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CITY OF SACRAMENTO

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AUG 29 1984

CROCKER ART MUSEUM DIVISION
GOLF DIVISION
METROPOLITAN ARTS DIVISION
MUSEUM AND HISTORY DIVISION
RECREATION DIVISION
PARKS DIVISION
ZOO DIVISION

August 15, 1984

APPROVED
BY THE CITY COUNCIL

SEP 4 1984

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Sacramento Metropolitan Arts Commission Policy on Deaccessioning Works of Art

SUMMARY

This report recommends that the City Council adopt the resolution establishing a Deaccessioning Policy for City artworks acquired through programs of the Sacramento Metropolitan Arts Commission.

BACKGROUND INFORMATION

For the past seven years, the Sacramento Metropolitan Arts Commission has been acquiring artworks, first through the CETA arts program and later through the Art in Public Places Program. It is anticipated that over the coming years, there will be a need to deaccession (remove from the collection) a number of artworks in order to keep the overall quality high, make adjustments in the number of works by a particular artist, and respond to the public interest (or lack of it) in certain artworks. For this reason, the Sacramento Metropolitan Arts Commission spent several months developing a deaccessioning policy that would guarantee a cautious, intelligent and thorough process. The policy states that the City and County collections will be evaluated once every five years to determine whether works should be deaccessioned. The policy stipulates the conditions that must be met before a work can be considered for deaccessioning (e.g., an agency no longer wants the work; the work is found to be unauthentic; the work is damaged beyond repair). The Arts Commission will convene a jury to implement the deaccessioning process; all of those meetings will be public. Upon the recommendation of the Arts Commission and the approval of the City Council or the Board of Supervisors, the artworks may be relocated, stored, sold, traded, or donated.

This policy was unanimously adopted by the Sacramento Metropolitan Arts Commission at its meeting on May 1, 1984. Subsequently, it was reviewed by the County Counsel and the City Attorney's office. This policy is also being taken to the Board of Supervisors so that the Arts Commission will be able to implement a consistent policy with regard to publicly owned artworks under its jurisdiction.

City Council
August 15, 1984
page 2

FINANCIAL DATA

No additional City or County funds are required in the implementation of this policy. Any funds guaranteed through the deaccessioning process will return to the Art in Public Places Trust Fund for the acquisition of new works.

RECOMMENDATION

It is recommended that City Council adopt the attached resolution establishing a Deaccessioning Policy.

Respectfully submitted,



ROBERT F. THOMAS
Director, Parks & Community Services

RECOMMENDATION APPROVED:

All Districts
September 4, 1984



WALTER J. SLIPE
City Manager

Attachments

RESOLUTION NO. 84-765

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**RESOLUTION ESTABLISHING A DEACCESSIONING POLICY
FOR WORKS OF ART**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That a Deaccessioning Policy is established in the report attached hereto for artworks acquired through programs of the Sacramento Metropolitan Arts Commission.

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

SEP 4 1984

OFFICE OF THE
CITY CLERK

SACRAMENTO METROPOLITAN ARTS COMMISSION

POLICY ON DEACCESSIONING OF WORKS OF ART

I. OBJECTIVES

- A. To establish a regular procedure for evaluation the works of art acquired through programs of the Sacramento Metropolitan Arts Commission (Commission) in the City or County's collections.
- B. To insure that the deaccessioning of works of art is governed by careful procedures and insulated from fluctuations in taste.

II. POLICY STATEMENT

The City and County of Sacramento desire 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, artwork in the City and County collection will be evaluated for the part that it plays in that collection. Because the City and County have 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 City and County 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 City, County and the Sacramento Metropolitan Arts Commission and its various programs, acquisitions should be directed towards works of art of the highest quality.
- B. The acquisition of an artwork by the City or County implies a commitment to its preservation, protection and display for the public benefit.
- 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.

IV. ACQUISITION POLICY (CONTINUED)

- 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, residual rights that are part of contracts with artists and other restrictions as stipulated by law.
- 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 clearly 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 City and County collection should be evaluated, whether by the Commission, Commission staff, or by an independent agent. That evaluation will use as its criteria the conditions for deaccessioning listed below. The evaluation will be conveyed by the Commission staff to the Art in Public Places (APP) Committee when it initiates a deaccessioning.
- B. Initiating Deaccessioning:
 - 1. The APP Committee of the Commission will recommend to the Commission a jury and process for the specific work(s) to be evaluated for deaccessioning.
 - 2. The Commission will approve the evaluation and deaccessioning process by a majority of its members.
- C. Conditions: A work of art may be considered for deaccessioning if one or more conditions such as the following apply:
 - 1. It is deemed by the jury to be of clearly inferior quality and/or not representative of the best work by that artist.
 - 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 duplicative in a large holding of work of that type, or of that artist.
 - 5. It is fraudulent, or not an authentic work.
 - 6. It can be used to finance, or can be traded for, a work of greater importance.
 - 7. It possesses faults of design or workmanship.
 - 8. It causes excessive or unreasonable maintenance.
 - 9. It is damaged irreparably, or to an extent where repair is unreasonable or impractical.
 - 10. It represents a threat to public safety.
 - 11. A suitable place for display no longer exists.
 - 12. The work is not, or is rarely, displayed.
 - 13. A written request from the artist has been received to remove the work from display.

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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. Public notice of deaccessioning meetings of the APP Committee or jury shall be given in the same manner as public notice of Commission meetings is given.
 - b. Artists whose work is being considered for deaccessioning will be notified by reasonable means and shall be invited to comment.
 - c. The displaying agency and specific donor of the artwork, if any, will be notified and invited to comment.
2. Arts Commission staff shall prepare a report, including:
 - a. reasons for the suggested deaccessioning.
 - b. opinion of the City Attorney/County Counsel.
 - 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 shall be included)
 - 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 make a recommendation to the Commission.
4. The Commission, by a majority vote of its members, shall make a recommendation to City Council or the Board of Supervisors, whichever is appropriate.
5. Final authority to retain or deaccession a work of art shall rest with the City Council or Board of Supervisors, whichever is appropriate.
6. Deaccessioning shall occur no sooner than thirty days after Council/Board action.

E. Courses of Action

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

1. Relocate work of art.
2. Sell or trade the work of art:
 - a. the artists shall be given the first opportunity to buy back the work of art at the current appraised value.
 - b. sell the work through bona fide appraisal and advertised sale
 - c. sell the work through competitive bidding
 - d. dispose of the work through City and County surplus property procedures

3. Donate 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. In keeping with the California Resale Royalties Act, five percent (5%) of the sale price of the work will be given to the artist who created the work, provided that the artist can be located by reasonable means.
 2. All proceeds shall be deposited into the APP trust fund to acquire other artworks for the City or County.

August 1984