. Artists whose work is being considered for deaccessioning will be notified by reasonable means and shall be invited to speak.
  - c. The displaying agency will be notified and invited to speak.
2. Arts Commission staff shall prepare a report, including:
  - a. reasons for the suggested deaccessioning.
  - b. opinion of the legal department.
  - c. acquisition method and cost.
  - d. informed estimate of the current value of the work (if the acquisition cost exceeded \$5,000 at least one expert appraisal of the current value of the work.)
  - e. staff evaluation of the work.
  - f. public and agency feedback on the work.
  - g. suggested and alternate courses of action.
3. The APP Committee shall render a decision in the form of a recommendation to the Commission.
4. Final authority to retain or deaccession a work of art shall rest with the Commission.
  - a. Deaccessioning shall occur only upon a two-thirds vote of the members present at a regular Commission meeting.
  - b. Deaccessioning shall occur no sooner than thirty days after Commission action, during which period interested parties may appeal the decision to the Commission chairman.
  - c. The Commission chairman shall be empowered to request reconsideration by the Commission.

E. Courses of Action

The APP Committee may recommend any of the following courses of action as a result of a deaccessioning review. The Committee shall not be limited to these courses of action, but may suggest new methods as may be demanded by a particular set of circumstances.

E. Courses of Action (CONTINUED)

1. Relocate the work of art. (This method shall be given highest priority).
2. Sell or trade the work of art.
  - a. In general, the artist shall be given first opportunity to buy back the work of art at the current appraised value.
  - b. Through bona-fide appraisal and advertised sale.
  - c. Through competitive bidding.
  - d. Dispose of the work through City and County surplus property procedures.
3. Donate the work of art to:
  - a. the artist
  - b. an appropriate organization
4. Remove the work from display (store the work).
5. No artworks may be sold, traded or transferred to members of the Sacramento Metropolitan Arts Commission, its staff, or agents.

F. If a Work of Art is Sold

1. Fifteen percent (15%) of the appreciated value of the work will be given to the artist who created the work, provided 1) that was a condition of the agreement with the artist, 2) the artist can be located by reasonable means.
2. All other proceeds shall be deposited into an account to acquire other artworks for the City or County.

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