

CITY OF AUSTIN
ART IN PUBLIC PLACES PROGRAM
ACQUISITIONS AND DEACCESSIONING POLICY

I. STATEMENT OF PURPOSE

The Art in Public Places Ordinance, originally adopted by City Council as #850926-0 in September of 1985, and amended by Ordinance #970904-B on October 31, 2002, directs the inclusion of artwork in city construction projects by requiring that at least 2% of the construction cost of all new or remodeled public buildings, parks, parkland acquisitions, parking facilities, and new or improved streetscapes be allocated for artworks. As referenced in the Art in Public Places Guidelines, this Ordinance is based upon the City of Austin's firm commitment to accept a responsibility for expanding its citizens' experience with public art. This commitment is rooted in a clear recognition that such art has enabled people in all societies to better understand their communities and their individual lives. It is, therefore, the goal of the Art in Public Places Program to acquire works of art of redeeming value which advance public understanding of visual art and enhance the aesthetic quality of Austin's public places. In pursuing this goal, the Art in Public Places Program will help nurture the artistic vitality of Austin, as well as encourage public interaction with public places. The Art in Public Places Program Guidelines outline the process(es) by which public artwork(s) can be acquired through the expenditure of Ordinance generated funds. This process is one informed by professional expertise and judgments, as well as advice from affected public interests.

The City of Austin desires to establish a diverse Art in Public Places Collection of the highest quality. It is expected that over time this Collection will be established through various means, including direct commissions or purchases made by the City of Austin, as well as private donations of artwork made to the City. Therefore, the City of Austin hereby establishes a set of policies and procedures regarding the acquisition and deaccessioning of works of art in public places.

II. METHODS OF ACQUISITIONS

The City of Austin's Art in Public Places collection will be established primarily under the auspices of the Art in Public Places Program. This Program provides for the City to commission new works of art, as well as purchase existing works. The Art in Public Places Program Guidelines establish a process for the selection, acquisition, placement and maintenance of works of art through the expenditure of funds generated by the Art in Public Places Ordinance.

Works of art may also be acquired through donations. Such donations to the City of Austin Art in Public Places Collection can be an existing work of art or the commissioning of a new work of art. The donation of works of art to the City of Austin Art in Public Places Collection including policies regarding gifts of state is governed by a separate City of Austin Artwork Donation Policy.

III. ACQUISITIONS POLICY

It is the general policy of the City of Austin to acquire works of art with the clear intention of retaining them for the long term. The acquisition of a work of art by the City of Austin, therefore, inherently implies a commitment to its maintenance, preservation, protection, and appropriate display for the public benefit. This commitment of appropriate care and permanent possession shall be upheld by the City of Austin as long as the work of art retains its physical integrity, authenticity, identity and usefulness to the purposes of the Art in Public Places Collection of the City of Austin.

In order to maintain flexibility in the Art in Public Places Collection, works of art generally are acquired without restrictions as to their further use and disposition. All copyrights and other clearly defined residual rights shall be defined and assigned contractually between the City of Austin and the artist(s) and/or donor(s). The assignment of residual rights to both the artist/donor and the City of Austin is specifically provided for in all Art in Public Places Program contracts. Similarly, a legal instrument of conveyance transferring title of the artwork to the City of Austin and clearly defining the rights and responsibilities of all parties involved should accompany all acquisitions, regardless of the method of acquisition.

Consistent with the goals of the City of Austin and the Arts Commission, acquisitions shall at all times be directed toward works of art of the highest quality. The criteria outlined in the Art in Public Places Program Guidelines should be utilized in considering the acquisition of all works of art:

Criteria for evaluation:

1. The artistic merit of the work of art, including considerations of the work's artistic, social and historical significance.
2. The compatibility of the work of art within the context of the Art in Public Places Collection.
3. The suitability of the work of art for exhibition, especially as related to its proposed site, including consideration of the work's scale, form, content and design with respect to its immediate and general, social and physical environment.
4. The installation and maintenance requirements of the work of art, as indicated by its materials and construction.
5. The potential liabilities associated with the public display of the work of art, including considerations of security, public access and safety.

The process for acquiring public art, as outlined by the Art in Public Places Guidelines, involves appropriation and allocation of funds, development of an Art in Public Places project including coordination with sponsor departments and communities and determination of artist selection method, establishing an independent jury of visual arts professionals, and implementing and documentation of a project.

DEACCESSIONING POLICY

A. Introduction

As an agent of public trust, the City of Austin, Arts Commission and the Art in Public Places Panel are charged with overseeing the acquisition, proper conservation and maintenance of the City of Austin Art in Public Places Collection. The City of Austin, the Arts Commission and the Art in Public Places Panel recognize the serious and wide-reaching implications associated with removing a work of art from the Collection. Therefore, it is the City of Austin's intent that the deaccessioning of artwork be a careful and deliberate procedure.

B. Statement of Purpose

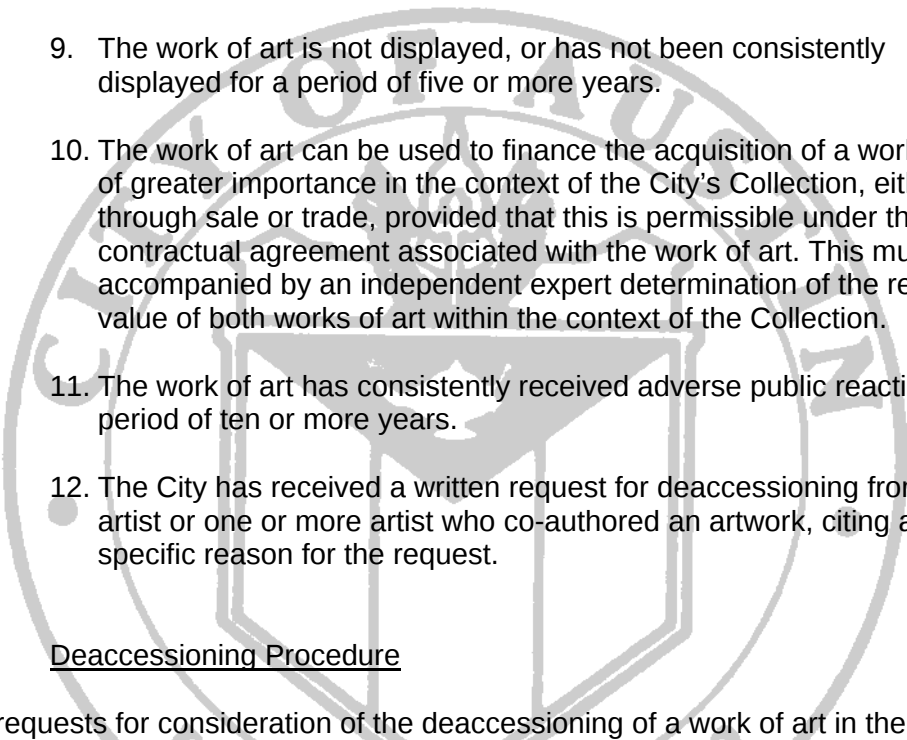
The City of Austin recognizes the importance of protecting the deaccessioning process from being employed merely on the grounds of fluctuations in taste, as the merits of a work of art are often only recognized with the passage of time. Deaccessioning is considered an integral and necessary part of responsible collections management. The City of Austin acknowledges that works of art in public places often inspire controversy, and that a community frequently only comes to embrace a work of art over time. Therefore, it is the City of Austin's policy that no work of art in a public place be considered for deaccessioning within ten (10) years of acquisition unless presentation of the work or public safety requires otherwise. Similarly, at least once every ten years, the entire City of Austin Art in Public Places Collection shall be evaluated, and its potential expansion shall be assessed. This evaluation shall be performed under the auspices of the Art in Public Places Panel, and independent expertise shall be sought as required.

C. Evaluation of Deaccessioning

In order for the deaccessioning of a work of art to be considered, the City of Austin must undertake a careful evaluation of the work of art. Based on that evaluation, a work of art may be considered for deaccessioning if one or more of the following conditions are found to be applicable.

Conditions for Consideration of Deaccessioning:

1. Expert opinion has deemed the work of art to be of inferior quality in its historical, social and cultural implications.
2. The work of art is duplicative of a substantial holding of work of that type or of that artist.
3. The work of art has been documented by a licensed conservator or curator as fraudulent or not an authentic work.
4. The work of art possesses substantial and irrevocable faults of workmanship which have been documented by a licensed conservator.

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5. The work of art has deteriorated beyond usefulness, or is irreparably damaged to an extent where repair is either unreasonable or impractical.
 6. The work of art requires excessive or unreasonable maintenance on an on-going basis, far exceeding the anticipated maintenance requirements.
 7. The work of art has been assessed to represent a threat to public safety or is hazardous to other items in the collection or staff.
 8. A suitable and appropriate place for display of the work of art no longer exists.
 9. The work of art is not displayed, or has not been consistently displayed for a period of five or more years.
 10. The work of art can be used to finance the acquisition of a work of art of greater importance in the context of the City's Collection, either through sale or trade, provided that this is permissible under the contractual agreement associated with the work of art. This must be accompanied by an independent expert determination of the relative value of both works of art within the context of the Collection.
 11. The work of art has consistently received adverse public reaction for a period of ten or more years.
 12. The City has received a written request for deaccessioning from the artist or one or more artist who co-authored an artwork, citing a specific reason for the request.

D. Deaccessioning Procedure

All requests for consideration of the deaccessioning of a work of art in the City of Austin Art in Public Places Collection must be filed in writing with the Art in Public Places Administrator. The Art in Public Places Program Administrator may also initiate a request for consideration of deaccession according to the same procedure. This written request must be initiated by a resident of the City of Austin, artist, or Administrator of the Art in Public Places Program, and specifically state the grounds on which deaccessioning is being requested, as well as the relationship of the individual(s) making the request to the work of art. If the request is made by the artist, the residency requirement does not apply. Once a deaccessioning request is filed, then the Art in Public Places Administrator shall prepare a written report within ninety (90) days regarding:

1. Conditions that initiated deaccessioning consideration.
2. Opinion of the Legal Department and the Purchasing Department regarding the potential deaccessioning of the work of art.

3. Conditions of acquisition – method, date and cost.
4. An independent appraisal of the current value of the work of art, if the intent is to sell or trade the work of art
5. Evaluation of the work of art itself, and its importance and relevance within the context of the overall Art in Public Places Collection.
6. A recommendation as to the appropriateness or need of public opinion and cultural significance and the need for a public hearing related to the deaccession.
7. Written opinion of User Department Head.
8. Suggested course of action.

The deaccession request and background report shall then be presented to the Arts Commission. If after careful examination one or more of the twelve conditions for consideration of deaccessioning has been proven to exist, then the work of art may be considered for deaccessioning. The Arts Commission may initiate deaccessioning by a majority vote. If the Arts Commission acts to initiate deaccessioning, the matter shall be referred to a special jury. This jury shall be composed of a quorum of the Art in Public Places Panel members and two additional members, one to be appointed by the Arts Commission and one to be appointed by the Art in Public Places Panel. All members of the jury must be qualified to assess the question of deaccessioning. If the question of deaccessioning fails to receive the required majority of the Arts Commission then the matter proceeds no further.

Deaccessioning proceedings by the jury shall be publicized in advance and open to the public at all times. In addition, all reasonable attempts shall be made to notify the artist and/or donors whose work is being considered for deaccessioning, to invite participation in the process. The User City Department responsible for displaying the work of art shall also be notified and invited to attend. General public input at these proceedings shall also be permitted.

E. Deaccessioning Options

The appointed jury shall carefully undertake these deaccessioning proceedings. The jury may recommend any of the following courses of action back to the Arts Commission. The jury is not limited to the courses of action outlined herein, but may suggest new methods as required by a particular situation. The following potential courses of action are listed in order of preference.

1. Relocate the work of art to another appropriate site.
2. Give the artist the opportunity to buy back the work at its current appraised value, if allowed by agreement. If donated, return the work of art to the donor.
3. Seek bona-fide appraisal and advertise sale of the work, or sell through acceptable, sealed competitive bids.

4. Give the artist the opportunity to recover the work of art at no cost to the City, if allowed by agreement.
5. Dispose of the work through City of Austin surplus property procedures.
6. Remove the work from public display and place it in storage.

F. Deaccessioning a Work of Art

Once the deaccessioning proceedings are completed, the jury's recommendation shall be forwarded to the Arts Commission. The Austin Arts Commission will take action on the jury's recommended course of action.

A decision by the Arts Commission to deaccession a work of art must be approved by a majority vote of the City Council. The City Council shall be provided with a written explanation outlining the jury's proceedings and subsequent Arts Commission action.

If the deaccessioning of a work of art is accomplished through the sale of the piece, then the proceeds from the sale of the piece shall be deposited in the appropriate Public Art Fund. These funds shall subsequently be placed in the Public Art Fund for the purposes of new project construction, maintenance, repairs, or conservation. Sale of the work at an appreciated value shall be included and negotiated in all contracts related to the acquisition of a work of art.

If the deaccessioning of a work of art is because it represents a threat to other items in the Art in Public Places Collection or public safety, the City of Austin may implement procedures to ensure safety of other works in the collection and the public during the deaccession process.