

I. Introduction

This policy exists to ensure the proper acquisition, care and maintenance of items held in public trust by the Town of Castle Rock. This policy is to be reviewed annually by appropriate Town staff and the Public Art Commission, who will revise it as necessary to maintain conformity to current professional standards and practices.

II. Mission Statement

The mission of the Town of Castle Rock Public Art Commission is to serve as a catalyst for memorable public art experiences in Castle Rock. As a Public Art Commission with limited resources, we seek to be the champions of public art and to bring art into public conversations whenever possible. We will leverage our resources to catalyze memorable art experiences that create a deep love for our town.

III. Collection Management Policies

Statement of Authority

The Town of Castle Rock Public Art Commission and the Town of Castle Rock Parks and Recreation Department hold authority over the collection and the policies herein.

Ethics

As representatives of the Town of Castle Rock it is the responsibility of all staff, commission members and volunteers to act in an ethical manner.

Documentation

It is the standard policy of the Town of Castle Rock Public Art Commission to produce duplicate records of all objects and activities of all objects in the Town's possession whether accessioned or not, a paper record and a digital record in the collection database. These records include but are not limited to loan agreements, object movement forms, condition reports, etc.

Risk Management

a. Intellectual Property

The Town of Castle Rock Public Art Commission maintains the right to use images of objects from the collection for publicity and exhibition related promotional materials regardless of copyright. Every attempt will be made to transfer copyright to the Town of Castle Rock Public Art Commission for newly accessioned objects. If the Commission does hold the copyrights for objects in the collection, these images can and will be reproduced by other institutions for a small fee to cover staff and material costs.

b. Acquisitions of Collections

Objects purchased by the Town of Castle Rock Public Art Commission, or accepted as gifts/bequests, are to be immediately accessioned. The files generated through the purchase (receipt, temporary custody receipt, transfer of title and copyright , provenance information) or bequest/gift (deed of gift, temporary custody receipt, transfer of title and copyright, provenance information) are used to generate a paper accession file kept in the PAC Town liaison office by accession number.

c. Repository Agreements

The PAC is not a repository and shall maintain no repository agreements with individuals or other institutions. Conditions of loans are covered below.

d. Loans

All proposed outgoing loans of collection objects are subject to the approval of the Town of Castle Rock Public Art Commission.

e. Registration and Cataloguing

It is the responsibility of the Town of Castle Rock Public Art Commission Staff Liaison to maintain paper and digital records of all object activity and movement within the Town and off site, including but not limited to exhibitions, reproductions, loans, and conservation.

f. Deaccession and Disposal

Objects considered part of the Town of Castle Rock's collection must pass through a deaccession process that includes nomination for deaccession by the Public Art Commission before the processing of the object's disposal, transfer or sale can begin.

g. Appraisal and Identifications

Appraisal of a portion of the collection is to be carried out by a non-bias appraiser every ten years or as required by the Town of Castle Rock Public Art Commission's insurance carrier. This information is for insurance purposes only and will not be made available to members of the public.

Appraisal of donated/gifted/bequeathed objects to the collection is strongly encouraged if the donor intends to use the donation as a tax deduction. As with all charitable donations, the onus is upon the donor to obtain a fair market value of the work of art they wish to claim as a tax deduction. The Town of Castle Rock and the Public Art Commission and those involved with the soliciting or handling of donations of works of art should be familiar with IRS laws as they pertain to charitable donations and their tax-deductible value. Copies of the appraisal information should be included with the accession paperwork.

The Public Art Commission will not carry out appraisals or authentications of any fine art object for the purposes of accepting donations , but will recommend resources and information as to where to find qualified appraisers. Staff and commission members can use their knowledge of fine art to identify objects in the collection and objects held by the public. These identifications, however, do not qualify as authentications or appraisals.

Collection Management Procedures

Documentation Standards

It is the responsibility of the receiving staff person to complete a temporary custody form for every object of which the PAC is in possession but does not legally own. This includes but is not limited to all proposed gifts (for accession into the collection or otherwise), all fundraising items, all objects on loan, etc.

Requirements

Objects under consideration for accession into the collection are to be condition reported and photographed immediately upon their arrival. A copy of the receipt of temporary custody is to be kept in close physical proximity to the object, a duplicate in the collection office and a digital file in the database while the object is in the possession of the Town of Castle Rock. These files will be used to generate the accession file in the event the object is accessioned, or returned to the object's owner if the object is not accessioned to the collection.

Risk Management

Disaster Plan

The Town of Castle Rock is responsible for general staff disaster training to be carried out annually, including but not limited to: emergency procedures, fire extinguisher training, theft training, etc.

Insurance

The Town of Castle Rock shall maintain a blanket fine arts insurance policy that is designed to cover maximum possible loss per incident, rather than to attempt to insure the entire collection together. Such coverage shall be for the property and the property of others in the Town's care. This policy shall be reanalyzed on an annual basis and an appraisal must be carried out every 10 years (or as required by the insurance company) to establish the value of the insurance policy.

Intellectual Property

Rights and reproductions

If the Town holds the copyright for an object in the collection, an image of that object can be released to a publisher or other institution for reproduction in a publication if the publishing agency agrees to the terms put forth in the reproduction contract, including limiting the size of the publication run, requesting two copies of the final publication, return of all collection images, etc.

The staff liaison facilitates and supervises all reproduction requests for collection images to which the Town holds copyright. If the Town does not hold the copyright the image will not be reproduced and the requestor will be advised to contact the copyright agent. Reproduction contracts and a copy of the completed publication are to be filed and noted in the database. In the case where the artist or artist's

estate retains copyright the Town retains fair usage rights for non-commercial use in materials related to exhibitions and the collection, as set forth by copyright law.

Copyright

The Town of Castle Rock will request the transfer of all copyright upon the accession of a new object to the collection.

Commercial use of intellectual property

The Town of Castle Rock Public Art Commission will allow commercial use of its intellectual property when the stipulations of the property use are agreed upon in writing in advance.

Loans

Incoming Loans

Objects will only be accepted for loan if the Town can assure their safety (from light, environment, pests, mishandling, theft, etc.) during exhibition, and transport, and if proposed loans do not pose a financial burden greater than the Town can bear.

Objects will be condition reported and photographed immediately upon their unpacking, unpacking should occur within four days arrival. Condition changes will be immediately reported to the lending institution if change is noted.

The Town will insure all objects in its possession unless the lending institution/individual opts to provide their own insurance, at which time a certificate of insurance must be provided before the objects arrival to the Town.

Outgoing Loans

Objects will only be sent on loan if the borrowing institution conforms to industry standards regarding environmental controls and security. Borrowing institutions must provide documentation before a loan will be considered; the report must meet the approval of the Town staff liaison before the loan will be presented to the Public Art Commission.

Long-term Loans

Although strongly discouraged, should a long-term loan (incoming or outgoing) be established it is the responsibility of the staff liaison to contact the lender/borrower on an annual basis. This annual contact will be to update the lender on the status of the loan including the condition, location, uses etc... or for the borrower to update the Town on the same. If unable to contact the lender/borrower for more than one year the Town must assume the end of the loan agreement and begin the process of returning the loan.

Registration and Cataloging

Process of Acquisition:

1. Town staff liaison recommend a purchase or gift to the Town of Castle Rock Public Art Commission.
2. The Commission meets and is presented the proposed gift/purchase/bequest.
3. A member of the Commission makes a motion to purchase/accept the object.
4. A member of the Commission seconds the motion.
5. The voting members of the Town of Castle Rock Public Art Commission vote with a 2/3 majority to approve the motion.
6. The Town Staff liaison accessions the new object.
7. If at any time during this process the object is rejected or the acquisition is not approved, the process stops and it is the responsibility of the Town staff liaison to notify the seller/donor of the PAC's decision. If the object is in Town's custody it is to be returned in a timely manner.

Numbering

Objects are numbered as part of the accession process and are numbered as follows: year, period and order acquired. For example: 2023.01 is the first object accessioned in 2023. If several objects are accessioned together, as in the case of a portfolio, they will share the second number and be identified individually by a third number. For example, a portfolio of five pieces will be numbered 2023.01.1; 2023.01.2; 2023.01.3; 2023.01.4; and 2023.01.5 "2023" is the year the portfolio was accessioned, "01" means it was the first object (or set of objects) accessioned that year, and ".1" to ".5" refer to the individual objects in the portfolio. In this case, one portfolio containing five individual objects. Objects from the same donor, but not created as a portfolio, will be numbered as individual objects.

Objects are to be numbered in a discrete location on the actual object with reversible material. For example, accession numbers for works on paper should be applied in pencil on the back of the page on the lower left corner. Numbers should be legible but not large.

Deaccession and Disposal

Criteria

An object may only be deaccessioned if:

- the object does not conform to the mission of the Town of Castle Rock Public Art Commission
- the object is too deteriorated to be exhibited or conserved, or poses a risk to the collection
- conservation needed to exhibit the object poses too great a financial burden for the Town to carry out
- the object is a duplicate or redundant of another object in the collection
- the object is not collection quality: poor, less important, incomplete or unauthentic examples
- the object is not useful for research, exhibition or education programs in the foreseeable future
- the Town is unable to display or care for the object properly
- the object has been identified as a fake or forgery
- the object is subject to contractual donor restrictions the Town is no longer able to meet

*No work will be deaccessioned because of taste or prejudice of commission members or professional staff or pressures brought by individuals or community members due to market value.

Disposal

Objects deaccessioned by the Town will be disposed of in an ethical manner that is in the best interest of the Town, the public it serves, and the public trust represented by Town ownership of the object. As outlined in the Code of Ethics, deaccessioned objects cannot be sold to people with association with the Town including paid or unpaid staff, volunteers and commission members. Monies generated through the sale of deaccessioned objects can only be used to purchase objects for the Town's collection and cannot be used toward operating expenses, conservation or renovations.

Process of Deaccession Nomination:

- Town staff liaison or a member recommends an object for deaccession to the PAC.
- The PAC meets and is presented the proposed deaccession.
- A member of the PAC makes a motion to deaccession the object.
- A member of the PAC seconds the motion.
- The voting members of the PAC vote with a 2/3 majority to approve the motion.
- The deaccessioned item is publicly posted.
- Public input is reviewed and, without cause for reconsidered, the PAC recommends the piece for deaccessioning through regular voting.
- The staff liaison processes the deaccessioned object.
- The deaccessioned object is disposed of in an ethical manner, and copies of all object records are transferred with the object at the time of its disposal when appropriate. Copies of all records are to be kept by the Town indefinitely.
- Preferred means of disposal include: transfer or trade with another cultural public institution, public auction, or sale through appropriate specialist or gallery
- An object may also be intentionally destroyed if there is an extreme circumstance of deterioration; the loss of the artist's original intention of work is no longer viable; or the object has no usefulness for study or teaching purposes.

At the Town of Castle Rock Public Art Commission, we greatly appreciate the generous donations of artwork from individuals and organizations who share our commitment to preserving and promoting the arts. This donation policy aims to outline the guidelines and procedures for accepting art donations while informing potential donors about the Town's approach to collection management.

1. ****Acceptance of Donations:****

- a. Town of Castle Rock Public Art Commission welcomes donations of artwork that align with its mission and collection focus. This includes but is not limited to paintings, sculptures, prints, drawings, and photography.
- b. All potential donations will be reviewed by the Town staff and PAC to determine their suitability for the collection.

2. ****Collection Management:****

- a. The Town of Castle Rock Public Art Commission strives to maintain a diverse and comprehensive collection that represents a range of artistic styles, periods, and cultural backgrounds.
- b. Due to limited exhibition space and the evolving nature of the collection, the Town cannot guarantee that every donated artwork will be permanently displayed or retained in the collection.
- c. The Town reserves the right to make decisions regarding the display, storage, deaccessioning, or sale of donated artworks in accordance with professional standards, ethical guidelines, and its mission.

3. ****Deaccessioning:****

- a. In cases where an artwork no longer aligns with the Town's collection focus or requires significant restoration or maintenance that exceeds available resources, the museum may consider deaccessioning the artwork.
- b. Deaccessioning decisions will be made by the Town's staff in consultation with the Commission, ensuring adherence to professional guidelines and ethical practices.
- c. Proceeds from the sale of deaccessioned artworks will be used solely for the acquisition, preservation, and care of the Town's collections.

4. ****Donor Recognition:****

- a. The Town acknowledges and values the generosity of its donors. Donors will receive a written acknowledgment for their donation, which may be used for tax purposes.
- b. Donors may be recognized publicly, as appropriate, based on the nature and size of the donation, in accordance with the museum's recognition guidelines.

5. ****Legal and Appraisal Considerations:****

- a. Donors are responsible for obtaining independent appraisals of the artwork and any associated costs. The museum does not provide appraisal services or assign monetary value to donated artworks.
- b. Donors must ensure that they have clear legal ownership and the authority to transfer the artwork to the museum, free from any claims, liens, or encumbrances.

This draft of the arts donation policy for Town of Castle Rock Public Art Commission aims to provide an overview of the Town's guidelines for accepting and managing donated artworks. It is essential for potential donors to review the complete policy and consult with the Town's staff to ensure a clear understanding of the donation process and any specific requirements.

Town of Castle Rock Public Art Commission
[Staff Name]

[Staff Position]

[Address]

[City, State, ZIP]

[Email Address]

[Phone Number]

[Website]

[Date]

[Donor's Name]

[Donor's Address]

[City, State, ZIP]

Subject: Arts Donation Policy - Acceptance of Artworks

Dear [Donor's Name],

Thank you for considering a donation of artwork to the Town of Castle Rock Public Art Commission. As an organization dedicated to the preservation, exhibition, and education of art, we greatly appreciate your support. We understand and value the significance of the artworks entrusted to us and the importance of fostering a robust and diverse collection.

The purpose of this letter is to outline our arts donation policy, specifically regarding the acceptance of donated artworks. While we strive to be an inclusive institution and accept a wide range of art donations, we want to be transparent and communicate our limitations in retaining every artwork that is donated to us. Due to various factors, including our commitment to curatorial considerations, space constraints, and evolving collection strategies, we cannot guarantee that all donated artworks will be permanently retained within our collection.

1. Evaluation and Acceptance of Artworks:

- a. All donations are subject to a thorough evaluation by the PAC, in collaboration with other relevant Town departments. This evaluation is based on criteria such as artistic quality, historical significance, condition, alignment with the mission, and our existing collection's needs and objectives.
- b. Our curatorial team will assess the artwork based on professional expertise and experience in the field, with the aim of preserving, exhibiting, and interpreting artworks in the best interest of our visitors and the cultural community at large.

2. Collection Management:

- a. As a dynamic institution, our collection is subject to ongoing curation, research, and refinement. This process involves periodic reassessment of our holdings, which may result in deaccessioning or reassignment of artworks.
- b. While every effort is made to retain and display donated artworks, the Town of Castle Rock Public Art Commission reserves the right to make decisions regarding the long-term retention, display, storage, or disposition of artworks within the collection, as deemed necessary by our curatorial and collections management teams.

3. Options for Non-Retained Artworks:

- a. In the event that an artwork is not retained within our collection, we may explore alternative options, such as:
 - Placing the artwork on loan to other cultural institutions or exhibitions that align with the artist's intent and importance of the artwork.
 - Facilitating the transfer of the artwork to another non-profit organization that can effectively care for and display it.
 - Selling the artwork through established and appropriate channels, with the proceeds dedicated to supporting the PAC's mission and programs.

We understand that the decision to donate artwork is deeply personal, and we greatly value your generosity and commitment to the arts. Our aim is to act in the best interest of the artworks, our visitors, and the cultural community, while also ensuring the continued growth and development of our collection.

We appreciate your understanding of our arts donation policy and would be more than happy to address any questions or concerns you may have. We encourage open communication and look forward to working with you to determine the best path for your valuable contribution.

Thank you once again for considering the Town of Castle Rock Public Art Commission as the potential recipient of your generous artwork donation.

Sincerely,

[Your Name]

[Your Position]

[Art Museum Name]