



CIVIC ART PROCEDURES

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I. INTRODUCTION

In 2004, the Los Angeles County (County) Board of Supervisors adopted the County's first Civic Art Policy (Policy), which allocates one percent (1%) of design and construction costs of eligible County capital projects to a Civic Art Special Fund for the creation of Civic Art. The Civic Art Procedures (Procedures) were approved as part of the adoption of Policy by the Board of Supervisors and last amended on September 10, 2020.

The Procedures guide the implementation of, and are in accordance with, the Policy and may be updated by the Department of Arts and Culture (Arts and Culture) periodically. Each year, any changes to the Procedures will be included as part of the Civic Art Division's Annual Report to the Board of Supervisors.

II. ARTIST SELECTION

The following section is used as a guide for the selection of artists in the development and execution of Civic Art Projects.

A. Project Planning Process

1. Civic Art Division will work with the Chief Executive Office (CEO) or the Los Angeles County Development Authority (LACDA) to identify eligible capital projects at the programming stage that will move forward and have a Civic Art Allocation, as defined in Section V of the Policy.
2. 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 (Public Works) or LACDA provided by Civic Art Division notifying the proposer of the Policy.
3. Civic Art Division 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.
4. Once the preferred approach is determined, the Civic Art Division will establish a Project Coordination Committee, if appropriate.

B. Artist Selection Panels and Project Coordination Committees

Civic Art Division will convene artist selection panels made up of members of the Project Coordination Committee, as defined in Section V of the Policy, who will be responsible for selecting artists for Civic Art Projects. Panels will be facilitated by the Civic Art Division. Eligible panelists will be paid according to a fee schedule developed by the Civic Art Division.

Panelists may use one or more of the following criteria in evaluating Artists' qualifications:

1. Artistic Merit: Visual images, video clips, portfolios, studio visits or other documentation of excellence;

2. Site Specificity: Ability to respond to the site-specific contextual issues and considerations of a project and reflect diverse sensibilities/perspectives of the County and its communities;
3. Project Management: Ability to successfully manage all aspects of the project including budgets, committees, sub-contractors, installers and other construction and administrative logistics;
4. Credentials: Experience, training, and critical or other professional recognition; and
5. Community Responsiveness and Public Engagement: Ability to engage the community, users, and diverse stakeholders to gather input and/or offer insight to the artwork design and concept.

C. Selection of Project Artist(s)

Artists may be selected in one of the following ways:

1. Selection from the Prequalified List of Artist by Project Coordination Committee

Civic Art Division 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 Prequalified Artist List that meet the eligibility requirements and will establish a short-list of finalists. The Artist may be selected directly from the Prequalified Artist List, or the Project Coordination Committee may elect to interview finalists or request preliminary proposals.

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

Civic Art Division may elect to select an Artist through an open competitive Call for Artists. An artist selection panel will be assembled by Civic Art Division that will include members of the Project Coordination Committee. Artist(s) selected by this method may or may not be on the Prequalified Artist List. The Call for Artists will 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.

3. Selection from a Limited Invitational Competition

A limited number of Artists from the Prequalified List, or Artists with professional experience in a specific discipline, medium, or other criteria appropriate to the project may be invited for interview or to develop preliminary proposals.

4. Direct Selection

In some instances, when determined to be in the best interest of the County based on articulable criteria, it is appropriate to directly select an Artist for a civic art opportunity as a sole source solicitation. Arts and Culture shall provide sufficient detail to justify the basis for deviating from the selection process models listed above. The recommended Artist may be interviewed or may be requested to develop a preliminary proposal.

Consideration for sole source approval may include:

- a. Timeframe for project completion is emergent or time-sensitive and other selection methods would be an undue hardship;
- b. The Artist(s) or service provider(s) is required under the provisions of a grant;
- c. No other Artist(s) or service provider(s) meets the minimum requirements;
- d. It is more cost-effective to obtain services by exercising an option under an existing contract;
- e. Direct Selection is otherwise in the best interest of the County.

5. Developer Delivered Capital Projects: Selection Through a Professional Art Consultant or Arts and Culture

When a County Capital Project is to be built by a developer, the developer may select an Artist through a professional Art Consultant, as defined in Section V of the Policy, or work with Arts and Culture in accordance with the guidelines outlined in Section II of the Procedures.

D. Other Selection Considerations

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) according to a fee schedule developed by Civic Art Division.

Artists will not be eligible for more than two County projects at any given time. Artists who have artwork in the County's Civic Art Collection will not be eligible for future projects unless the project has a higher budget than the previous project. Exceptions will be made if the project will benefit due to:

1. Geographic proximity to the previous project(s).
2. Conceptual, thematic, or population relativity, such as a departmental or a regional effort.
3. Compatibility of project schedules.
4. The Artist's unique qualifications.

E. Establishment of Prequalified List of Artists

Arts and Culture will establish a Prequalified List of Artists for Civic Art Projects. The list will be updated on an as needed basis or, every two years, and will include local, regional and national Artists.

Artists interested in being considered for County projects will be invited to submit their qualifications. A selection panel, composed of five to seven people from Arts and Culture's approved list of panelists, 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.

F. 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 work at Arts and Culture and serve on the Arts Commission will not be commissioned or receive any direct financial benefit from the Civic Art Division during their tenure on either of those bodies. This restriction will 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 with Arts and Culture or the Commission, as applicable.

Artists/Proposers are prohibited from submitting a proposal in a County solicitation if the Artists/Proposers participated, advised, or consulted in the preparation of the solicitation.

III. DEVELOPER DELIVERED COUNTY CAPITAL PROJECTS

The Policy includes a requirement for one percent of design and construction costs for developer built and/or delivered County capital projects (hereinafter, "developer delivered"). The following section outlines the project phases that developer delivered projects must follow to comply with the Policy and Procedures.

A. Developer Solicitation Phase:

1. If a Request for Qualifications (RFQ) is issued by the County for a developer delivered project, the RFQ will make developers aware of the Policy.
2. The Request for Proposal (RFP) will notify the bidders of eligibility for a Civic Art Project and will include the Policy, the Procedures and the Developer Delivered Civic Art Guide as an appendix to the RFP.
3. Prior to the issuance of the RFP, Arts and Culture and the lead County agency/department will identify Civic Art opportunities as defined in Section V of the Policy.

B. Delivery Model Selection Phase:

Once the County has selected a developer, the developer must:

1. Determine the delivery model for Civic Art, in coordination with Arts and Culture and the lead County agency/department, using one of the following methods:
 - a. Management of the Civic Art design development, fabrication, and installation, and/or other appropriate delivery by a professional Art Consultant retained by Arts and Culture. The Art Consultant may be:
 - i. An Art Consultant of the developer's choice;
 - ii. An Art Consultant from Arts and Culture's pre-qualified list of consultants;
 - b. Management of the Civic Art design development, fabrication, and installation and/or other appropriate delivery by Arts and Culture; or
 - c. An alternative method for managing the development, fabrication, and installation and/or other appropriate delivery of Civic Art provided the method is mutually acceptable to Arts and Culture, the developer and the lead County agency/department.
2. Submit payment of the Civic Art Allocation to Arts and Culture, in a method and terms agreed upon by Arts and Culture and the developer;

C. Project Delivery Phase:

1. Arts and Culture Delivery Model:

When the delivery model utilizes Arts and Culture pursuant to Section III (B)(1)(b) above, the Civic Art will be delivered in accordance with Section II (Artist Selection) of the Procedures and Section IV (Implementation of Civic Art Projects) of the Policy.

2. Art Consultant Delivery Model:

When the delivery model is managed through a professional Arts Consultant pursuant to Section III (B)(1)(a) above, the developer must adhere to the requirements set forth in this section.

Once the lead County agency/department has selected a prospective developer and the developer has entered into a contract with the County, Arts and Culture will provide the developer with the document titled Developer Delivered County Capital Projects Civic Art Guide which will set forth requirements for implementation, development and delivery of the Civic Art Project.

Final County approval for any Civic Art will not be granted until Arts and Culture has verified that the developer has delivered all Civic Art requirements provided in the Developer Delivered County Capital Projects Civic Art Guide. Upon Arts and Culture's review and acceptance of the closeout documents, Arts and Culture will issue a Notice of Acceptance verifying compliance with the Policy and Procedures.

D. Further Terms and Conditions:

1. Arts and Culture retains approval over any submittals related to the Civic Art requirements and reserves the right to reject all or any part of the Civic Art submittals and to select and/or replace the Artist chosen by the developer for any reason and at the County's sole discretion.
2. Intellectual Property Rights, Moral Rights, Copyright and Derivative Works.
 - a. The artist will be required to waive his or her rights pursuant to the California Art Preservation Act (CAPA) and the Visual Artists Rights Act of 1990 (VARA), to the fullest extent allowed by law. The substance of such waiver will be provided by Arts and Culture and such waiver must be included in writing and signed by the developer, the artist, the Director of Arts and Culture, and approved as to form by County Counsel.
 - b. The Artist will be required to grant the County a perpetual, exclusive, and royalty-free worldwide license to reproduce, distribute and/or display two or three-dimensional reproductions of the artwork in its final form and as depicted in any of its design stages for any non-commercial purpose, including, but not limited to, advertising, brochures, posting on a County webpage, media publicity, catalogues and similar uses and/or publications. Such license must be in a form acceptable to the County, and contained in writing and signed by the developer, the Artist, the Director of Arts and Culture, and approved as to form by County Counsel. (See also Section X, Granting Permission to Use Images of Artwork.)

3. The budget allocation for the Art Consultant shall not exceed 20 percent of the total Civic Art Allocation. Should the developer choose to pay the Art Consultant in excess of 20 percent of the Civic Art Allocation, the developer shall do so with funds separate and apart from Civic Art Allocation.

IV. FINANCIAL PROCEDURES

A. 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 will 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 or decreases by more than 10%, the Civic Art Allocation for the project will be adjusted to reflect the new budget.

B. Pooled Funds

For Civic Art Allocations that are under \$75,000, the preferred approach will be to pool funds within the B14 Civic Art Special Fund by District or by District and Department, when applicable. 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.

V. MAINTENANCE AND CONSERVATION OF ARTWORK

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

A. Routine Maintenance

Civic Art Division 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 Division will provide the applicable County department with written maintenance instructions.

Routine maintenance of Civic Art, and the financing of such maintenance, is the 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 Division and individual Artists to develop artwork maintenance plans for all County-owned Civic Art at their facilities/sites 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.

Routine maintenance including basic surface cleaning may be performed by the County department following the provided maintenance guidelines. Any structural maintenance or

cleaning of substances that require materials different than the maintenance guidelines, must be approved in advance by Civic Art Division or performed by a conservator.

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

B. Conservation, Restoration, and Repair

Based on periodic condition assessments, Civic Art Division will work with the Board offices, the CEO, Public Works, LACDA and County departments to identify conservation projects and priorities. Civic Art Division, in conjunction with the County departments and offices above, will oversee artwork conservation projects.

Civic Art Division 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 may be included in the County's Extraordinary Maintenance Budget under a separate account.

Civic Art Division will attempt to contact the Artist prior to engaging in any repair or conservation efforts. Conservation may proceed with the collaboration of the Artist and conservator, or the conservator alone if preferred by the Artist. If the Artist is unavailable, conservation will proceed following maintenance guidelines provided by the Artist if applicable. Departments will consult with Civic Art Division for conservation standards to be followed, regardless of the funding source for the conservation or restoration project.

C. Establishment of a Prequalified Resource List of Art Conservators

Civic Art Division may establish a prequalified resource list for art conservators. The prequalified art conservators may be invited to bid on conservation projects on an as needed basis. Projects may include maintenance, conservation and consultation on material selection and fabrication for newly commissioned artworks.

Art conservators interested in being considered for projects will be invited to submit their qualifications. The list will be updated on an as needed basis or, every two years, and will include categories of material specialty. A selection panel, composed of five to seven people with relevant expertise, approved by Civic Art Division, will be convened to review and select the applicants. Once selected, conservators will be able to remain on the resource list for five years before they need to re-apply.

1. Eligibility for the Prequalified Resource List of Art Conservators

Panelists may use one or more of the following evaluation criteria for selection of conservators for the prequalified resource list of art conservators:

- a. Demonstrated experience, professional training/degree
- b. Past work examples that conform to appropriate standards such as those established by the American Institute for Conservation
- c. Material specialty and scope/range of past work
- d. Record of success with other public agencies, projects, and/or private clients

2. Selection from the Prequalified Resource List of Art Conservators

Civic Art Division will consider the overall conservation project needs and make recommendations based on material specialty. Selected conservators will submit cost estimates or develop proposals for conservation treatment. Conservators will be chosen based on their availability, cost estimate and overall quality of proposed conservation treatment.

VI. DONATIONS AND GIFTS

Donations and gifts of permanent artworks may be accepted into the County's Civic Art Collection. Prior to acceptance of any donation or gift of Civic Art, Arts and Culture must review and approve or reject the donation or gift. The main role of Arts and Culture is to ensure that all donations and gifts of Civic Art are of high quality and aesthetic excellence, are appropriate for their proposed site and audience, would support the goals of the Civic Art Division and contribute positively to the County's Civic Art Collection, and that funds are secured so that the artwork will be adequately installed and maintained. The Director of Arts and Culture, or designee, has delegated authority as a Department Head to accept donations or gifts, regardless of dollar amount.

A. Donation and Gift Approval Process

1. Civic Art Division will respond to all donor inquiries and discuss requirements and criteria, including financial commitments, and processes for approval of donations or gifts of existing or proposed Civic Art.
2. If the artwork satisfies the evaluation criteria and donation or gift requirements (Section VI, B), Civic Art Division will work with the recipient department to:
 - a. Determine that the donation or gift is compatible with the recipient department's site or facility;
 - b. Assess whether the donation or gift is likely to be approved by the recipient department;
 - c. Provide technical assistance in negotiating the terms of the legal instrument of conveyance;
 - d. Provide guidance for installation and securing the donation or gift; and
 - e. Provide guidance on establishing a maintenance fund for the donated or gifted artwork.
3. Upon approval by the recipient department, a Letter of Agreement will be entered into between Arts and Culture and the donor, in which the donor agrees to required submittals (Section VI, C below) and costs associated with the donation or gift.
4. A report summarizing the proposed donation or gift will be prepared by Civic Art Division and submitted to the Director of Arts and Culture to approve, reject or refer the proposed donation or gift back to Civic Art Division for further evaluation. The Director of Arts and Culture may request that a proposed donation or gift of permanent artwork be reviewed and recommended by the Arts Commission, its Civic Art Committee, or a panel composed of five to seven people with relevant expertise prior to final approval.

B. Criteria for Evaluating a Donation or Gift

The following criteria will be used in evaluating existing or proposed artwork by Civic Art Division when preparing its report for the proposed gift or loan:

1. The artwork is of high quality and aesthetic excellence.
2. The artwork fits the proposed location in terms of the physical setting and audience.
3. The artwork will have a plaque consistent with Civic Art Division standards.
4. The donor has committed to cover all applicable costs associated with design, fabrication, permits, bonding, insurance, transportation and installation of the artwork.
5. Arts and Culture has evaluated routine and future maintenance and conservation requirements of the artwork.
6. The donor and the recipient department have established a maintenance fund to cover all routine and future maintenance costs.
7. The proposed legal agreement between the donor, the recipient department, and Arts and Culture adequately addresses issues of ownership, copyright, liabilities, maintenance, and deaccessioning.
8. An appraisal report by a certified third party appraiser including, but not limited to, dollar value, description, disclaimers, and additional support for valuation conclusions, when applicable.
9. The scale, form, context and design of the artwork are appropriate for the setting (local design standards may be taken into consideration).
10. If it is a proposed artwork, the Artist's qualifications demonstrate the experience and skill necessary to complete a project of the proposed scale and scope.
11. If it is a proposed artwork, the proposal is sufficiently detailed so that it can be fully evaluated.
12. The artwork supports the goals of the Civic Art Division and would contribute positively to the County's Civic Art Collection.
13. The artwork reflects diverse the County's cultural communities and perspectives.

C. Required Donor Submittals

1. Existing Artwork

- a. 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 nonprofit status forms, if applicable.
- b. Artist/Designer Biography: Summary of the Artist's or designer's qualifications.
- c. Description: Written description of the artwork; the concept behind the artwork; 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.
- d. Photography: photographs of the artwork with enough detail so that the work can be fully evaluated.
- e. Scope of Work Budget: Detailed budget listing all costs associated with delivery and installation.
- f. Maintenance Fund: Amount of maintenance funds and any conditions of the fund.
- g. Appraisal Report: An appraisal report including, but not limited to, dollar amount value, description, disclaimers, and additional support for valuation conclusions by a certified third party appraiser affiliated with at least one of the four appraisal

organizations: Appraisers Association of America, the American Society for Appraisers, Appraisal Foundation, or the International Society of Appraisers.

- h. Structural Information: shop drawings, renderings, and measurements for artworks which require rigging or special preparations for installation.

2. Proposed Artwork

- a. 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 nonprofit status forms, if applicable.
- b. Artist/Designer Resume: Resume of the Artist or designer listing education, employment, exhibitions, reviews, commissions, etc.
- c. Examples of Artist/Designer Past Work: Slides or digital images of completed work by the Artist or designer.
- d. Description: Written description of the artwork; the concept behind the artwork; 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.
- e. 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.
- f. Budget: Detailed budget listing all costs associated with the gift and identification of sources for funding.
- g. Conservator Report: Report from an art conservator summarizing the materials to be used, risk assessment, 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) or approved by Civic Art Division.
- h. Maintenance Fund: Amount of maintenance fund and any conditions of the fund.

VII. LOANS

Civic Art Division may lend or borrow artworks for public display. The following section outlines the three types of loan models and requirements.

A. Outgoing Transfer

Loans requested from the County's Civic Art Collection to an outside institution must be for exhibition or other public display. Applications for the loan must be made by written request to the Director of Civic Art, providing details of purpose, duration, location, security and transit plans. Upon approval by the Director of Civic Art, the borrowing institution will prepare a loan agreement which states all loan requirements and conditions. The borrowing institution is responsible for all installation, framing, mounting, conservation, packing and transportation costs. Each borrowed collection item and any conservation treatment shall be fully documented. Conservation treatment must be approved by Civic Art Division before proceeding. The borrowing institution must provide adequate security and appropriate environmental conditions for the borrowed collection items. Loans may be withdrawn if the borrowing institution fails to implement agreed-upon requirements or where a previously unforeseen event that could adversely affect the condition of the item becomes apparent.

B. Incoming Loans

Loans requested by Arts and Culture from an outside institution must be for public display. Upon approval by the Director of Civic Art Division and the borrowing institution, Civic Art Division will prepare a loan agreement which states all loan requirements and conditions. Civic Art Division will exercise the highest appropriate standards of care for all incoming loans. The condition of items will be fully documented when received and prior to returning.

C. Internal Loans

Loans from the County's Civic Art Collection to other departments within the County are internal loans. Upon approval by the Director of Civic Art Division and the County department, Civic Art Division will prepare a loan agreement which states all loan requirements and conditions. The loan agreement shall include the intended use, location, duration, condition of item(s), environmental, security or other relevant conditions of the loan.

VIII. ACQUISITIONS AND ACCESSIONS

New artworks which have been commissioned and accepted by the Civic Art Division will be automatically accessioned into the County's Civic Art Collection. The Civic Art Division strives to develop a cohesive County 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 Division.

Artworks which have come into the County's possession in its 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.

A. Criteria for Accessioning Non-Commissioned Artworks

1. 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.
2. Legal and ethical considerations – The artwork must not violate any national, state, or local laws or acts.
3. Excellence – The artwork must be authentic and of an overall high level of artistic quality, workmanship, and conceptual intent.
4. Maintenance – The artwork must not require exorbitant funds or measures to maintain it and must not require an excessive use of County resources.
5. Restrictions – An artwork will not be accessioned which has restrictions placed on it by the Artist, donor, or seller.

B. 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.

IX. DEACCESSIONING

A. Deaccessioning Conditions

The County retains the right to deaccession any accessioned Civic Art on County. Civic Art projects or inherited artwork adopted into the County's Civic Art Collection may be considered for deaccession, which includes the permanent removal of an accessioned artwork from the County by sale, donation or destruction, if one or more of the following conditions apply:

1. The artwork has received consistent adverse public reaction for a period of five or more consecutive years.
2. 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.
3. The artwork is found to be fraudulent or in violation of national, state, or local laws.
4. The artwork possesses demonstrated faults of design or workmanship.
5. The artwork requires excessive or unreasonable maintenance.
6. The artwork is damaged irreparably, or to an extent where repair is infeasible or impractical.
7. The artwork represents a physical threat to public safety.
8. The artwork is rarely displayed.
9. The artwork reaches the end of its original anticipated lifespan.
10. A written request for deaccessioning has been received from the Artist.
11. The artwork no longer meets the definition of Civic Art under Section V (Definitions) of the Civic Art Policy.
12. The artwork is no longer consistent with the County's Board adopted policies.

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

B. 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, the Civic Art Division will consult County Counsel and create a report summarizing the issue. Included in the report will be information about the artwork and Artist, the current site, the reasons a person or group wants the artwork removed from the County's Civic Art Collection, 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 Director of Arts and Culture, who will make a recommendation to either remove or not remove an artwork from the County's Civic Art Collection. The Director of Arts and Culture may request that a proposed deaccession be reviewed and recommended by the Arts Commission, its Civic Art Committee, or a panel composed of five to seven people with relevant expertise prior to final approval. If the Director of Arts and Culture recommends the deaccession of an artwork, this recommendation will be submitted to the Board of Supervisors.

Should the Board of Supervisors choose to deaccession and thereby permanently remove an artwork, the Artist will be given at least 90 days' notice prior to removal and be given the

opportunity to purchase the artwork at its current appraised value if the artwork is able to be reasonably and safely removed. In some instances, the Board may waive the cost of the artwork and transfer ownership to the artist. If the removal of the artwork will cause unreasonable expenses or hardship to the County, then the Artist may 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's Civic Art Collection include, but are not limited to:

1. The artwork may be appraised and advertised for sale.
2. The County may seek competitive bids for the artwork.
3. The artwork may be donated to another government agency, municipality, museum, or nonprofit.
4. 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.

X. REMOVAL, RELOCATION OR MODIFICATION

A. Removal, Relocation or Modification Conditions

The County retains the right to remove, relocate or modify an artwork at any time. While the Civic Art Division will attempt to maintain an Artist's original intentions for an artwork, several conditions may necessitate the removal, relocation or modification of an artwork:

1. A County building or facility is repurposed;
2. A County building or facility is renovated or remodeled;
3. The artwork creates safety problems for the public or County staff;
4. The artwork creates severe inconvenience or hardship for the public or County staff;
5. An artwork is being severely degraded by its present environment;
6. An artwork's security can no longer be guaranteed in its present location;
7. The artwork would serve the public better in a different location; or
8. The artwork has received consistent adverse reaction from public and County staff.

B. Removal, Relocation and Modification Procedure

1. If there is a recommendation or request for removal, relocation or modification, Civic Art Division will work with the County department and consult with County Counsel, to weigh the need for removal, relocation and modification with the possible consequences of harm occurring to the artwork or to the Artist's original intent. The Artist will be contacted for guidance regarding removal, deinstallation, modification, and reinstallation.
2. A report will be created by Civic Art Division 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 removals, modifications and relocations under discussion. Based on the information in this report, the Director of Civic Art will recommend whether to remove, relocate or modify the artwork. If the department does not concur with the recommendation of the Director of Civic Art

Division, the matter may be referred to the Director of Arts and Culture whose decision will be final.

3. If an artwork is determined to be removed, relocated or modified, Civic Art Division will work with the department to ensure that qualified arts professionals handle the move or the modifications with care.
4. If an artwork poses a hazard or imminent threat to public safety, public health, or property, Arts and Culture may choose to immediately relocate, remove, or modify the artwork without following the above procedure.
5. This process for evaluating whether to relocate or modify artworks does not apply to portable artworks, temporary artworks, or exhibitions.

XI. RECORDS AND INFORMATION ORGANIZATION

Civic Art Division is responsible for documenting and archiving information about historic County artworks and new Civic Art Projects in the County's Civic Art Collection). This includes documenting temporary and programming/education projects after they have concluded or have been deinstalled.

Information about the County's Civic Art Collection is accessible to County staff and the public through Arts and Culture's website. A report on the County's Civic Art Collection is issued to the Board of Supervisors at least once every five (5) years.

A. Scope of Documentation for a Commissioned Civic Art Project

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

1. Contracts;
2. Artist's statements, proposals, biography, and any other relevant information;
3. Artist selection process summaries;
4. Press clippings about the project;
5. Maintenance instructions and conservator reviews of materials used;
6. Photographs and digital images;
7. Board letters;
8. Artist's shop drawings of artwork;
9. As built drawings and diagrams; and
10. Blueprints.

Additionally, any Artist design drawings, sketches, or models that a commissioned Artist creates for a Civic Artwork will be retained by Arts and Culture. These will be considered part of an artwork's archive. These materials may occasionally be used for public exhibitions organized by the Civic Art Division.

B. 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 Division of the artwork and a

condition assessment will be completed. Copies of documents discovered in research will also be retained.

C. Scope of Documentation for Conservation and Maintenance

Civic Art Division will retain files for photographic and written condition assessments, conservation treatment proposals and conservation treatment reports for each artwork. Documentation may also include future conservation or preservation recommendations, scientific or material analysis, material safety data sheets, maintenance records or reports, and associated photography.

D. Records Retention

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

XII. GRANTING PERMISSION TO USE IMAGES OF ARTWORK

A. 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.

B. 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 Division at Arts and Culture. Requests must include full contact information of the organization, its status as a government, nonprofit or for-profit entity, and its intended use for the images.
2. The request will be reviewed and approved by Arts and Culture, Artist, department, and Supervisorial office. The normal request and review process is 30 days.
3. Arts and Culture will grant permission in writing. No formal agreement is needed.

C. 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. 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 and Culture, Artist, department, and Supervisorial office. The normal request and review process is 60 days.
3. Arts and Culture will enter into a three-party (Artist, County, for-profit and non-profit) agreement to grant permission.
4. Arts and Culture will monitor sales on an annual basis.

D. 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 Arts and Culture to receive contact information for Artists.