

PARMLY BILLINGS LIBRARY ART MANAGEMENT POLICIES AND PROCEDURES

WHEREAS, the Parmly Billings Library owns works of art and intends to exhibit works of art on a temporary basis in its public spaces, and

WHEREAS, the Parmly Billings Library has established a uniform, thoughtful, and practical art policy regarding works of art in its public spaces,

NOW THEREFORE, it resolves to establish Art Management Policies to guide the use and handling of art.

This document sets forth those management policies and procedures regarding art objects received and owned by the Parmly Billings Library.

SECTION 1: ART COMMITTEE

1.1 Composition of the Art Committee

The Parmly Billings Library Art Committee is a standing committee of the Parmly Billings Library Board and will make recommendations to the Board in accordance with policy.

The Committee shall consist of the following representatives:

- One member of the Parmly Billings Library Board,
- One member of the Parmly Billings Library Foundation Board,
- One member of the staff of the Yellowstone Art Museum,
- At least one representative from the art departments of the colleges in Billings,
- At least one community representative unaffiliated with the Library Boards,
- and the Library Director or his/her designee.

With the exception of the Library Director or designee, who is a permanent member of the Committee, Committee members will serve a three-year term with the potential for a second three-year term. No Committee member will serve more than two consecutive terms without a period off the committee of at least one year. The Committee will meet on an as-needed basis but no less frequently than once annually.

The Parmly Billings Library Art Committee does not assume any legal or financial function and does not supersede any City of Billings approval processes, including those of the City's own Art Commission.

1.2 Mission and duties of the Art Committee

The mission of the Art Committee is to create and facilitate a process through which potential additions or deletions from the Parmly Billings Library art collection and art exhibition program

may be made. The Committee will establish and revise art policy statements, establish and revise management procedures for fine art, and participate substantively in public art commission processes in which the City of Billings may engage that affect the Library's property.

The Committee will review and recommend, by simple majority vote, non-binding action(s) to the Parmly Billings Library Board on offers to donate, lend, or dispose of art. The Committee is to provide consistent oversight and policy guidance for art-related issues, resolving issues relating to art collection management; review temporary art exhibition programming proposals; and resolve aesthetic disputes that may arise in connection with the Library's art collections or art programs. The Committee will seek to ensure that the aesthetic of the Parmly Billings Library building completed in 2014 is not compromised.

SECTION 2: ART ACQUISITION

2.1 Non-Collecting Institution

The Parmly Billings Library is periodically offered gifts of art or opportunities to buy art that a donor or seller believes is appropriate to the library. Two circumstances influence the Library's ability to respond to these offers: 1) the Library does not budget to acquire art, nor does the Library Foundation typically fundraise for the purpose of buying art; this circumstance is expected to continue into the foreseeable future and 2) the Library building opening in 2014 is not designed to maintain the security and environmental controls that high value and/or historic works require if they are to be responsibly maintained. For these reasons, and to maintain focus on the Library's core mission, the Parmly Billings Library will not actively collect art.

Should this policy be altered in the future, requiring procedures for art acquisition, the Art Committee should make reference to the Art Management Policies for the City of Billings, Art Acquisition section.

2.2 Objects Donated for Sale

Objects may be donated or bequeathed to the Library specifically for resale to benefit a Library project or other purpose. Decisions regarding disposition and sale of such objects will be made by the Art Committee in consultation with the donor or donor's executors and appropriate Library staff. The Library must secure the donor's or executor's written description of intent and authorization to sell.

SECTION 3: DISPOSAL OF ART

3.1 Reasons for Disposal

Objects in the Parmly Billings Library Art Collection shall be retained if 1) they continue to be relevant to the Library's art-related goals, 2) if the circumstances of acquisition require the Library to hold the work in perpetuity, and 3) if resources for responsible stewardship remain in place. If one or more of these circumstances ceases to be in force, the Library may dispose of objects from the Art Collection. The following circumstances are examples of what may prompt disposal:

- An object was acquired inappropriately or on the basis of false information (for example, replicas or forgeries).
- An object has been discovered to be, or becomes, potentially hazardous.
- The condition of an object is too poor to justify display.
- The Art Committee has made a well-supported determination that a work is aesthetically inferior or otherwise does not support the mission to contribute to a collection of enduring cultural and aesthetic value.

3.2 Disposal Procedures

- In the case of objects whose value is estimated to be in excess of \$10,000, an appraisal will be obtained. For high value objects, a second appraisal may be warranted.
- The City of Billings shall ascertain, with the advice of counsel when necessary, that there are no legally binding or precatory restrictions against disposal. Before disposal, any City of Billings or Parmly Billings Library identification shall be removed from the object.
- A recommendation to dispose of an art object shall come before the Art Committee in writing. The written recommendation must include, where known, the artist, title, date, medium, dimensions, maintenance requirements, source, copyright status, condition, provenance, value, and justification for deletion from the Library's art collection.
- No gifts shall be disposed of contrary to any conditions or limits imposed by the Internal Revenue Service.
- Disposal of artistic, historic, or cultural objects by advertised public auction, sale, or trade on the public market, when permissible, shall be undertaken according to professionally accepted standards. Information regarding ownership of objects put up for sale shall be made available to the public, bearing the notice, "Sold by the order of the City of Billings, [date]."
- In the case of a work of art by a living artist, special consideration may be given to exchange with the artist. Living artists may hold moral rights under the federal Visual Artists' Rights Act that may limit the choice of disposal methods.
- Prior to disposal, objects of questionable or potentially problematic authenticity (replicas, reproductions, forgeries) must be clearly and permanently marked as such to prevent future misrepresentation. The Art Committee may recommend destruction of such objects; such recommendations must be part of the original recommendation to delete the object from the Library's art collection.
- Under no circumstances are Library staff who are involved in decisions to remove objects from the art collection permitted personally to purchase or acquire any objects removed from the art collection.
- Occasionally, it is necessary to destroy objects, especially when deterioration is too advanced for conservation to be practical. Once destruction is approved in accordance with the above procedure, objects must be destroyed under staff supervision. The process must be documented. Objects that may be classified as hazardous waste, or have elements that may be classified as hazardous waste (for example, electronic or

photographic equipment), must be disposed of in compliance with all applicable laws. Appropriate records shall be kept in accordance with accepted registration standards.

SECTION 4: CONSERVATION AND CARE

4.1 Guidelines

- The Parmly Billings Library will make every effort, consistent with its resources, to protect objects in the art collection from fire, theft, vandalism, natural disaster, pest infestation, light, temperature extremes, relative humidity extremes, dirt, and other threats.
- It is the responsibility of the Library's Assistant Director or successor to make an annual inventory and review the physical condition of all objects in the art collection, working in consultation with appropriate experts as necessary. Works that appear to require the attention of a conservator must be brought to the attention of the Art Committee in writing. Conservation treatments are costly. If the value and importance of the object warrant, incurring the expense for conservation may be a necessary Library expense.
- In the event that an object is discovered to be missing, either through inventory check or other means, an incident report should be completed. If theft is suspected, Library staff must notify appropriate law enforcement authorities. Details of such discoveries must be included in the record for that object.

SECTION 5: EXHIBITION AND LOAN OF ART

5.1 Incoming Loans

The Parmly Billings Library will solicit or host loans of art to the Library within the scope of its temporary exhibition program. All proposed incoming loans or exhibitions shall be reviewed and approved by the Art Committee. The particulars of any object borrowed by the Parmly Billings Library must be documented in a loan agreement signed by the authorized representatives of the lender and the Library. All parties must sign loan agreements and contracts prior to arrival on site of any borrowed objects. The term of all loans must be specified in full in all loan forms, contracts, or cover letters, including renewal dates and options when applicable.

5.2 Ethical Concerns Relating to Incoming Loans

- Under no circumstances will the Parmly Billings Library borrow and/or exhibit material that would be considered illegal or unethical to include in its own art collection.
- The Library will not borrow or exhibit objects with suspect provenances or doubtful evidence of ownership.
- In rare instances, an incoming loan may not be able to be returned to its owner upon conclusion of the loan period. Because of the complexity of issues surrounding the rights of the Library, resolution of any problems caused by unclaimed loans shall be referred to City of Billings legal counsel. See also Montana Code Annotated §§ 22-3-501 to 22-3-523 for unclaimed loan legislation.

5.3 Outgoing Loans

The Parmly Billings Library welcomes requests from educational institutions wishing to borrow objects from the art collection. Loans will be made when all of the following conditions are met:

- Recommendations on all loans must originate with a written request from the borrower to the Art Committee. Loan requests must include the purpose and duration of the loan and state the borrower's agreement to cover all direct costs and comply with the City of Billings loan regulations. An exception would apply if the outgoing loan originates at the request of the Parmly Billings Library. The Art Committee must approve or deny the request in writing.
- No object shall be approved for loan unless it is judged to be in satisfactory condition for travel and it is fully documented, including photo-documentation.
- The Parmly Billings Library must determine the current market value of any outgoing object(s) for insurance purposes. Outgoing loans must be insured for their full value by the borrower. The borrower must further provide a certificate of insurance naming the City of Billings as additional insured prior to the departure of the object from City property. An exception would apply if the outgoing loan originates at the request of the Parmly Billings Library.
- No loans of unspecified duration shall be approved. Requests for renewal must follow the same procedures as approval of the original request; renewal does not follow automatically upon approval of the original request.
- All borrowers must comply with the Library's regulations regarding adequate and professional travel conditions, handling, documentation, photography, and similar matters. The borrower must sign a loan agreement, and no object shall be released until the Library is in receipt of the signed loan agreement.

SECTION 6: DOCUMENTATION

6.1 General

Basic documentation on each object in the art collection will be maintained including, but not limited to, the following:

- records relating to the object's identification and legal status, including its provenance (history of ownership);
- records of the various locations where the object has been displayed, its current condition and level of care, and any required conservation;
- records relating to publication of the object;
- records relating to the object's value and insurance coverage.

6.2 Copyright and Rights & Reproductions

The Parmly Billings Library complies with all national and international law protecting copyright. Copyright is complex and all uses contemplated by the Library may *not* be permitted under the fair use exclusion. Use of images of works in the art collection must be examined in advance with care to avoid copyright infringement. Library staff will exercise care in the use of details or other cropped images; such use may not in all cases be permitted in license agreements.

Applicants seeking permission to publish images of works in the art collection must fill out appropriate request forms, supplied by the Library's Assistant Director or successor, and cover all necessary photographic fees. The responsibility for securing necessary permissions rests with the applicant.

6.3 Online Image Usage

Art collection images posted on the Library's website will be limited to three categories: 1) works for which the Library owns copyright, 2) works for which the Library holds an explicit license for online usage, or 3) works that are in the public domain.

SECTION 7: SUPPORTING REFERENCES AND RELATED LEGISLATION

American Association of Museums' *Guidelines Concerning Unlawful Appropriation of Objects During the Nazi Era*, 1999, amended 2001

Antiquities Act, 1906 (NB: Other subsequent federal legislation to protect cultural, archaeological, and historic property may apply.)

Convention on Biological Diversity, 1992

Endangered Species Act, 1973 (NB: Other federal legislation to protect wildlife may affect museums that hold and use certain types of objects, including CITES [Convention on International Trade in Endangered Species of Wild Flora and Fauna], the Lacey Act, the Migratory Bird Treaty Act, and others.)

Native American Graves Protection and Repatriation Act (NAGPRA), 1990

UNESCO's Treaty on Cultural Property, 1970, and other UNESCO international conventions and publications regarding cultural property

Visual Artists Rights Act (VARA), 1990

Adopted this ____ day of _____ 2013.
