



CIVIC ART PROCEDURES

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Enriching Lives



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TABLE OF CONTENTS

PROCEDURES

I.	ARTIST SELECTION	page 3
	Establishment of Pre-Qualified List	
	Selection of Project Artist(s)	
	Partnering with Project Design Team	
	Selection by Project Coordination Committee	
	Call for Artists	
	Conflicts of Interest	
II.	FINANCIAL PROCEDURES	page 5
	Changes in Capital Projects	
	Projects Over \$100,000	
III.	MAINTENANCE AND CONSERVATION OF ARTWORK	page 5
	Routine Maintenance	
	Conservation and Replacement	
IV.	GIFTS AND LOANS	page 6
	Arts Commission Role	
	Civic Art Program Staff Role	
	Criteria for Evaluating Gifts	
	Required Donor Submittals	
	Sequence of Approvals	
V.	DEACCESSIONING	page 9
	Deaccessioning Policy	
	Deaccessioning Procedure	
VI.	GRANTING PERMISSION TO USE IMAGES OF ARTWORK	page 10
	General Guidelines	
	Permission for Non-Commercial Purposes	
	Permission for Commercial Purposes	
	Filming	

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 Annual Civic Art Report and Plan to the Board of Supervisors.

I. ARTIST SELECTION

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, will be appointed by the Arts Commission 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.

Panels: A majority of panelists will be individuals who have a background or professional expertise in the arts. Panels will be staffed by the Arts Commission. 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, site 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)

Artists can be selected in one of the following three ways:

1. Partnering with Project Design Team

The lead design/engineering firm, in responding to a Request for Proposal 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. All County capital or refurbishment projects identified as having a civic art component will include standard language in the Request for Proposals regarding an artist(s) involvement in the design process.

2. Selection by Project Coordination Committee

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 (see 3. below).

The Arts Commission project manager will consider the overall project program 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. Either the finalists will be invited to interview and one artist, and an alternate, will be selected or each of the finalists will be asked to develop a conceptual proposal. If a conceptual proposal is requested, an honorarium will be paid to the artists.

3. 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 appointed by the Arts Commission 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.

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 projects 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.

III. MAINTENANCE AND CONSERVATION OF ARTWORK

Routine Maintenance

It will be the policy of the Civic Art Program to encourage the design of civic art that will require limited maintenance.

Routine maintenance of civic art will be the responsibility of the County department that owns and maintains the facility and/or site where the art is located.

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.

Conservation and Replacement

Arts Commission staff will be responsible for updating the survey of the condition of all civic art located on County property at least every five (5) years.

The survey will include a condition report for each work. Although routine maintenance will be the responsibility of County departments (see above), Arts Commission staff will review the survey as part of the development of the annual Civic Art Plan and recommend priority conservation, restoration or repair projects for inclusion in the annual Civic Art Plan 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.

It will be the policy of the Civic Art Program to contact the artist for recommendations prior to engaging in any repair or conservation efforts.

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 civic art.

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 Arts Commission
- Approval by Arts Commission
- Approval by Recipient Department
- Approval by the Board of Supervisors (not needed for loans)

V. DEACCESSIONING

Deaccessioning Policy

The County will retain the right to deaccession any civic art on County property.

The Civic Art Committee will recommend to the Arts Commission review procedures that:

- Insulate the deaccessioning process from fluctuations in taste — whether on the part of the County, the Civic Art Committee or the public.
- Insure that deaccessioning will be employed infrequently and that the process will operate with a strong presumption against removing art from County property.

Civic art projects may be considered for review toward deaccessioning if one or more of the following conditions apply:

- The art has received consistent adverse public reaction for a period of five or more years.
- The site for the art 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 art is found to be fraudulent.
- The art possesses demonstrated faults of design or workmanship.
- The art requires excessive or unreasonable maintenance.
- The art is damaged irreparably, or to an extent where repair is unreasonable or impractical.
- The art represents a physical threat to public safety.
- The art is rarely displayed.
- A written request for deaccessioning has been received from the artist.

Unless there is a significant issue of public safety, the site for a work of civic art has been lost, or the art has been proven fraudulent, no art will be considered for deaccessioning unless it has been in the County collection for a minimum of ten years.

Deaccessioning Procedure

Should the County choose to deaccession a work, the artist will first be given the opportunity to purchase the art at its current appraised value.

Alternate methods include:

- The art may be appraised and advertised for sale.
- The County may seek competitive bids for the artwork.

VI. 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 may be approved by Arts Commission staff, artist, tenant department, and Supervisorial office in their discretion. The normal request and review process is 60 days.
3. The Arts Commission will grant permission in writing, on such terms as may be appropriate. 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 may be approved by Arts Commission staff, artist, tenant department, and Supervisorial office in their discretion. 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, in such terms as may be appropriate.

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.