

CITY OF PACIFIC GROVE, CALIFORNIA COUNCIL POLICY

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Library Acceptance of Art Gifts Policy	200-6(E)	May 4, 2011	1 of 1

Purpose

As part of its mission “to inform, educate, and culturally enrich “ our community, the Pacific Grove Public Library collects and exhibits fine art. The following policy has been established to ensure that donations will: serve the best interests of the Library; be compatible with community interests; and be assessed in a consistent manner.

Definition

“Art gifts” are art works given to the Library for display or sale to benefit the Library.

They include two- and three-dimensional works of art, as well as other objects intended for display. As defined, art gifts encompass a broad group of objects including paintings, photographs, maps, murals, sculpture, objects of scientific, historic or literary interest, and other graphic matter. Not covered by this policy are gifts of books or other Library materials.

Guidelines for Evaluation of Art Gifts

1. All art placed in the Library shall meet a high level of aesthetic quality, as determined by the Library’s Art Acceptance Panel.
2. A declared preference for art work of local interest, determined by subject and/or artist. As stated in the *Municipal Code 3.24.010* “Standards. (d) Works of art appropriate to the city’s heritage and culture should be preserved, fostered and encouraged.”
3. Art work that complements the Library’s collection, for example an image of John Steinbeck or Robinson Jeffers.
4. Failure to fit the general décor and atmosphere of the Library, as determined by the Library’s Art Acceptance Panel.
5. Art gifts intended as a memorial. As stated in the *Municipal Code 3.24.090*, “It is the policy of the city council not to accept works of art or memorials which are proposed or offered for placement on public property, where the primary purpose of the memorial or work of art is to memorialize or perpetuate the memory of any person, although works of art may be accepted if deemed worthy, where the name of the donor is conspicuously noted on the work.”
6. Works of art shall be constructed in a manner that insures longevity of the artwork. The making of the art should include the use of correct technical processes and materials that have a relative permanence.
7. Works of art shall be presented in a professional manner. Two-dimensional work shall be suitably framed and wired and ready for hanging. Freestanding statuary shall rest on a durable and appropriate base material that is proportionate in size. Pedestal sculpture shall sit on a carefully constructed pedestal that is of a durable and appropriate material and of proportionate size.
8. Availability of space for display or storage.

Nature of Acceptance of a Gift

All gifts shall be unconditional, transferring ownership and all rights of ownership to the Library. Gifts are accepted only with the understanding that the Library has the right to determine retention, location or disposal of the gift. The Library may sell the item for value and use the proceeds for any purpose appropriate to the Library's mission.

Donor's Responsibilities

The donor shall submit a completed *Art Acceptance Form* with each proposed donation.

It is the responsibility of the donor to have art donations appraised for tax purposes. The Library, as a non-profit organization, may issue donation receipts that may be used for Internal Revenue Service tax deduction purposes. However the Library cannot set a value on gifts.

If the work has been appraised for tax purposes, a copy of the appraisal shall be given to the Library at the time of the donation. The Library will issue a letter to the donor acknowledging receipt of the gift and of the appraisal letter. The acceptance of the gift and letter does not mean endorsement of the appraisal by the Library.

Role of Art Acceptance Panel, City Advisory Boards, and City Staff

Ordinarily a request for consideration by the Art acceptance Panel will come from the senior Librarian. It is understood that the Senior Librarian may not find it necessary to refer every offer to the Panel.

The Art Acceptance Panel consists of one member from the Library staff, one member from the Library Advisory Board, and one individual, (selected by the other two members), with expertise in the visual arts. The term of service of Panel members shall be at the discretion of the Library Advisory Board.

With regard to exterior works of art, the Panel will take into account that it is the responsibility of the Natural Resources commission to recommend action to the City Council.

The Panel will convene on an as needed basis to evaluate art gifts. In respect to donors, they will convene within four weeks (28 days) of the receipt of an art gift. The Art Acceptance Panel may also convene to re-evaluate the retention of art in the Library's collection. Note: Art work may not be sold or acquired directly from the Library by any city employee, Art Acceptance Panel member, Library Board member or their family members.

Issues and legalities involved in donations of art works are numerous, and there will be occasions when the City Attorney's advice may be essential. For example, an artist may be entitled under law to a royalty under certain circumstances of resale; a copyright may be involved; an artist may ask for rights and privileges such as the first chance to purchase, borrowing for an exhibition, reproduction rights, control of alterations, repairs or restoration.

Placement

1. The installation and placement of works of art will be determined by the Committee.
2. Placement of works of art at a site shall consider the materials, colors, and textures of the existing building site. Art will not be placed in locations that result in visually poor and conflicting relationships between the object and the site.
3. Placement of works of art shall support clarity of the original architectural plan, particularly as it relates to the harmonious whole, within the distinct and separate interior designs and according to the master plan of the Library.
4. Works of art will be placed so as not to obstruct clear lines of vision or upset the relative proportion of visual elements within the building.
5. There will be no changes made to the structure of the building to accommodate art.
6. A work of art may not be placed in an area of the building that is structurally unable to bear the object's load.
7. Placement of works of art at a site shall consider art conservation concerns. Exposure to direct sunlight and direct contact with venting from air conditioning and heating systems will greatly deteriorate some works of art.
8. The internal traffic flow of the building shall be considered. Art will not be placed in areas which obstruct ease of mobility of large groups through interior building thoroughfares.
9. Placement of works of art shall take into account emergency situations. Art will not be placed in locations which inhibit efficient access to emergency exit routes.

Adopted: December 2, 1992—Resolution No. 6320

Amended: May 4, 2011—City Council approved amended policy 5-4-11