



# CIVIC ART PROCEDURES

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Enriching Lives



**Los Angeles County Arts Commission**  
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*Procedures which guide implementation of, and are in accordance with, the Civic Art Policy will be updated by the Arts Commission based on recommendations presented by the Civic Art Committee. Each year, any changes to the Procedures will be included as part of the Civic Art Program Annual Report to the Board of Supervisors.*

## **I. ARTIST SELECTION**

The participation of quality, accomplished artists is essential to the success of the Civic Art Program. Project Coordination Committees with input from Arts Professionals and Artist Selection Panels play a critical role in the selection of artists for the Civic Art Program.

### **Artist Selection Panels**

A majority of panelists will be individuals who have a background or professional expertise in the arts. Panels will be facilitated by Civic Art Program staff. Panelists will be paid according to a fee schedule developed by staff. Panels will reflect knowledge and interest in art, as well as community concerns. The following groups may have representation on selection panels:

- Artists;
- Art-related professionals and knowledgeable community members, including curators, art historians, writers and critics, art administrators, collectors, art activists and art volunteers;
- Design professionals; and
- Community representatives.

Panelists will use the following criteria in evaluating artists' qualifications:

- Visual images, portfolios, studio visits or other documentation of excellence;
- Ability to respond to the specific contextual issues and considerations of a particular project, its community and users;
- Ability to successfully manage all aspects of the project including budgets, committees, sub-contractors, installers and other construction and administrative logistics; and
- Credentials, including experience, training, and critical or other professional recognition.

### **Selection of Project Artist(s)**

Civic Art Program staff will work with the Chief Executive Office (CEO) to identify eligible capital projects at the programming stage that will move forward and have a civic art allocation. Civic Art Program staff will implement a preliminary planning process to identify the preferred approach to the selection of an artist for the project prior to the selection of a lead design/engineering team for the associated capital project.

Preliminary planning will include input from the CEO, Supervisorial Office and Department. Once the preferred approach is determined, the Civic Art Program staff will establish a Project Coordination Committee, if appropriate.

Artists can be selected in one of the following ways:

1. **Selection from the Pre-Qualified List of Artists by the Lead Design/Engineering Firm**

The lead design/engineering firm, in responding to a Request for Proposals for a County capital or refurbishment project, will be encouraged to include an artist as an equal member of the design team. An artist selected by the lead design/engineering firm must be selected from the Pre-Qualified List of Artists. Civic Art Program staff will participate in the review of firms who elect to include an artist as an equal member of the design team.

All County capital or refurbishment projects identified as having a civic art component will include standard language in the Request for Proposals issued by the Department of Public Works or Community Development Commission regarding an artist(s)' involvement in the design process.

If the lead design/engineering firm does not select an artist or the Project Coordination Committee does not approve the artist(s) selected by the lead design/engineering firm, the Committee, with representation from the lead design/engineering firm, can select an artist for the project from the pre-qualified list of artists or issue a call for artists

2. **Selection from the Pre-Qualified List by Project Coordination Committee**

The Civic Art Program project manager will consider the overall project and make recommendations regarding artist eligibility requirements. The Project Coordination Committee will then meet to review the artists on the pre-qualified list that meet the eligibility requirements and will establish a short list of finalists. The artist may be selected directly from the Pre-Qualified List, or the Project Coordination Committee may elect to interview finalists or request preliminary proposals.

3. **Selection by the Project Coordination Committee through a Call for Artists**

In some instances due to the scale, importance or unique nature of a project, the Project Coordination Committee may decide to develop a call for artists for that specific project. In these instances, a special artist selection panel will be assembled by Civic Art Program staff and will include people with specific expertise in the arts, in addition to the Project Coordination Committee and a representative of the lead design/engineering firm. Artist(s) selected by this method may or may not be on the Pre-Qualified List.

The Project Coordination Committee may elect to select an artist through an open competitive Call for Artists. The Call for Artists shall identify the anticipated project budget, scope of work, estimated project timeline and

eligibility requirements. A shortlist of artists responding to the Call for Artists may be interviewed or requested to develop preliminary proposals.

#### **4. Selection from a Limited Invitational Competition**

A limited number of artists from the Pre-Qualified List, or artists with professional experience in a specific discipline appropriate to the project may be invited for interview or to develop preliminary proposals.

#### **5. Direct Selection**

In some situations, it may be appropriate to directly select an artist for a civic art commission opportunity. The recommended artist may be interviewed or may be requested to develop a preliminary proposal.

For each of the methods of selection, an artist and at least one alternate will be selected. If a preliminary proposal is requested, an honorarium will be paid to the artist(s).

### **Establishment of Pre-Qualified List**

The Arts Commission will establish a Pre-Qualified List of artists for County civic art projects. The list will be updated every two years and will include categories for established as well as emerging artists. The list will include local, regional and national artists.

Artists interested in being considered for County projects will be invited to submit their qualifications every two years. A selection panel, composed of five to seven people from the list of panelists approved by the Arts Commission, will be convened to review and select the applicants. Once selected, artists will be able to remain on the eligibility list for four years before they need to re-apply. Artists will not be eligible for more than two County projects at any given time.

### **Conflicts of Interest**

Anyone in a position to receive financial gain from the selection of artists will be ineligible to serve on a selection panel. Panelists must declare any conflict of interest and abstain from voting if a conflict of interest arises.

Artists or members of their immediate family who serve on the Los Angeles County Arts Commission will not be commissioned or receive any direct financial benefit from the Civic Art Program during their tenure on either of those bodies. This restriction shall extend for the period of one year following the end of service and indefinitely for projects that were developed or acted upon during the artist's tenure on the Commission.

## **II. FINANCIAL PROCEDURES**

### **Changes in Capital Projects**

In the event a capital project is cancelled, unencumbered project funds transferred to the Civic Art Special Fund as part of a Civic Art Allocation for the cancelled project shall be returned to its originating funding source.

If the final project budget, at the time of an award of the project's construction contract, increases by more than 10%, the Civic Art allocation for the project will be adjusted to reflect the new budget.

If the final budget, up to the time of award of the artist's contract, decreases by more than 10%, the civic art allocation for the project will be adjusted to reflect the new budget.

### **Projects over \$100,000**

All projects with budgets over \$100,000 will not be paid directly from the Civic Art Special Fund, but will be encumbered and paid by the CEO from the appropriate capital project with reimbursement from the Civic Art Special Fund.

### **Pooled Funds**

For civic art allocations that are under \$30,000, the preferred approach will be to pool funds within the B-14 Civic Art Special Fund by District or by District and Department. The appropriate Supervisorial Office will have the option to recommend pooling all, or a portion of, any civic art allocation within the appropriate District fund.

## **III. MAINTENANCE AND CONSERVATION OF ARTWORK**

The Civic Art Program is a resource for the maintenance and conservation of existing and newly commissioned artworks.

### **Routine Maintenance**

The Arts Commission encourages the design of civic art that will require limited maintenance. Commissioned artists are required to provide written maintenance instructions and detailed methods of fabrication for their artworks as part of their fabrication contract. When a commissioned artwork is completed and accessioned, or when an existing artwork is conserved or repaired, Civic Art Program staff will provide the County department with written maintenance instructions.

Routine maintenance of civic art is the financial responsibility of the County department that owns and maintains the facility and/or site where the artwork is located. The County department will work with Civic Art Program staff and individual artists to develop artwork maintenance plans for all department-owned civic art, and integrate the maintenance of artwork within the department's annual operating budget. All maintenance will be performed with reference to the maintenance guidelines established by the artist as part of their contractual agreement to produce the work.

Civic Art Program staff will maintain a database which contains the maintenance and care instructions and requirements for each artwork.

### **Conservation, Restoration, and Repair**

Based on periodic condition assessments, Civic Art Program staff will work with the Board offices, the Chief Executive Office (CEO), the Department of Public Works (DPW), the Community Development Commission (CDC) and County departments to identify conservation projects and priorities. Civic Art Program staff, in conjunction with the County departments and offices above, will oversee artwork conservation projects.

Although routine maintenance will be the responsibility of the County departments (see above), Civic Art Program staff will review condition assessments and recommend priority conservation, restoration or repair projects for consideration by the Board of Supervisors during the County's annual budget process. Funding approved by the Board of Supervisors for extraordinary conservation activities will be included in the County's Extraordinary Maintenance Budget under a separate account.

Civic Art Program staff will attempt to contact the artist for recommendations prior to engaging in any repair or conservation efforts. Departments will consult with Civic Art Program staff for conservation standards to be followed, regardless of the funding source for the conservation or restoration project.

#### **IV. GIFTS AND LOANS**

Prior to acceptance of any gift or loan of civic art, the Arts Commission and the recipient department must review and approve the gift. The main role of the Arts Commission is to ensure that all gifts or loans of civic art are of high quality, are appropriate for their site and audience, and that funds are secured so that the artwork will be adequately maintained. Additionally, the Arts Commission will use its expertise to evaluate the legal instrument of conveyance or loan that addresses the title of the artwork and defines the rights and responsibilities of all parties.

##### **Arts Commission Role**

The Arts Commission will receive a staff report along with a copy of submitted materials. If needed, Commissioners may hear a summary presentation by the donor before taking action. The Arts Commission may approve, reject or refer the proposed gift or loan back to staff for further evaluation.

##### **Civic Art Program Staff Role**

Civic Art Program staff will respond to all donor inquiries and educate donors on the requirements, especially financial commitments, and processes for approval of gifts or loans of existing or proposed civic art. Staff will assist donors in assessing whether the donation is feasible.

If the donation seems feasible and the donor's interest strong, staff will meet with the donor and review in detail the required submittals and explain the Arts Commission's approval process.

After meeting the donor, staff will work with the recipient department to:

- Determine that the gift or loan is compatible with the department's site or facility;
- Assess whether the gift or loan is likely to be approved by the department;

- Provide technical assistance in negotiating the terms of the legal instrument of conveyance or loan; and
- Provide guidance on establishment of a maintenance fund for the donated or loaned artwork.

A report summarizing the proposed gift or loan will be prepared by staff and, using the criteria below, staff will recommend that the Arts Commission approve, reject or refer the proposed gift or loan back to staff for further evaluation. Staff will also include the gifted or loaned artwork on the Civic Art Program web page so that the public may learn more about it.

### **Criteria for Evaluating a Gift**

The following criteria will be used in evaluating existing or proposed artwork by Civic Art Program staff when preparing its report to the Arts Commission and by the Arts Commission when determining whether to approve, reject or refer the proposed gift or loan:

#### Existing Artwork

- The artwork is of high quality.
- The artwork fits the proposed location in terms of the physical setting and audience.
- The artwork will have a plaque consistent with Civic Art Program standards.
- The donor has committed to cover all costs associated with delivery and installation of the artwork.
- The donor and the recipient department have established a maintenance fund to cover all routine and future maintenance costs.
- The legal agreement between the donor and the recipient department adequately addresses issues of ownership or loan, copyright, liabilities, maintenance and deaccessioning.

#### Proposed Artwork

- The artwork is of high quality and well designed.
- The artist's qualifications demonstrate the experience and skill necessary to complete a project of this scale and scope.
- Proposal is sufficiently detailed so that it can be fully evaluated.
- The artwork is appropriate for the proposed site in terms of the physical setting and potential audience.
- The scale, form, context and design of the artwork are appropriate for the setting (local design standards may be taken into consideration).
- Informational and other plaques have been included and are consistent with Civic Art Program standards.
- The donor has identified all costs associated with design, fabrication, permits, bonding, insurance, transportation and installation of the artwork and has identified sources for funding.
- The donor and the recipient department have evaluated routine and future maintenance and conservation requirements of the artwork and determined an amount that will cover all these costs.

- The legal agreement between the donor and the recipient department adequately addresses issues of ownership, copyright, liabilities, maintenance and deaccessioning.

### **Required Donor Submittals**

The following should be submitted to the Civic Art Program:

#### Existing Artwork

- Donor Information: Donor name, address, phone, fax and email. If the donor is an organization or a committee, provide information on all board or committee members and a copy of the organization's non-profit status forms, if applicable.
- Artist/Designer Biography: Summary of the artist or designer's qualifications.
- Description: Written description of the artwork: the concept behind the work; the relationship of the artwork to the site and the anticipated audience; materials to be used in the fabrication and installation of the artwork; the size, color and texture of each artwork element; and the schedule for completion of the artwork.
- Photograph: A photograph of the artwork with enough detail so that the work can be fully evaluated.
- Costs: Detailed budget listing all costs associated with delivery and installation.
- Maintenance Fund: Amount of maintenance funds and any conditions of the fund.
- Agreement with Recipient Department: Legal agreement between the donor and the recipient department.

#### Proposed Artwork

- Donor Information: Donor name, address, phone, fax and email. If the donor is an organization or a committee, provide information on all board or committee members and a copy of the organization's non-profit status forms, if applicable.
- Artist/Designer Resume: Resume of the artist or designer listing education, employment, exhibitions, reviews, commissions, etc.
- Examples of Artist/Designer Past Work: Slides or digital images of completed work by the artist or designer.
- Description: Written description of the artwork: the concept behind the work; the relationship of the artwork to the site and the anticipated audience; materials to be used in the fabrication and installation of the artwork; the size, color and texture of each artwork element; and the schedule for completion of the artwork. If the artwork is a memorial honoring an individual or event, include background information on the individual or event.
- Visual Representation: A visual representation (computer generated or hand-drawn rendering) of the artwork showing detailed and overall views; and a maquette, model, photograph and/or map showing the artwork in context.
- Budget: Detailed budget listing all costs associated with the gift and identification of sources for funding.
- Conservator Report: Report from an art conservator summarizing the materials to be used and discussing anticipated routine maintenance and long-term conservation requirements. The art conservator should be a professional member of The American Institute for Conservation (AIC).

- Maintenance Fund: Amount of maintenance fund and any conditions of the fund.
- Agreement with Recipient Department: Legal agreement between the donor and the recipient department.

### **Sequence of Approvals**

The sequence for approval of gifts or loans of civic artwork to the County is:

- Civic Art Program staff prepares report and makes recommendation to the Civic Art Committee
- Civic Art Committee presents recommendation to Arts Commission
- Approval by Arts Commission
- Approval by Recipient Department
- Approval by the Board of Supervisors (not needed for loans)

## **V. ACQUISITIONS AND ACCESSIONING**

New civic artworks which have been commissioned and accepted by the Civic Art Program will be automatically accessioned into the County's Civic Art Collection. The Civic Art Program strives to develop a cohesive civic art collection by commissioning artists of merit and quality. Artworks which do not exhibit quality of workmanship will not be accepted by the Civic Art Program.

Artworks which have come into the County's possession in its over 150 year history by other means such as purchase, donation, bequest, commission, transfer, exchange or any other transaction by which title to an artwork has been passed to the County are accessioned according to the criteria below.

### **Criteria for Accessioning Non-Commissioned Artworks**

- Public Safety - The artwork must not pose any hazard or threat to public safety or public health and must not pose a potential liability for the County in any other way.
- Legal and ethical considerations – The artwork must not violate any national, state, or local laws or acts.
- Excellence – The artwork must be authentic and of an overall high level of artistic quality, workmanship, and conceptual intent.
- Maintenance - The artwork must not require exorbitant funds or measures to maintain it and must not require an excessive use of County resources.
- Restrictions – An artwork will not be accessioned which has restrictions placed on it by the artist, donor, or seller.

### **Purchase, Exchange, Trade, and Other Methods of Acquisition**

In addition to gifts and commissioned artwork, works of art may occasionally be acquired through other means such as direct purchase or exchange. These works will be evaluated based on the same criteria as listed above, regardless of the method of acquisition.

## **VI. DEACCESSIONING**

The County retains the right to deaccession any civic art on County property. Civic art projects may be considered for review toward deaccessioning if one or more of the following conditions apply:

- The artwork has received consistent adverse public reaction for a period of five or more consecutive years.
- The site for the artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or altered in a significant way.
- The artwork is found to be fraudulent or in violation of national, state, or local laws.
- The artwork possesses demonstrated faults of design or workmanship.
- The artwork requires excessive or unreasonable maintenance.
- The artwork is damaged irreparably, or to an extent where repair is infeasible or impractical.
- The artwork represents a physical threat to public safety.
- The artwork is rarely displayed.
- The artwork reaches the end of its original anticipated lifespan.
- A written request for deaccessioning has been received from the artist.

Unless one of the preceding conditions applies, no art will be considered for deaccessioning unless it has been in the County Collection for a minimum of ten years.

### **Deaccessioning Procedure**

If a request for deaccessioning is received from members of the public, or made by County staff or a member of the Arts Commission, then Civic Art staff will consult County Counsel and create a report summarizing the issue. Included in the report will be information about the artwork and artist, information about the current site, the reasons a person or group wants the artwork removed, any applicable restrictions or legal provisions, relevant comments and opinions from the public and/or County staff, and relevant information from the artist about the artwork.

This report will be presented to the Civic Art Committee, which will convene and make a recommendation to either remove, or not remove, an artwork from the County Collection. Their recommendation will be presented to the Arts Commission. If the Arts Commission recommends to remove the artwork, this recommendation will be submitted for approval to the Board of Supervisors.

Should the Board of Supervisors choose to deaccession and thereby remove a work, the artist will be given at least 90 days notice prior to removal and be given the opportunity to purchase the art at its current appraised value if the artwork is able to be reasonably

and safely removed. If the removal will cause expense or hardship to the County, than the artist will be responsible for the costs and arrangements involved in removing the artwork. The artist must also ensure that all state, local, and federal safety laws are followed in the removal of an artwork.

Alternate methods of removal from the County Collection include, but are not limited to:

- The artwork may be appraised and advertised for sale.
- The County may seek competitive bids for the artwork.
- The artwork may be donated to another government agency, municipality, museum, or nonprofit.
- The artwork may be destroyed if it is tied to a site scheduled for demolition or if it is structurally or economically infeasible to be removed safely and still maintain the integrity of the work.

## **VII. RELOCATION OR MODIFICATION**

The County retains the right to relocate or modify an artwork at any time. While the Civic Art Program will attempt to maintain an artist's original intentions for an artwork, several conditions may necessitate a modification to an artwork's original design or location:

- A County building or facility is repurposed;
- A County building or facility is renovated or remodeled;
- After installation, it is apparent that an artwork creates safety problems for the public or County staff;
- After installation, it is apparent that an artwork creates severe inconvenience or hardship for the public or County staff;
- An artwork is being severely degraded by its present environment;
- An artwork's security can no longer be guaranteed in its present location; or
- After installation, it is apparent that an artwork would serve the public better in a different location at the site.

### **Relocation and Modification Procedure**

If there is a recommendation or request for relocation or modification, Civic Art Program staff will work with the County department and consult with County Counsel, to weigh the need for relocation and modification with the possible consequences of harm occurring to the artwork or to the artist's original intent.

A report will be created by Civic Art Program staff that includes information about the artwork, the artist, the current site, any applicable restrictions or legal provisions, relevant comments and opinions from the public and/or County staff, relevant information from the artist about the artwork, and a summary of the potential modifications and relocations under discussion. Based on the information in this report, the Director of Civic Art will make the final decision on whether to relocate or modify the artwork. If the department does not concur with the recommendation of the Director of Civic Art, the matter may be referred to the Arts Commission whose decision shall be final.

If an artwork is determined to be relocated or modified, Civic Art Program staff will work with the department to ensure that qualified arts professionals handle the move or the modifications with care.

If an artwork poses a hazard or imminent threat to public safety, public health, or property, the Arts Commission may choose to immediately relocate, remove, or modify the artwork without following the above procedure.

This process for evaluating whether to relocate or modify artworks does not apply to portable artworks, temporary artworks, or exhibits.

## **VIII. RECORDS AND INFORMATION ORGANIZATION**

Civic Art Program staff is responsible for documenting and archiving information about historic County artworks and new Civic Art projects in the County's Civic Art Inventory (the County's Collection). This includes documenting temporary and programming/education projects after they have concluded or have been deinstalled. Information about the County's Collection is accessible to County staff and the public through the Arts Commission's Web site. A report on the County's Collection is issued to the Board of Supervisors at least once every five (5) years.

### **Scope of Documentation for a Commissioned Civic Art Project**

The following documents are retained in the County's Collection hard and electronic files after a new Civic Art Project has been completed:

- Contracts;
- Artist's statements, proposals, biography, and any other relevant information;
- Artist selection process summaries;
- Press clippings the project received;
- Maintenance instructions and conservator reviews of materials used;
- Photographs and digital images;
- Board letters;
- Artist's shop drawings of artwork;
- As built drawings and diagrams; and
- Blueprints.

Additionally, any artist design drawings, sketches, or models that a commissioned artist creates for a civic artwork will be retained in the County's Collection in storage. These will be considered part of an artwork's archive. These materials may occasionally be used for public exhibitions organized by the Civic Art Program.

### **Scope of Documentation for Historic County Artwork**

The extent of documentation for historic County artworks depends on available documents and research. Digital photographs will be taken by Civic Art staff of the artwork and a condition assessment will be completed. Copies of documents discovered in research will also be retained.

## **Records Retention**

All records are intended to be cared for in perpetuity. If an artwork is later removed, deaccessioned, or relocated, its records will still be held in the County Collection files.

## **IX. GRANTING PERMISSION TO USE IMAGES OF ARTWORK**

### **General Guidelines**

The County may grant permission to reproduce imagery of County-owned artworks, including the use of images for two-dimensional reproductions and for three-dimensional derivatives of County-owned artworks.

“Reproductions” include the use of images of County-owned artworks in educational materials, reports, or communications about services, or other non-commercial use.

“Derivatives” are usually three-dimensional objects which are derived from, or based on, elements of an original artwork. The original artwork may not be reproduced exactly, at any scale, but portions of the artwork may be used in a new image or an object based on the artwork or artwork elements.

### **Permission to Use Images of County-owned Artwork for Reproduction for Non-Commercial Purposes**

1. Requests to use artwork images for non-commercial purposes must be presented in writing to the Director of Civic Art at the Los Angeles County Arts Commission. Requests must include full contact information of the organization, its status as a government, non-profit or for profit entity, and its intended use for the images.
2. The request will be reviewed and approved by Arts Commission staff, artist, department, and Supervisorial office. The normal request and review process is 60 days.
3. The Arts Commission will grant permission in writing. No formal agreement is needed.

### **Permission to Make and Sell Derivatives or Reproductions of County-owned Artwork for Commercial Purposes**

1. Requests for use of artwork images must be presented in writing to the Director of Civic Art at the Los Angeles County Arts Commission. Requests must include full contact information of the organization, its status as a government, nonprofit or for profit entity, its intended use for the images and an estimate of anticipated annual gross income.
2. The request will be reviewed and approved by Arts Commission staff, artist, department, and Supervisorial office. The normal request and review process is 60 days.

3. The Los Angeles County Arts Commission will enter into a three-party (artist, County and non-profit) agreement to grant permission.
4. The Arts Commission will monitor sales on an annual basis.

### **Filming**

Artworks are frequently included in locations used for filming. Since artists hold the copyright on County-owned artworks, film companies must get waivers or negotiate a royalty payment from the artist before including the artwork in the footage. Film companies may contact the Arts Commission to receive contact information for artists.