

Town of Chestertown, Maryland

Policies on the Stewardship of Donated Public Art

ACCEPTANCE OF DONATED PUBLIC ART

In considering donated artworks for acceptance under Chestertown's Public Arts Master Plan, the Town-appointed Public Art Committee will weigh the artistic, aesthetic, entertainment and/or educational value and impact of the artworks and the Town's ability to install, protect and maintain them for the long-term benefit of residents and visitors.

On behalf of the Town, the Public Art Committee will request the following from the donor for each artwork:

- Past and current certificates of ownership
- A detailed written description of the work along with appropriate visual documentation such as photographs, video, sketches, and/or models
- A warrant of originality
- Most recent assessed value
- Relevant information about the artist
- Maintenance procedures and annual estimated budget

The Public Art Committee, in collaboration with the donor and/or artist, will determine other fees associated with ownership, such as the cost of installation and insurance.

Decisions on whether or not to accept a donation of public art will be based on multiple criteria, including but not limited to:

- Aesthetic merit and originality of the work
- Quality of the work's construction
- Availability of suitable site and the technical feasibility of installation
- Appropriateness of the work's scale, materials, and content for the proposed location
- Financial considerations, including the costs of installation, insurance, maintenance
- Susceptibility to damage, vandalism, or theft
- Potential for public endangerment
- Any donor restrictions

DOCUMENTATION OF THE TOWN'S COLLECTION

On behalf of the Town of Chestertown, the Public Art Committee will maintain a record of the Public Art Collection. This record will be housed at Town Hall. Documentation for each work will include:

I. An Accession Form documenting the following:

- Accession date
- Title
- Artist
- Medium
- Dimensions
- Location
- Donor contact information, if applicable

The information on this form will also be recorded on an official Accession Ledger that the Public Art Committee will maintain for the Public Art Collection.

II. An Artist Information Sheet documenting:

- Year the artwork was created
- Information regarding the fabrication, installation, and maintenance requirements of the artwork
- Contact information for the artist or estate of the artist if applicable
- Any applicable copyright agreements

III. A Photographic Record of the artwork

IV. The Donor Gift Agreement, as applicable

V. Conservation or historical records, as applicable

MAINTENANCE AND CONSERVATION

The Town and its Public Art Committee acknowledge their legal and ethical commitment to care for donated artwork over the long term. To the best of its ability, the Public Art Committee will partner with the Town Manager and the appropriate Town employees to coordinate maintenance and conservation and to ensure that proper stewardship takes place.

A corps of trained Public Art Committee volunteers may assist with routine inspection and care of the public art installations. In addition to ongoing oversight, the Public Art Committee will annually survey the condition of each item in the Town's Public Art collection, soliciting expert opinions from art conservators when necessary, and report to the Mayor and Council with any recommendations for repairs or professional conservation.

Whether done by Public Art Committee volunteers, independent contractors, or Town personnel, maintenance for each artwork will follow the instructions provided on the artist information sheet or by an art professional experienced with the type of artwork under consideration. All

maintenance procedures must be documented in writing and with pre- and post-maintenance photographs and stored with the artwork's documentation at Town Hall.

DEACCESSION OF PUBLIC ART

Deaccession is the procedure for the permanent removal of a work from the Town's collection. The following guidelines are intended to protect the integrity of the Collection and ensure that no artwork is removed arbitrarily and/or without proper deliberation and process.

With the exception of an emergency situation involving public endangerment (such as a damaged artwork posing an immediate hazard to pedestrians or vehicles), no work in the Town's Public Art Collection will be removed unless such action is recommended by the Public Art Committee, reviewed by the Town Attorney, and sanctioned by the Mayor and Council.

Reasons for removing a work of Public Art can include but are not limited to the following:

- It has deteriorated or has been damaged to such an extent that restoration is impractical, unfeasible, or would render the work false
- It no longer exists due to theft, accident, or natural disaster
- It requires excessive maintenance or is found to be of inferior workmanship
- It is demonstrated to be fraudulent, not authentic, or in violation of copyright law
- It endangers public safety
- Its site has experienced significant changes that prevent its continued display and no suitable replacement site is available
- It is the subject of sustained and overwhelming opposition from the public
- The Town wishes to replace it with work of equal or more significance by the same artist
- Its security cannot be reasonably guaranteed

As the Chestertown Public Art Committee, on behalf of the Town, considers deaccessioning an artwork, it must conduct a thorough and impartial assessment of the condition of the art and the circumstances leading to its proposed removal. The deaccession evaluation must include:

- A written recommendation from the Public Art Committee that clearly states the case for removal
- If deemed appropriate by the Public Art Committee, an assessment from a professional conservator or other outside consultant with expertise in the artwork's medium.
- A good faith effort to inform the donor and/or the artist or the artist's estate that the artwork is being considered for deaccession
- A review of all pertinent accession documentation, including a review of legal documents by the Town Attorney
- A review of any pertinent written correspondence, media coverage, and other recorded expressions of public opinion and engagement with the artwork.

If after a thorough investigation the Public Art Committee deems deaccession to be appropriate, it will submit a formal recommendation, including a written statement of findings, to the Mayor and Council. If those elected officials agree that deaccession is appropriate, the artwork will be disposed of as follows:

- The Donor or estate of the Donor will be given first option for acquiring the work through purchase, gift, exchange, or other terms approved by the Public Art Committee and accepted by the Mayor and Council.
- The artist or estate of the artist will be given second option for acquiring the work through purchase, gift, exchange, or other terms approved by the Public Art Committee and accepted by the Mayor and Council.
- The artwork may be sold through auction, gallery resale, direct bidding by individuals, or other form of sale in compliance with State and local law and policies governing surplus property.
- The artwork may be donated or loaned to a gallery, museum, school, or similar institution.
- In keeping with the Town's ethics standards, the artwork may not be sold, traded, given, loaned, or otherwise transferred to any Town employee, Public Art Committee member or elected official nor to their immediate family members.
- The Town of Chestertown will be responsible for all costs associated with the removal or relocation of the artwork, unless another entity agrees to assume these costs.
- Any proceeds from the sale of public art will go into the Chestertown Public Art Endowment Fund.
- A record of the deaccession process will be noted in the Public Art Ledger and added to the documentation files for that artwork.

Note: The same process will guide any decision to relocate an artwork to another site within the boundaries of Chestertown.