Artwork Deaccessioning Policy

OVERVIEW

The Town of Chapel Hill acquires artworks through gifts from groups and individuals, as well as by commissions of the Town’s Percent for Art Ordinance and programs of the Public and Cultural Arts Division. Processes for these acquisitions are dictated by the Gift Policy, the Percent for Art Procedures, and/or by the Town’s contract with the artist(s). Artworks acquired through these processes are considered to have been accessioned into the Town’s Permanent Collection and must be cared for in accordance with the Artwork Maintenance Policy and the Artwork Deaccessioning Policy. Artworks in the Town’s possession that were acquired outside of or before these policies may not be accessioned pieces of the Permanent Collection and thus may not be subject to the Artwork Deaccessioning Policy. The Artwork Deaccessioning Policy is intended to maintain the value of the Town’s Permanent Collection and guard against the arbitrary disposal of any of its pieces.

TERMINOLOGY

Artwork for the purposes of this policy is defined as an original work or limited edition of permanent or temporary art conceived in any medium or combination of media. An artwork may be a functional amenity or object, and/or part of an architectural or landscape design if an artist was involved in the design or creation of the work. Photomechanical and other kinds of reproductions not part of a numbered series are not considered original artworks and are not subject to the Artwork Deaccessioning Policy.

Deaccessioning is a procedure for the withdrawal of an artwork from the Permanent Collection and the determination of its future disposition.

POLICY

Deaccessioning of an artwork from the Permanent Collection of the Town of Chapel Hill may occur only after an investigation and evaluation conducted by a Deaccessioning Subcommittee, a recommendation by the Chapel Hill Public Arts Commission (CHPAC) to Town Council, and an act of Town Council. Deaccessioning will be considered only after a careful and impartial evaluation of the artwork by the Deaccessioning Subcommittee within the context of the Permanent Collection in its entirety. As part of the deaccessioning process, The Public and Cultural Arts Office will make all reasonable efforts to notify any living artist, or the estate of any deceased artist, whose work is being considered for deaccessioning.

PROCEDURE

As part of the ongoing evaluation of the collection, the Deaccessioning Subcommittee will review the Permanent Collection when deemed appropriate by the Public and Cultural Arts Office staff or the members of the CHPAC, or upon the request of the Town Council. CHPAC members and Arts Office staff will be responsible for recommending artworks for consideration for deaccessioning and for convening a Deaccessioning Subcommittee. This subcommittee will consist of three members of the CHPAC; a local artist, art conservator or curator; and a representative from the artwork’s current venue or location. Arts Office staff will facilitate the work of this committee. The Deaccessioning Subcommittee reserves the option of hiring an outside consultant.

An artwork may be considered for deaccessioning for one or more of the following reasons:

1. The artwork cannot be resited or resiting would not be appropriate;
2. A work is not, or is only rarely, on display because of lack of a suitable site;
3. The condition or security of the artwork cannot be reasonably guaranteed;
4. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible;
5. The artwork endangers public safety;
6. In the case of site-specific artwork, the artwork is destroyed or its impact negated by alteration of its relationship to the site;
7. The artwork has been determined to be significantly incompatible or inferior in the context of the Permanent Collection;
8. The Town wishes to replace the artwork with work of more significance by the same artist;
9. The artwork requires excessive maintenance or has faults of design or workmanship;
10. There has been sustained and overwhelming public objection to the artwork;
11. The period for the artwork’s existence as agreed to by the artist and Town is at an end.

Sequence of Action

1. The Deaccessioning Subcommittee may determine that an artwork meets one or more of the above criteria for deaccessioning. The Subcommittee may seek additional information regarding the work from the artists, art galleries, curators, appraisers or other professionals prior to making a recommendation to the full Commission.
2. Arts Office staff will prepare a report that includes:
   a. The opinion of the Town Attorney on any restrictions that may apply to this specific work;
   b. Recommendation from the Deaccessioning Subcommittee, including method of deaccession;
   c. Completion of the deaccessioning worksheet;
3. The CHPAC will review the report.
4. A CHPAC recommendation for action may be submitted to the Town Council for its consideration.
5. Town Council may direct staff to take action in regard to the artwork(s) in question.

The Deaccessioning Committee and the CHPAC may consider recommending one or more of the following methods for an artwork’s deaccession:

1. Sale or Exchange - sale shall be in compliance with State and Local laws and policies governing sale of municipal property.
   a. Artist, or estate of the artist, will be given first option to purchase or exchange the artwork(s).
   b. Sale may be through auction, gallery resale, direct bidding by individuals, or other form of sale in compliance with State/Local law and policies governing surplus property.
   c. Exchange may be through artist, gallery, museum or other institutions for one or more artwork(s) of comparable value by the same artist.
   d. No works of art shall be sold, traded or given to Arts Commissioners, Arts Office staff, or Town staff, consistent with CHPAC conflict of interest policies.
   e. Proceeds from the sale of artwork shall be placed in a Town account designated for public or cultural arts purposes. Any pre-existing contractual agreements between the artist and the Town regarding resale shall be honored. An exception to these provisions may be required if the artwork was originally purchased with funds that carried with them some restriction, for example, bond funds for street and sidewalk improvements, in which case the proceeds shall be placed in an account designated for art allowed under said restriction(s).
2. Destruction of Artwork – if artwork is deteriorated or damaged beyond repair or deemed to be of negligible value.
3. If the Town is unable to dispose of the artwork in a manner outlined above, the CHPAC may recommend the donation of the artwork to a non-profit organization or another method.