

Policy Name: Public Art Policy

Purpose: The purpose of this policy is to outline the policies and procedures by which the Fayetteville Public Library will accept donated or loaned art, or commission pieces for display.

Policy:

The FPL Board of Trustees will establish an Art Committee to oversee public art planning and decision-making. The purpose of the Art Committee is to provide guidance, leadership and support to the FPL Board of Trustees in its goal to obtain a limited selection of high quality public art to be on display at the Fayetteville Public Library.

Public art is defined as publicly accessible original art that enriches the library as it evokes meaning into the public realm. Public art takes a variety of forms and incorporates the site, context, and the audience into consideration.

The committee will consist of approximately eight to ten individuals representing citizens, art professionals, design professionals, city, FPL Board, FPL Foundation Board, Friends' of FPL Board. The following staff members will provide administrative support to the committee, the Executive Director, the Foundation Director of Development and Facilities Manager. The Committee will be selected by a committee comprised of the Executive Director, Foundation Director of Development and one member of the FPL Board of Trustees. The chairperson will be the FPL Board member appointed to the committee. The individuals proposed as Art Committee members will be presented to the FPL Board of Trustees for approval. Committee members will serve a two-year term, and may be appointed for two consecutive terms. During the evaluation of application materials, the committee will meet as often as necessary. Additional advisory members may be included as needed for specific tasks.

Responsibilities of the Art Committee include:

1. Determining sites to be used, including consideration of an entrance piece to the Library, to be used as an identifier.
2. Prioritizing its tasks and projects to be accomplished.
3. Establishing the commissioning process and overseeing the selection of artists.
4. Meeting all goals and objectives for specific projects.
5. Approving and declining offers of donated art.
6. Establishing guidelines and procedures for temporary exhibits and displays.
7. Determining the methods for implementing projects. The Art Committee will identify project objectives, criteria, geographic restrictions for eligibility, budgets, timelines, etc., and will recommend to the FPL Board of Trustees any resources needed, including the hiring of consultants or funds for art procurement.
8. Recommending policy revisions to the FPL Board of Trustees.
9. Identifying staff-related responsibilities.
10. Determining the need for and role of volunteers and consultants in specific projects.
11. Providing a report to the FPL Board of Trustees documenting the selection of works and upcoming exhibits.

A majority of the appointed Art Committee shall constitute a quorum for the transaction of business. A simple quorum majority is required to accept artwork, commission artists and conduct other business of the Art Committee. The Art Committee decisions will be presented to the FPL Board of Trustees at the Board's immediately succeeding board meeting for final approval.

Acceptance of Artwork into the Collection:

Artwork commissioned or purchased for inclusion in the Fayetteville Public Library's Art Collection shall be made formally through an established review procedure overseen by the Art Committee. Artwork selected shall be reflective of high standards and artistic excellence.

In the selection of artists and artwork, goals include:

- Attracting more diversity of people to the Library (ethnic, age, income);
- Creating a learning experience;
- Maximizing the use of artists in the community (as resources);
- Encouraging repeat viewings;
- Using regional, national, and international talent;
- Avoiding clutter and overdoing;
- Using permanent and temporary art;
- Serving interior and exterior audiences;
- Ensuring durability, low maintenance, and code compliance;
- Ensuring sensitivity to the site and the architecture of Blair Library;
- Appealing to all ages;
- Responding to all goals and objectives for the project; and
- Ensuring high artistic quality and craftsmanship.

Accessioning is a formal process whereby artwork is accepted by the FPL and a permanent archival file and database record is created to document the artwork disposition, terms of its creation, and artist's statement and intent. Accessioning artwork into the FPL art collection implies the application of professional standards of care, display and maintenance of the artwork.

- Artworks will be accessioned into the FPL art collection only upon completion of all facets of the commissioning or purchasing contract.
- The Artist's signed contract transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every acquisition.
- Acquisitions result from the projects of the Art Committee, except in the case of gifts, which will be reviewed and accessioned in accordance with the policy on gifts.

Artists and Artwork Selection:

When commissioning a piece of artwork, artists shall be selected to participate through one of the following ways:

- **Open Competition:** The Art Committee may solicit through public advertisement requests for artists' slides, resume and letters of interest. The panel will review submittals and choose an artist that meets the Art Committee's requirements.
- **Invitational or Limited Competition:** The Art Committee may invite a limited number of artists to submit applications or prepare proposals. From this limited pool, the Art Committee may choose an artist based upon established criteria that are relevant and unique to each project.
- **Direct Selection:** The Art Committee may recommend a specific artist who will be invited to submit a proposal for a specific site for their review. Upon acceptance of the proposal the artist is commissioned for the project. It should be emphasized that this process is to be employed rarely and with caution, when time is of the essence, and when the only way to secure an art project for a specific site or projects is by way of this expedited process.
- **Artist Rosters:** Because some projects require specialized skills, experience or technical abilities, the Art Committee may recommend that an artist(s) be chosen from established, juried rosters.

Conflict of Interest:

The following individual(s) may not apply for artwork commissions: employees of the Fayetteville Public Library, FPL Foundation, or Friends of FPL; directors or trustees of the Fayetteville Public Library, FPL Foundation or Friends of FPL; members of the Art Committee; or spouses, domestic partners, or immediate family of the above.

For employees of the City of Fayetteville or elected officials of the City of Fayetteville, the city conflict of interest policy will be utilized.

Gifts of Artwork:

The Fayetteville Public Library may receive offers of artwork for the public art collection. The potential donor shall make a proposal that will be presented to the Art Committee. In considering acceptance of works of art the Art Committee will utilize the following criteria:

- Does the work further the overall identity of the facility and enhance the existing collection?
- Is the work of high quality?
- Is the work durable?
- Does the gift include a maintenance endowment, and provisions for lighting, security and insurance?
- Is there an appropriate location site available for the work?
- Is the offer of donation adequately documented? (as outlined below)
- Is the gift safe for public display?; and
- Are all legal issues addressed, including but not limited to the ability of the current legal owner to deliver unrestricted clear legal title together with all applicable copyrights, patents or other title rights in or to the item(s) without any limitations or conditions on the Library's ownership and the time and costs required to acquire the item(s)?

In some cases, the Art Committee may elect to accept a gift for a specified loan period and thus it will not be formally accessioned. The following considerations will be made concerning the acceptance of loaned item(s):

- The condition of the item(s) and possibilities for damage to the item(s) to be loaned.
- The capabilities of the Library to handle, house and care for the loaned item(s)
- The agreement of the owner to bear the costs of the loan;
- The ability of the Library to obtain adequate insurance coverage for the loaned item(s) and agreement of the owner to bear the cost of insurance coverage.
- The time period and conditions of the loan.

All offers to donate or loan an item to the Fayetteville Public Library should be in writing and addressed to the Executive Director of the Fayetteville Public Library and accompanied by information adequate to evaluate the proposed donation, including but not limited to the following:

- Drawings, photos or written descriptions of the item(s) to be donated (including size, colors, weight, materials, and any information which will establish that the item has the requisite physical integrity to withstand public display and withstand exposure to the natural elements);
- Method of display (including any necessary hardscaping, landscaping, security devices, anchoring or other information necessary to insure public safety)
- An explanation of why the item(s) should be displayed at the FPL and how the display of such serves the mission of the FPL and is appropriate to the public.
- Estimates of the costs of installing the item(s) for public display, including but not limited to: physical anchoring of structures for display, retrofit of existing buildings or improvements, landscaping, lighting, security, maintenance and insurance.
- Written explanation of legal issues, including but not limited to identifying the current legal owner of the items, the existence of any copyrights, patents or other title rights in or to the item(s), and an explanation of any conditions or limitations on the donation of the item(s);

- The estimated value of each item (including appraisals of the item(s) if available) The Fayetteville Public Library will not provide formal appraisals on donated items for tax deduction or other external purposes.
- The anticipated date for the donation or loan to occur;
- Anticipated life of the item(s);
- Environmental effects of the item(s);
- A written description of the background/historical information associated with any donated art item, including but not limited to information about the creation of the item(s) and the artist (if applicable) who created it;
- A warrant of originality (if applicable);
- Agreement of donor to pay for all costs associated with donation; and
- Any additional information the Art Committee deems necessary or appropriate to analyze the offer of donation or loan.

A failure to provide the information outlined above may result in the Art Committee rejecting the offer of donation or loan as insufficiently documented to warrant evaluation of the donation or loan.

Committee Review

Fayetteville Public Library staff will provide copies of all information received from the proposed donor or lender to the Art Committee and make arrangements as may be practical and possible to provide for display of the actual item(s) to be donated or loaned at the applicable Art Committee meeting. If such display is not practical or possible, photographs and/or drawings may be submitted. Once the Art Committee has completed its review of the proposed donation or loan it will be responsible for making a written recommendation to accept or reject the offer to the FPL Board of Trustees.

The Art Committee has no obligation to accept, display, or maintain any items donated to the Library. The Art Committee has the right to determine, in its sole and absolute discretion, what item(s) offered to it for public display will be accepted, displayed or maintained by the Library. Once an item is accepted by the Art Committee, the Library shall be the sole owner of the donated item(s) and will have the right, in its sole and absolute discretion, except as limited by written title documents, to deaccession any donated item(s) without providing notice to or obtaining the consent of the donor.

Integrity of the Artwork:

The FPL shall seek to ensure the ongoing integrity of the artwork and the site to the greatest extent possible, in accordance with the artist's original intentions, and consistent with the rights outlined in the 1990 Visual Artists Rights Act. If the public artwork is altered, either intentionally or through repair, in a manner the artist does not think is in keeping with the integrity of the artwork, the artist may request that the work be removed or no longer be presented as his/her creation.

Removal of Artwork from the Collection:

Deaccessioning is the process for withdrawal of an artwork from public exhibition through storage, loan or disposal. Deaccessioning standards shall be such that they are applied after careful evaluation, and not because of changes in fashion and taste.

Criteria for Deaccessioning: An artwork may be considered for deaccession under the following conditions:

1. The artwork has been damaged to the extent that repair is impractical or unfeasible, or the cost of repair or renovation is excessive in relation to the original cost of the work.
2. The artwork is no longer appropriate for the site because of changes in use, character or design of the site.

3. The artwork endangers public safety.
4. The artwork requires excessive maintenance or has faults of design or workmanship.
5. The artwork is of inferior quality of other works in the collection, or is incompatible with the rest of the collection.
6. The security and condition of the artwork cannot be reasonably guaranteed in the present site.
7. There is not a suitable site for the artwork.
8. The artwork has been stolen
9. The FPL wishes to replace the artwork with a work of more significance or appropriateness by the same artist.
10. The artwork was purchased as a semi-permanent acquisition and the FPL's predetermined period of obligation is terminated.

Procedure for Deaccessioning Artwork: The FPL reserves the right to deaccession any works of art in accordance with the procedures for deaccessioning works of art established by the Fayetteville Public FPL Board of Trustees.

Art Committee shall review the recommendations for deaccessioning artwork and determine the action taken. The process shall be conducted in the following manner:

Efforts shall be made (using the current address provided by the artist) to notify any artists whose work is being considered for deaccessioning shall be notified. The artist may attend the Art Committee meeting(s) where the deaccessioning and/or disposition recommendations will be considered and acted upon.

All artworks under consideration for deaccession will be accompanied by a report prepared by the FPL Executive Director or designate to include:

- Reasons for the suggested deaccession
- Acquisition method, cost and current market value
- Documentation of correspondence or negotiation with the artist or donor
- Photo documentation of the artwork or site conditions (if applicable)
- Contract restrictions if any
- Options for storage or disposition of the work
- Recommended action

The Art Committee may also request additional information from art conservators, curators, or other arts professionals or include these professionals in its deliberations and consideration of a deaccession recommendation.

In the event the Art Committee decides to remove a work of commissioned art, the Artist shall have the first right of refusal to purchase his/her artwork (at current market value), providing it stands alone and is not integrated into a larger piece.

In the event the Art Committee decides to remove a work of donated art, the Donor shall have the right of refusal to purchase the artwork (at current market value), providing it stands alone and is not integrated into a larger piece.

Resitting Artworks

The FPL reserves the right to relocate or put in storage works of art without the written permission of the artist.

If a piece of artwork was commissioned and created for a specific site, the artist will be notified of the FPL Art Committee's decision to relocate the piece. If the alteration, modification or relocation should occur with the objection of the artist, the work will no longer be represented as the work of the Artist, if the artist should make such a request in writing.

Records of Public Art

The Fayetteville Public Library will be responsible for maintaining a data base of all Public Art which has been acquired by the Library under this policy, as well as with regard to each proposed donated item (whether accepted or not). The database and/or files will include the following information:

- Copies of all correspondence and submittals from the donor(s);
- Copies of all correspondence and submittals to the donor(s) from the Library;
- Copies of all executed title documents;
- Copies of all other documentation associated with a particular item(s), including but not limited to: drawings, photos, written descriptions, estimates of costs associated with acquiring, maintaining, providing security and legal expenses, etc.; any agreements between the Library and the donor(s) regarding the item(s); all estimates of value and appraisals, any public comment on the item(s); environmental impact reports or studies, if applicable; all written descriptions of the background/historical information associated with the item, including, information about the creation of the item(s) and the artist (if applicable) who created it; any warrant of originality; and other information acquired by the Library pertaining to the item(s);
- Copies of Title Transfer Documents and any other written agreements between the Library and the donor(s);
- Records of maintenance;
- Records of deaccessioning;

The FPL reserves the right to loan portable works of art to museums that fulfill criteria established by the Art Committee.

Condition of Title

The Library prefers donated item(s) which are given with legal title which is free and clear of any restrictions or limitations as to use or future disposition of the item(s). Donated item(s) may, however, be accepted with title restrictions or limitations if the Art Committee pre-approves the title restrictions or limitations and such are expressly stated in the title conveyance documents.

Legal Documents

Before donated item(s) is/are accepted by the Library, transfer or title documents, including any limitations or restrictions on the transfer or continued ownership of the donated item(s), as well as any agreement between donor and the Library regarding same, must be prepared by or approved by the Library's Legal counsel. For gifts of art, a Gift Agreement signed by the donor will confirm that the donor owns the item(s) and has the right to pass title.

Temporary Exhibit Program

On occasion the Art Committee may commission temporary art exhibits by professional artists. The Art Committee will establish guidelines for temporary art exhibits. The exhibits shall promote art, other cultural appreciation, and visitation to the FPL. The exhibit shall be suitable for viewing in a public space and should be reflective of the FPL and its mission. In general, no commercial activity will be associated with the exhibit unless it raises funds for the Library.

On occasion temporary displays of work by non-professional artists may be presented to the committee for approval. The committee is to be informed of the duration of the display and the manner in which the materials will be displayed. Great care is to be taken to insure the materials are displayed in a professional manner.