



# **CIVIC ART POLICY AND PROCEDURES**

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## **I. PURPOSE**

Artistic and cultural resources are key to the overall quality of life of a community. Civic art contributes significantly to the economic vitality of a region by improving the quality of the environment and fostering a positive community identity. Historically, artists have helped shape the great civic projects of other eras, from the federal monuments of our capital to the community treasures of the Works Projects Administration. The creation of the Los Angeles County Civic Art Program will integrate the skills of artists into capital improvement and major development projects, enhancing Los Angeles County for those who live here now and contributing to the creation of a legacy for generations to come.

## **II. GOALS AND OBJECTIVES**

The Civic Art Program has the following goals:

- To enhance the quality of life of the residents of Los Angeles County through the creation of an improved physical and cultural environment
- To provide leadership in the development of high quality civic spaces
- To expand the economic vitality of the County through increased property values and new cultural tourism opportunities
- To provide access to artistic experiences of the highest caliber for the residents of Los Angeles County
- To acknowledge the skills and creativity of artists which are the key to the success of such a program

Specific objectives include:

- To enhance the quality of selected County capital improvement projects through the incorporation of the skills of artists
- To encourage innovative approaches to civic art
- To integrate artists into the planning and design process at the earliest possible opportunity
- To ensure access and the equitable distribution of commissions between local, regional and national artists that are representative of diverse cultural backgrounds
- To provide the public with information about civic art projects

## **III. CIVIC ART POLICY**

The Civic Art Policy mandates that Eligible County Capital Improvement Projects funded wholly or in part by the County, allocate 1% of Eligible Project Costs for the design, construction, integration, acquisition, delivery and conservation of Civic Art, unless otherwise ordered by the Board of Supervisors. The Civic Art Allocation will represent an amount equal to 1% of the cost of design services and construction costs of County capital projects that are

- Authorized by the Board of Supervisors to proceed,
- Included in the County's Capital Projects/Refurbishments Budget, and
- Have not yet contracted with a lead design/engineering firm.

If use of all, or a portion, of a project's funding is prohibited by the funding source for the purposes of the Civic Art Program, the Civic Art Allocation will reflect only that portion of the

funding that is eligible for application to the Civic Art Program. For capital projects over \$100 million in eligible funds, the Civic Art Allocation will not exceed \$1 million. This cap shall be reviewed by the Board of Supervisors every five years.

12% to 15% from the 1% Civic Art Allocation will be included in the Arts Commission's budget for contract project managers and other expenses associated with the administration of the Civic Art Program in accordance with the annual budget process. If the amount allocated for administration is less than or exceeds these percentages, justification based on the number of projects and anticipated workload will be provided to the Board of Supervisors.

#### **IV. IMPLEMENTATION OF CIVIC ART PROJECTS**

An annual civic art plan and budget for each Supervisorial District will be developed by the Arts Commission in conjunction with the County's Capital Projects/Refurbishments plan and budget. The Arts Commission will work with the Board offices, the Chief Administrative Office (CAO), Department of Public Works (DPW) and a representative from each department with upcoming capital improvement projects to develop this plan, which will be subject to the approval of the affected Board office. The plan will detail the civic art projects to be undertaken in the upcoming year, as well as any conservation projects, community outreach and public education efforts or other activities to be undertaken by the program. This plan will also set priorities for use of the funds in future years. Once a civic art project has been included in the annual civic art plan and approved by the Board of Supervisors as part of the budget process, the civic art project is no longer discretionary and cannot be eliminated from the capital project of which it is part.

*A project coordination committee* will be established at the beginning of each new civic art project and will have primary oversight of each civic art project, will participate in the project from artist selection through dedication, and work to ensure close coordination among departments. The project coordination committee will be composed of:

- A representative of the County Supervisor in whose District the project is located,
- A representative of the CAO,
- A representative of the Department of Public Works if DPW is providing project management,,
- A representative of the tenant department(s),
- An Arts Commissioner, in whose District the project is located, if available,
- A community member identified by either the Board Office or the Arts Commission, and
- The Arts Commission's project manager.

The Project Coordination Committee, which will be chaired by the representative of the Supervisor in whose District the project is located, will meet to review and approve the following:

- *Artist selection.* Artists will be selected for each new civic art project through one of the methods outlined in *Artist Selection Procedures* (see page 9).
- *The artist's proposals at the conceptual and final design phases.* In some cases the conceptual design review may take place as part of the artist selection process. After comments are received at each phase, Arts Commission staff will work with the artist to refine the design. If the artist is not in agreement with the committee's

recommendations, Arts Commission staff will mediate discussions to arrive at a consensus among all parties. In each case, if revisions are call for, the revised conceptual or final design will be presented to the project coordination committee for approval.

- *Any proposed alterations to the final design.* The artist's contract will contain language specifying that no change to the approved final design may take place without written permission.
- *Plans for the dedication and unveiling of the facility,* which will include placement of appropriate informational signage at the project site, the inclusion of the artist and information regarding the artwork at any unveiling ceremonies or community outreach events associated with the dedication of the new facility.

All County departments will adhere to the roles and responsibilities detailed in *Procedures* (see page 6) .

The Civic Art Policies and Procedures will be reviewed and updated every five years by the Board of Supervisors.

## V. DEFINITIONS

**Artist** means a person who has established a reputation of artistic excellence in the visual, performing or literary arts, as judged by peers, through a record of exhibitions, public commissions, sale of works and/or educational attainment.

**Arts Commission Project Manager** is the lead staff person for each civic art project. The project manager is responsible for staffing the Project Coordination Committee, but does not vote on artist selection.

**Civic Art** means artistic and cultural facilities and amenities such as:

- Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials;
- Murals or portable paintings: In any materials or variety of materials, with or without collage or the addition of nontraditional materials and means;
- Earthworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media, including sound, film, holographic, and video systems, hybrids of any media and new genres;
- Standardized fixtures such as grates, street lights, signage, and other design enhancements, as are rendered by an artist for unique or limited editions;
- Exhibit/Performance Space: Public gallery/exhibition space, public performance spaces, public artistic studio spaces, and public arts education facilities; and
- Similar facilities and amenities as determined by the Los Angeles County Arts Commission.

And will also include:

- Restoration or replication of original decorative ornament and civic art as part of the rehabilitation of historic, cultural and architectural landmarks;

As well as artistic and cultural services including:

- Performing arts: Theatre, dance, music and performance art;
- Literary arts: Poetry readings and story telling;
- Media arts: Film and video, screenings and installations;
- Education: Lectures, presentations and training in and about arts and culture;
- Special events: Parades, festivals and celebrations;
- Similar arts services as approved by the Los Angeles County Arts Commission.

**Civic Arts Committee** is a committee of the Arts Commission made up of one Commissioner from each Supervisorial District.

**Civic Art Plan** means an annual work plan and budget for civic art for each Supervisorial District to be developed as part of the annual budget process. The plan will detail new and ongoing civic art projects, conservation projects, public education and other activities to be undertaken during the upcoming year, and will be subject to approval by the Board of Supervisors. This plan will also set priorities for use of the funds in future years.

#### **Civic Art Project Costs:**

- **Allowable Civic Art Project Costs:** The 1% Civic Art Allocation may be used to fund the following expenditures: purchase or design and fabrication of civic art, fees and travel expenses for artist services, transportation and installation of civic art, conservation, insurance, identification plaques, community education, administration and project management by the Arts Commission, and other reasonable expenses associated with the initiation, development and completion of civic art projects.
- **Ineligible Civic Art Project Costs:** Civic Art Allocations shall not be expended for directional elements, signage, mass produced objects, reproductions, or for architectural elements, landscape architecture or gardening except as they relate directly to an artist's concept for a civic art project.

**Eligible County Capital Project** means any new building or facility, and any expansion or refurbishment of an existing facility or system, paid for wholly, or in part, by funds appropriated by the County or by any other public entity for which the Board is the governing body, with the exception of:

- Refurbishments projects with Eligible Project Costs of less than \$500,000,
- Open space acquisition,
- Streets,
- Underground projects,
- Flood control channels, and
- Airport runways, paving, and lighting.

**Eligible Project Costs** used to calculate the Civic Art Allocation means the estimated cost of design services and construction at the time of adoption of the facility program on Eligible County Capital Projects. If the final adopted budget exceeds the estimated cost by more than 10%, the Civic Art Allocation for the project will be adjusted to reflect the new budget.

**Project Coordination Committee** is a committee established at the beginning of each new civic art project that will have primary oversight of each civic art project, will participate in the

project from artist selection through dedication, and work to ensure close coordination among departments. The project coordination committee will be composed of:

- A representative of the County Supervisor in whose District the project is located,
- A representative of the CAO,
- A representative of the Department of Public Works if DPW is providing project management,
- A representative of the tenant department(s),
- An Arts Commissioner in whose District the project is located, if available,
- A community member identified by either the Board office or the Arts Commission, and
- The Arts Commission's project manager.

**Refurbishment** means the reconfiguration of a facility or system or a portion of a facility or system that is included in the County's Capital Project/Refurbishment Project Budget which does not increase the facilities gross square footage. For the purposes of this policy, refurbishment projects do not include repairs, maintenance, or installation or replacement of building systems, or furniture.

# PROCEDURES

## I. ROLES AND RESPONSIBILITIES OF COUNTY DEPARTMENTS

This document is intended to serve as a guide for all County entities involved in the delivery of the County Civic Art program. These procedures will foster clear communication and effective implementation of the program through clearly defined roles and responsibilities.

### Los Angeles County Arts Commission

- A. Adopt policies and procedures regarding implementation of the Civic Art Program.
- B. Provide oversight and coordination for all aspects of the Civic Art Program and its projects in conjunction with the CAO, DPW and other County departments.
- C. Administer the Civic Art Program, including the development and presentation of budgetary recommendations regarding staffing costs, consultant costs, and other reasonable expenses associated with the administration of the Civic Art Program.
- D. Approve the acceptance of gifts, long-term loans of artwork, and loans of County-owned artwork to other organizations or institutions, based on recommendations of the Arts Commission's Civic Art Committee. This will not apply to any County arts institution with a governing body established to approve such purchases, gifts, or loans.
- E. Convene and distribute minutes for all project coordination committee meetings and provide regular written updates throughout the course of the project.
- F. Assist DPW in the negotiation and administration of contracts with artists, in the resolution of any issues or differences regarding the project arts component and review, and approve all plans and bid documents as they pertain to the implementation of the Civic Art Program.
- G. Convene and facilitate public meetings, in conjunction with tenant departments, as needed for the implementation of the Civic Art Program and/or specific projects, and provide feedback from meetings to DPW.
- H. Oversee maintenance and conservation components of the Civic Art Program, in conjunction with the CAO and tenant departments.
- I. Document and archive Civic Art Projects as appropriate, including, but not limited to, contracts, construction drawings, maintenance manuals and visual documentation.
- J. Develop, and update at least once every five years, a County Civic Art inventory, along with an assessment of the condition of each work and a plan for conservation and repair, if applicable.

- K. Establish a Civic Art Committee, made up of one Commissioner from each District, to:
- Advise and provide recommendations to the Arts Commission on Civic Art Program policies, procedures and the annual civic art plan.
  - Approve artist selection panelists and lists of pre-qualified artists, ensuring equal access for project consideration to all qualified artists.
  - Designate a member to serve on the Project Coordination Committee for each project.

The Director of the Civic Art Program will staff this committee and participate as an ex officio member.

- L. Recommend revisions in the Civic Arts Policy and Procedures every five years to the Board of Supervisors.

### **Chief Administrative Office**

- A. Inform Arts Commission staff of new capital or refurbishment projects at the earliest possible time to allow for adequate review and planning to determine which projects might benefit from the inclusion of civic art and to ensure that Civic Art Projects are fully integrated into the Capital Project Process.
- B. Work with Arts Commission staff and DPW to determine the applicability of civic art to proposed capital or refurbishment projects and in developing the annual Civic Art Plan.
- C. Calculate and present proposed civic art allocations for each capital project to the Board of Supervisors for consideration each year as part of the Proposed Capital Projects/Refurbishments Budget and throughout the year as new projects are considered.
- D. Upon approval by the Board of Supervisors of the recommended Civic Art Allocations, create Departmental Civic Art Accounts for each tenant department of an Eligible County Capital Project and transfer Civic Art Allocations from the individual project account to the respective Departmental Civic Art Account. Each District will have the option of creating a sub-account to bank funds for a specific long-range project.
- E. Upon selection of an artist and/or an artistic concept for a County capital project, and approval of an art project budget for such project, direct the transfer of funds required for the specified art project from the Departmental Civic Art Account to the designated County capital project account.
- F. Advise Arts Commission staff of any ordinances, resolutions, regulations or limitation on funding sources that may affect a specific project.
- G. Designate a representative to serve on the Project Coordination Committee.

## **Department of Public Works**

*These responsibilities will also apply to any department that has its own construction project managers and does not use a DPW project manager.*

- A. Coordinate the integration and delivery of civic art components in capital or refurbishment projects with the Arts Commission project manager, ensuring that selected artists are fully integrated into the project design process for all capital or refurbishment projects with a civic art component.
- B. Work with Arts Commission staff and the CAO in developing the annual Civic Art Plan and in determining the applicability of civic art to proposed capital improvement projects.
- C. At the start of each project, with the tenant department representative, brief the artist(s) on the project's goals, opportunities and constraints.
- D. With the Arts Commission project manager, establish a timeline for the development of the civic art component that is consistent with the capital improvement project's timeline. The timeline will identify specific milestones for review and set the requirements for completion of the successive stages of conceptual design, final design, fabrication and installation.
- E. Provide the Arts Commission project manager with art component submittals at all phases for review and approval.
- F. With assistance of the Arts Commission project manager, resolve differences that may arise regarding project arts component. Refer differences that cannot be resolved to CAO.
- G. Designate a representative to serve on the Project Coordination Committee.

## **Departments of Agencies**

- A. Designate a liaison to represent the department or agency in the development of the Annual Plan and other Civic Art Program issues. Work with Arts Commission staff in developing the annual Civic Art Plan and in determining the applicability of civic art to proposed capital or refurbishment projects.
- B. At the start of each project, the tenant department representative, along with the DPW project manager, will brief the artist on the project's goals, opportunities and constraints.
- C. Coordinate with Arts Commission staff to ensure appropriate outreach to any advisory groups, neighborhood groups or others that may be impacted by or be interested in the development of a specific project.
- D. Assist in the resolution of differences regarding the civic art component as appropriate.
- E. Develop maintenance plans, and integrate the maintenance of art within the department or agency's annual operating budget.

- F. Designate a representative to serve on the Project Coordination Committee for each departmental civic art project.

## **II. ARTIST SELECTION PROCEDURES**

### **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
- Arts-related professionals and knowledgeable community members, including curators, art historians, writers and critics, arts administrators, collectors, arts activists and arts volunteers
- Design professionals
- Community representatives

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

- Slides, 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.
- Credentials, including experience, training, and critical or other professional recognition.

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

The Project Coordination Committee can select artist(s) 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 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 Art 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.

### **III. COLLECTION MANAGEMENT PROCEDURES: CONSERVATION, GIFTS, LOANS AND DEACCESSIONING**

#### **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.

### **Gifts and Loans**

The Civic Art Committee will recommend to the Arts Commission a review process for all civic art being considered for County property through gifts or loans.

The review process will use the following criteria:

- Quality of the work.
- Consideration of the commitment required for the ongoing preservation and display of the works.
- Consideration of any legal or ethical restrictions as to future use and disposition, except with respect to copyrights and any other clearly defined residual rights that are incorporated into the contracts with the artist(s).

A legal instrument of conveyance, transferring title of the art and clearly defining the rights and responsibilities of all parties must accompany all acquisitions.

### **Deaccessioning**

#### **A. 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.

#### B. 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.