

CITY OF SANTA MONICA PUBLIC ART POLICY TERMS AND DEFINITIONS

Annual Work Plan: A detailed description of all ongoing public art projects, new art-in-architecture and art-in-public places projects to be initiated that year, as well as any additional public art activities to be undertaken by the Cultural Affairs Division (CAD), such as conservation projects or new acquisitions for the Art Bank. CAD will present the Annual Work Plan concurrently with the Annual Budget to the Public Arts Committee (PAC), who will advise and comment for approval by the Arts Commission (AC).

Art: Work including but not limited to sculpture, painting, graphic arts, mosaics, photography, crafts, mixed media, environmental works, time based works, digital works and new and emerging forms.

Art Bank: Established to encourage artists living or working in Santa Monica and to acquire a distinguished collection of art for the city, the Art Bank functions as a repository for artwork purchased for or gifted to the city of Santa Monica.

Arts Commission (AC): The Santa Monica Arts Commission established pursuant to Municipal Code Section 2931.

Art in Architecture: Artist designed enhancements to an architectural or engineering project that are developed by an artist participating on the project design team and fully integrated into the overall project design and construction.

Art in Public Places: Works of art that are purchased or created for display in public spaces such as parks and municipal facilities.

Artist Registry: Artist Registry is a database of professional artists who reside or locate their working studios within Santa Monica. This database contains information, and work samples as well as direct contact information.

Annual Public Art Budget (Budget): The Annual Public Art Budget includes proposed expenditures of public art funds for the coming fiscal year, an estimate of allocations from new City Capital Improvement Projects (CIP) and a summary of the previous fiscal year's expenditures of public art funds, including projects and funds that have been carried over into the coming fiscal year.

Capital Project: Any capital project as defined in the Capital Improvement Program Budgeting Administrative Instruction involving the construction, remodeling or renovation of property undertaken by the City of Santa Monica or one of its agencies or is subject to the Beach Operating Agreement with the State of California, including any building, park, sidewalk or street, parking facility, utility, decorative structure and including portions thereof. For the purpose of calculating the City's annual Percent for Art allocation the following will be excluded from the definition of capital project:

- Design and research studies
- Purchase and renovation of rolling stock
- Urban design or art projects
- Grants to private agencies
- Purchase of equipment not related to capital construction or renovation
- Operating costs (e.g., tree trimming)
- Acquisition of land (whether improved or unimproved)
- Any capital project for which legal restrictions preclude application of this program
- Community Development Block Grants other than for the construction or renovation of public facilities

CIP Committee: The interdepartmental staff committee established by the Capital Improvement Program Budgeting Administrative Instruction.

Client Department: The City department or entity under whose jurisdiction the completed project will fall, such as the Community & Cultural Services Department or the Big Blue Bus.

Conservator: A trained and/or accredited expert in the conservation of works of art.

Consultant: A paid professional expert with one or more areas of expertise.

Cultural Affairs Division (CAD): A division of the Community and Cultural Services Department charged with the implementation of the City's Public Art Program.

Deaccessioning: The process by which the Santa Monica Arts Commission decides and declares that an object may be removed from the City's collection.

Design Team: a group of professionals such as architects, landscape architects, artists, city staff, engineers and specialty consultants, which are assembled to work together on a city building or planning project.

Enterprise Fund: A type of fund established to account for the total costs of those governmental facilities and services that are operated in a manner similar to private enterprises. These funds are entirely or predominantly self-supporting.

General Fund: The primary fund of the city used to account for all revenues and expenditures of the city not legally restricted as to use.

Percent for Art Allocation (PFA): The budget allocation established per City Council resolution # 7231, which generates a revenue stream to support components of the City's overall Public Art Program.

Project Manager: The person responsible for managing the design process for a CIP project. The Project Manager generally oversees the design and construction process with possible assistance from construction management specialist. Keeps track of budget, contracts, contract payments and project closeout. Coordinates interdepartmental review of design as project moves through design process.

Public Art Plan: The public art component of the City's Capital Improvement Program, which identifies the CIP projects with an art component that will be undertaken over a period consistent with the City's current fiscal calendar. The plan specifies general parameters for the projects, such as location, budget and timeline. It also may include specific project goals, identification of stakeholders and proposed artist selection method, if known.

Public Art Committee (PAC): A sub-committee of the Arts Commission comprised of Arts Commission and public members charged with making recommendations to the Arts Commission on City Percent-for-Art projects and developer initiated public arts projects within the purview assigned to it by the Arts Commission.

Request for Qualifications (RFQ): A general call to artists defining a project opportunity and requesting that basic qualifications and examples of prior work be submitted for consideration.

Request for Proposals (RFP): A general call to artists detailing a project opportunity and requesting that a concept and specific materials be submitted for consideration.

Sponsoring Entity: A non-City municipal governmental body such as the Pier Restoration Corporation or Bayside District.

Stakeholder Groups: Any group that has a vested interest in or history with a specific site such as funders, users, adjacent property owners, etc.

Temporary Art: Projects that exist or are displayed for a limited or pre-determined amount of time.

CITY OF SANTA MONICA

PUBLIC ART PROGRAM ADMINISTRATIVE GUIDELINES

I. PURPOSE

The City of Santa Monica has a comprehensive Public Art Program that encompasses a number of different components and approaches. These include ‘art in public places’, works of art purchased or created for display in public places; ‘art in architecture’ projects, where the artist works as a member of the design team to create aesthetic enhancements to the project; murals; and temporary public art installations. The City’s extensive public art collection comprises all of the works acquired through these diverse approaches as well as all works of art received by the City as gifts.

The Program has been remarkably successful, garnering national recognition for the many innovative projects the City has completed in which art has been fully integrated into new municipal infrastructure. Over the years, the program has also evolved. This document is intended to provide an updated reference for all entities involved in the planning, funding, creation, approval and maintenance of public art for the City of Santa Monica.

II. GOALS

The Program has the following goals:

- To bring contemporary art into the environment and life of Santa Monica.
- To enrich the lives of the citizens of the City by the exposure to art in various forms.
- To encourage both emerging and established artists living in Santa Monica by supporting, purchasing and displaying their work.
- To acquire a distinguished collection of works by artists from throughout the world for the City of Santa Monica.
- To integrate artists into the City’s design process.

III. PUBLIC ART FUNDING

Core funding for the Program comes from the “Percent for Art (PFA) Program” adopted in 1986 (City Council resolution #7231). Additional funding comes from individual Capital Improvement Project (CIP) budgets as well as from grants.

A. Percent for Art Allocation

Per the resolution, the proposed annual PFA allocation submitted to City Council will be an amount equal to at least one percent (1%) of the total budget of all eligible¹ capital projects. It will be developed in accordance with the following procedures:

¹ Please see Public Art Policy Terms and Definitions for clarification of this and other terms defined in Council Resolution #7231.

- The PFA allocations will be determined by the City Manager or designee and be contained in the Capital Improvement Budget submitted by the City Manager to the City Council.
- Any PFA allocation derived from a capital project funded by an enterprise fund will be allocated only for an art project related to the enterprise.
- Administrative expenses of the Cultural Affairs Division (CAD) in carrying out the PFA Program will be payable from the PFA account in an amount not to exceed fifteen percent (15%) of the amount of funds in the PFA account.

B. Fund Management

1. PFA Account

A CIP allocation and expenditure account will be established in the General Fund, and in relevant enterprise funds.

2. Other Funding Sources

The City recognizes that many Capital Improvement Projects with no PFA requirement or insufficient PFA funding may also benefit from the inclusion of an artist on the design team. City departments are therefore encouraged to allocate other funds to enhance facilities and other infrastructure projects. These funds may be identified separately in a project budget or may be integrated into more general project line items depending upon the degree of art integration for a specific project, and the nature of the funding. The CAD will provide assistance in identifying projects most likely to benefit from the inclusion of an artist as part of the CIP planning process. Artist selection procedures, CAD staff support and the design review process are the same regardless of the funding source and are summarized in subsequent sections and detailed in the document “Procedures for Artist Selection”.

3. Use of PFA Funds

PFA funds in a PFA expenditure account may be expended on any project included in the Public Art Annual Work Plan (see section IV.A) provided that the expenditure constitutes a lawful use of such funds. For example, public art monies contained within an Enterprise Fund may only be used for a public art project within the same Enterprise Fund.

IV. IMPLEMENTATION OF THE PUBLIC ART PROGRAM

A. Public Art Plan

A Public Art Plan (Plan) will be developed as an integral component of the City’s CIP plan and budget based on the City’s fiscal calendar and projections currently in effect. The Plan will identify CIP projects with an arts component that will be undertaken over the subsequent few years and will allow the Program to be more closely coordinated with the City’s long-range objectives for physical infrastructure improvements. As part of the Plan’s development and to the extent known, specific project goals, potential stakeholders and the proposed artist selection method will be identified. The Plan will be developed by the Cultural Affairs Manager, in conjunction with the Assistant Director of

the Community and Cultural Services Department (CCS), client departments, the CIP Committee, the Arts Commission, and its PAC.

Thereafter the Plan will be updated annually, as part of the Capital Improvement Program process, to address any new projects or allocations. The Cultural Affairs Manager and the Assistant Director of the Community and Cultural Services Department will meet with client departments and the CIP Committee to review the status of existing projects and discuss potential new ones, and will prepare a draft update. The review and approval process will be the same as for the rest of the CIP plan and budget.

In addition to the Public Art Plan, CAD staff will prepare an Annual Work Plan that will identify all ongoing projects, new “art in architecture” as well as “art in public places” projects to be initiated that fiscal year, and any other public art activities to be undertaken by the Program, such as conservation projects, new acquisitions for the Art Bank, etc.

Staff recommends to PAC the locations and funds via the Annual budget. Annual Budget will be distributed to the PAC no less than 10 days prior to Staff’s presentation for approval at PAC meeting. At any point in time, PAC can initiate and exercise recommendations to be included for consideration and approval by the Arts Commission in the following year’s Annual Budget Process and Public Art Plan.

The Annual Work Plan will be prepared in conjunction with the Public Art Plan with input from all affected city departments. Once prepared, these plans will be presented to the Director of CCS, the PAC and the Arts Commission for review and approval and be used to track project milestones.

To address conservation emergencies or unforeseen issues, the PAC may recommend to the AC to include up to \$20,000 in “contingency funds” in the annual budget. Use of such funds will require approval of the PAC and the AC.

B. Interdepartmental Coordination

In order to maximize the Program’s benefits, support from and involvement of CCS and its CAD is critical to the City’s planning and design processes. The Assistant Director of CCS will represent the Program as a voting member of the CIP Committee and CAD staff will participate in the technical review of projects to ascertain opportunities for public art involvement.

The overall effectiveness of the Program will be further enhanced through an interdepartmental focus where the following types of information are shared:

- Planning studies or policy recommendations that affect public spaces with existing art.
- Planning studies or policy recommendations that may establish new municipal facilities or public spaces.
- Grant applications to funding sources for which public art might be an eligible component, such as federal transportation enhancement monies.

CAD staff will serve as a “clearinghouse” for art related information and provide assistance with the following:

- The identification of projects that would be enhanced through artist involvement.
- The range of artist selection processes.
- Public art project management.

CAD staff can provide assistance with the following:

- Community initiated public art projects.

C. Artist Selection

Generally artists commissioned by the City will be selected through a public process using one of the following methods:

- Request for Qualifications (RFQ)
- Request for Proposals (RFP)
- Invitational Competition
- Pre-qualified list

Each of these methods is detailed in Procedures for Artist Selection, and will vary depending upon the type of project and specific project requirements and goals. Any of these methods can be used to select one artist/team or to develop a pool of artists to be used for multiple projects over time. The method of selection shall be approved by the PAC and reported to the Arts Commission. The City and its Arts Commission are committed to ensuring that artists are selected in a well-documented and accountable fashion and are well matched to the project and that the process is flexible and responsive to the project’s needs.

D. Project Review and Approvals

It is the goal of the City to develop art projects of the highest caliber that meet the diverse needs of the residents of Santa Monica. The public art review and approval process is designed to provide for substantial input and participation by representatives from the client department, sponsoring entity, stakeholder groups, the community at large including City Boards and Commissions, in order to ensure that each project accommodates the complex requirements of the public place in which it is sited.

The following factors should be taken into account in reviewing proposals for new works:

- Artworks will have reasonable maintenance requirements as specified by the artist and these requirements shall be compatible with routine city maintenance procedures.
- Artworks will be designed in consideration of public safety.
- The design of artworks will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.

- The design of artworks will take into account the specific needs and use patterns of the public space in which they will be located. For example in parks, artworks will not block critical view corridors or impede public usage of key open space.

1. Preliminary Design

If the artist is selected on the basis of a proposal, the preliminary design is reviewed as part of the initial artist selection process.

If not, the preliminary design for the art component(s) will be presented by the artist and/or design team to the Arts Commission and PAC in a joint meeting for review and recommendations on direction. The representatives of the client department, artist selection panel, stakeholder groups, and/or sponsoring entity that participated in the artist selection process along with the Project Manager will be invited to attend the joint PAC and Arts Commission meeting and participate in the review as non-voting participants. It is expected that the artist and/or design team will have worked with any stakeholder groups in developing the preliminary design prior to bringing it to the Arts Commission and PAC.

Following this review, CAD staff (or the staff design committee in the case of “art in architecture” projects) will work with the artist and/or design team to refine the design. If the artist is not in agreement with the recommendations, the Cultural Affairs Manager will mediate discussions to arrive at a consensus among all parties.

2. Final Design

The artist’s or design team’s final design of the art component will be presented to the PAC for review and approval. The representatives of the client department and/or sponsoring entity that participated in the artist selection process, any stakeholder groups and the Project Manager will be invited to attend the PAC meeting and participate in the review. A status report summarizing the action of the PAC will be provided to the Arts Commission.

If applicable, the project will be forwarded to the Architectural Review Board, the Planning Commission, other relevant commissions and/or City Council, as appropriate.

3. Alterations during Fabrication/Installation

Some changes to the final design may become necessary during the fabrication or installation phases of the project. This may be due to changes in the availability of materials, changes to the underlying facility, etc. The artist’s contract will contain language specifying that no change to the approved final design may take place without written authorization by the City’s designated Project Manager in consultation with CAD staff and other city staff as necessary. If the Project Manager and CAD staff judge the changes to be substantive, then a meeting of the PAC will be convened to review and approve the proposed changes. CAD staff and the Project Manager will ensure that stakeholder groups are notified of any such meetings. A status report regarding the outcome of the meeting will be provided to the Arts Commission.

E. COLLECTION MANAGEMENT

The works of art created or purchased for the City's public art collection represent a significant asset that must be appropriately managed. The acquisition and display of works of art entail a commitment to care for and maintain the work adhering to the standards and practices of the art world. Some of these are codified in law, such as the Federal "Visual Artists' Rights" Act of 1990, while others are based on policy decisions recommended by the Arts Commission and adopted by City Council.

Because of this commitment and the ensuing obligations, gifts of art need to be carefully considered prior to acceptance; professional standards need to be applied in handling, maintaining and/or restoring all of the art in the collection; and a strict process needs to be adhered to prior to relocating or disposing of any work in the collection as fully detailed in the document "Collection Management Procedures".

CITY OF SANTA MONICA PROCEDURES FOR ARTIST SELECTION

I. POLICY

The City of Santa Monica wishes to ensure that artists commissioned under the City's Public Art Program produce work of the highest quality and public benefit. Therefore the City has adopted the following artist selection procedures.

A. Process

Artists commissioned by the City will generally be selected through a process overseen by staff from the City's CAD, or Department of Community and Cultural Services.

B. Artist Selection Methods

1. General Procedures and Selection Options

For each new project, Cultural Affairs Division Staff will work with the client department, sponsoring entity and stakeholder groups as appropriate to identify goals for the art, potential issues and concerns that might impact artist selection as well as an outreach plan to ensure the best possible applicant pool.

Based upon this information, CAD Staff with the Assistant Director of Community and Cultural Services will recommend an appropriate Artist Selection method including any artist eligibility requirements as outlined below to the PAC for consideration and approval.

If PAC approves the CAD recommendation, the PAC's action will be reported to the Arts Commission for information at the following Arts Commission meeting and the Commission will be provided with an opportunity to give input on stakeholder participation. If PAC amends the CAD recommendation, the PAC's action will be presented to the Arts Commission for approval and action.

a. Request for Qualifications (RFQ):

To date, this method has been used for a majority of public art projects and is generally used unless specific issues, such as the timeline, the complexity, or the goals of the project, make another method preferable.

The City may issue an RFQ notifying artists of a specific public art project. In some cases, due to scheduling issues, the City may issue an RFQ for multiple projects at the same time.

If the proposed project is below \$75,000 in total budget, the panel's preliminary round of selection will be based upon submittals of credentials and past work. Generally, a short list of finalists will be invited to interview and one artist and an alternate will be selected.

If the proposed project is \$75,000 in total budget or more, the panel's preliminary round of selection will render a list of three to five (3 – 5) finalists who will be requested to provide a proposal which will enable the panel to select a first choice and rank the remaining applicants. The short list of selected artists will be compensated for their work with an honorarium. This honorarium will be equal to one percent of the project art budget, with a minimum of \$500 and a maximum of \$5,000.

In the case of projects involving a design team, where site details are fluid and unclear at conception of the project, regardless of budget, artists will be selected based on qualifications and an interview to discuss the artist's approach and methodology.

b. Request for Proposals (RFP):

For some existing sites/facilities, an RFP process is another method of selection which can be used to encourage a wider pool of applicants. The City may issue an RFP requesting conceptual proposals and detailing the proposal requirements. The respondents' proposals will provide panelists with an understanding of the artists' thought-processes or approaches. This is not an appropriate selection process for projects where a design team approach is desired. The panel may choose to invite several finalists to interview prior to final selection. Artists responding to an RFP will not be compensated for proposals.

c. Invitational Competition:

Based upon the project requirements, the City may request qualifications and/or a proposal from specific artists. Invitational competitions may also be conducted in two stages, with the first phase based on qualifications and the second phase based on a proposal. Artists invited to develop proposals will be compensated. As stated above, artists will generally receive a proposal fee equal to one percent of the project art budget, with a minimum of \$500 and a maximum of \$5,000.

This process can be particularly appropriate in the case of complex projects where a limited number of artists may be capable of successfully competing. It is also appropriate in a case where there are severe schedule restrictions.

d. Pre-qualified List:

The City may also choose to develop a pre-qualified list from which to select artists for projects when the City requires design teams to include an artist as a team member. To establish a list, an RFQ is issued and the panel will review applicants' submittals to form a list.

e. Design Team:

In some instances, the City may use a targeted process to select an artist as part of a larger project design team. Language would be added to the project Request for

Qualifications/Request for Proposals specifying that all teams responding to the RFQ/RFP must include a professional artist from a pre-qualified list as described in (d), or given the nature of the project a design team responding to an RFQ/RFP may be asked to identify an artist as part of the team based upon criteria established by the City in the RFQ/RFP. The CAD Manager will represent the Program as part of the selection committee for the design team.

2. Artist Eligibility:

Specific artist eligibility requirements may be established for certain projects. For example, some projects may be restricted to artists living in Santa Monica, others may be open to artists from Southern California, and still others may be open nationally or internationally. This may have to do with the scale or budget of the project or it may have to do with the objectives for a specific project. For example, a project may be deemed an excellent opportunity for new or emerging local artists or it may be a very important and complex project that would benefit from a larger search.

In order to ensure that the City of Santa Monica builds a diverse collection that is representative of the wealth of aesthetic and cultural options present in contemporary society, artists will not be eligible for consideration for new projects if they are currently under contract for a City project. Nor will artists be eligible to receive more than one permanent public art commission from the City in a three-year period from the date the original contract was executed. Artists who are currently employees or other officials of the City of Santa Monica are also not eligible for public art projects.

C. Artist Selection Panels

1. Panel Formation:

An artist selection panel will be formed for most projects, with the exception of art in architecture projects where the artist is a part of the overall design team that is selected by the City. Panels will include a majority of individuals who have a background or professional expertise in the arts. The number of panelists will be proportionate to the dollar value and complexity of the project.

Cultural Affairs Division (CAD) staff and the members of the Public Art Committee (PAC) will annually solicit recommendations for a pool of qualified people interested in serving as panelists. A request for panelists shall also be posted on the Division's web site. The PAC will approve the list of potential panelists for CAD staff to use in composing panels and this list will be updated annually. Panelists shall not serve on a panel more often than once every two years.

CAD staff, with review by the Assistant Director of CCS, will invite people to serve on specific project panels with the goal of shaping a group that balances knowledge in art and design, the project's objectives, community concerns, and diversity (ethnicity, age, gender). The panels will meet the composition guidelines outlined below.

2. Panel Composition:

If a project has a proposed budget below \$75,000, the panel will consist of three people selected from the pool of approved potential panelists. If the project has a proposed budget of \$75,000 or more, the panel will consist of five people selected from the pool of approved potential panelists.

The following groups may have representation on panels:

- One or more practicing artists.
- Other arts-related professionals or knowledgeable individuals including curators, art historians, architects, designers, writers and critics, arts administrators.
- Community representatives with a relationship to the proposed project.
- The lead project designer.
- City staff representatives from client departments who will serve as non-voting advisors to the panel.
- Members of sponsoring entities including affected City Boards and Commissions who will serve as non-voting advisors to the panel.

3. Conflict 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 recuse themselves if a conflict of interest arises.

In addition, artists or members of their immediate family who serve on the PAC or the Arts Commission will not be eligible for art commissions or to receive any direct financial benefit from the Program during their tenure. 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 on the Public Art Committee or Arts Commission.

4. Panelists fees:

Panelists, with the exception of those working on the project in a professional capacity, will receive an honorarium for their services. The honorarium will be based on a schedule developed by City staff and will be updated periodically. Honorariums will be of an equal amount for each panelist. City Staff, PAC and AC members are ineligible for honoraria.

D. Panel Procedures

CAD staff will facilitate all artist selection panels (panel). Prior to the panel's first meeting, staff will send each panelist a project description along with written instructions outlining duties and responsibilities.

1. Criteria

Panelists will use the following general criteria in evaluating artists:

- Ability to respond to the specific contextual issues and considerations of a particular project, its community, any stakeholder groups 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.
- Ability to work collaboratively with diverse professionals.

When an artist is presenting a proposal, the evaluation of the proposed budget may include:

- Evaluation of the proposed materials and their appropriateness to the project, including issues of aesthetics, durability and ease of maintenance
- Evaluation of the proposed budget.

2. Procedures

CAD will announce the date of panel meetings and names & titles of panelists to the PAC and Arts Commission. Panelists will use consensus in their decision-making unless a failure to reach a decision requires a formal vote, determined by a simple majority.

Panelists may elect not to recommend any applicants for the project, in which case staff will recommend another round of artist selection or an alternative process to the PAC.

3. Artist Approval

Regardless of the selection method, the panel will forward its final recommendation to the PAC for approval.¹ The PAC's actions will be reported to the Arts Commission by the PAC Chairperson or someone from the PAC designated by the PAC Chairperson, including: who the artist is, for which project the panel has been formed; how many people are on that panel; and who they are. If the PAC disagrees with a panel recommendation it will direct staff to reconvene the panel to present the specific concerns for their consideration and subsequent reconsideration by the PAC.

E. Contract Administration

Artists will be contracted with the City under one of the following options, depending upon the type and scope of the project:

- For amounts within the staff's budget authority either a purchase order or contract may be developed and managed by the CAD;
- For amounts over the staff budget authority² a contract subject to City Council approval will be developed and managed by the CAD;
- Sub-contract with the lead firm on the design team--this option to be determined by the Project Manager in consultation with the Cultural Affairs Manager;

- Sub-contract with the contractor on a design-build project type – this option to be determined by the Project Manager in consultation with the Cultural Affairs Manager.

In the case of an artist being included in a larger design team, the Cultural Affairs Manager will act as the liaison with the artist and will participate in all design related meetings as part of the city project team.

¹ With the exception of artists who have been included as design team members as described in section D.1.e. In this case the PAC will simply be notified of the selection of the entire design team as an information item at the next regularly scheduled meeting and a status report will also be transmitted to the Arts Commission.

² Staff budget authority at time of publication: \$70,000

PUBLIC ART DECISION PROCESS FLOWSHEET

I. PROJECT DEFINITION AND DEVELOPMENT

1. Project identified by CAD in Annual Arts Budget Presentation.

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, A. Public Art Plan)

- PAC approves budget and proposed ideas for public art projects for coming year.
- PAC recommends approval to the AC.

2. Prior to project initiation, PAC reviews and approves project description, goals, stakeholders, panel composition, artist selection process and outreach.

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, A. Public Art Plan; Procedures for Artist selection, I. Policy, B. Artist Selection Methods, 1. General Procedures and Selection Options)

3. Status report on selected project presented to the AC.

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, D. Project Review and Approval)

- If AC members have questions or concerns, they weigh in. If AC agrees with PAC decision, process continues to Step #4
- If the AC disagrees with the PAC's decisions, they can agendaize discussion for the next meeting, at which time action can be take.
- If AC approves PAC decisions, with or without minor changes, process continues to Step #4.
- If AC does not approve PAC decisions, process reverts Step #2

4. CAD issues the approved selection process (RFQ/RFP); artists submit applications.

(Procedures for Artist Selection, I. Policy, B. Artist Selection Methods)

II. REVIEW AND APPROVAL

5. An artist is recommended by the panel to the PAC and AC for approval:

(Procedures for Artist Selection, I. Policy, C. Artist Selection Panels)

- If an Artist is selected for a project with a budget of less than \$75,000 or as part of a Design Team or for any instance in which the artist selection is based solely on an RFQ (qualifications only):

- If the PAC approves the selection, the Artist continues forward to Step# 6, and the AC receives a status update that includes the same materials that were presented to the PAC.
- If the PAC does not approve the selection, the process reverts back to the panel per current guidelines
- If the Artist has been selected based on a 2-Part RFQ (qualifications-plus-proposal) or an RFP:
 - The Panel recommendation, which will include the staff report, the Artist's qualifications and Artist's concept, will be presented by CAD to a joint meeting of the AC/PAC.
 - The PAC – and only the PAC – discusses and makes a recommendation to the AC for approval, dismissal or a continuation of the discussion to the next meeting.
 - The AC – and only the AC – discusses the PAC recommendation and takes action to either approve the PAC's recommendation or take different action.
 - If the PAC and the AC approve the Panel's recommendation or if the AC overrides the PAC in favor of the Panel's decision, the Artist continues forward in the process to Step #6.
 - If the Panel's recommendation is not approved by the AC, the process is reassessed by CAD as to whether or not it should revert back to Step #4
- Criteria for consideration should include Artist's credentials (previous work, experience and reputation) and concept

6. Selected artist works to develop Preliminary Design.

(Procedures for Artist Selection, I. Policy, E. Contract Administration)

7. Preliminary Design is presented at a joint AC/PAC meeting for approval:

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, D. Project Review and Approvals, 1. Preliminary Design)

A) Artist presents a Preliminary Design

B) The AC and PAC conduct a joint discussion with the Artist

- Suggested criteria to be focused on but not limited to:
 - Appropriateness/relationship to the site, concept, scale, etc.
 - Materials and other aesthetic considerations
 - Artist deliverables/presentation materials (as applicable)

- drawings, sketches, models, images, renderings, photos
- location of the artwork(s)
- annotated plans or site plans
- size and scale of the artwork
- physical properties of the artwork
- narrative or other information related to the concept
- desired impact of the artwork
- relationship to project goals
- physical properties of the artwork
- materials and methods with samples
- safety and maintenance considerations
- installation methodology
- preliminary budget
- preliminary schedule for fabrication and installation
- opportunities to integrate artwork into construction

C) The PAC – and only the PAC – discusses and makes a recommendation to the AC for approval, dismissal or a continuation of the discussion to the next meeting.

D) The AC – and only the AC – discusses the PAC recommendation and takes action:

- If the PAC and the AC approve the Panel’s recommendation or if the AC overrides the PAC in favor of the Panel’s decision, the Artist continues forward in the process to Step #8.
- If the AC doesn’t approve PAC recommendation and, rejects the design, right of first refusal goes to the artists for a new preliminary design
- If Artist accepts offer, process reverts to Step #6
- If Artist refuses, project returns to the PAC for reassessment

III. IMPLEMENTATION

8. Artist works with CAD to create Final Design proposal

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, D. Project Review and Approvals, 1. Preliminary Design)

9. PAC reviews and approves Final Design.

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, D. Project Review and Approvals, 2. Final Design)

- Suggested criteria to be focused on but not limited to:
 - Appropriateness/relationship to the site, concept, scale, etc.
 - Materials and other aesthetic considerations

- Artist deliverables/presentation materials (as applicable)
 - drawings, sketches, models, images, renderings, photos
 - location of the artwork(s)
 - annotated plans or site plans
 - size and scale of the artwork
 - physical properties of the artwork
 - narrative or other information related to the concept
 - desired impact of the artwork
 - relationship to project goals
 - physical properties of the artwork
 - potential materials and methods with samples as appropriate
 - safety and maintenance considerations (as applicable)
 - installation methodology (as applicable)
 - final budget
 - final schedule for fabrication and installation

10. CAD reports on PAC action on Final Design to AC for approval.

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, D. Project Review and Approvals, 2. Final Design)

11. Artwork is fabricated. Should CAD staff deem alterations of materials to be substantive, PAC will review and approve proposed changes.

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, D. Project Review and Approvals, 3. Alterations during Fabrication/Installation)

12. Should changes necessitate PAC review and approval, a status report will be provided to the AC.

(Public Art Program Administrative Guidelines, IV. Implementation of the Public Art Program, D. Project Review and Approvals, 3. Alterations during Fabrication/Installation)

**CITY OF SANTA MONICA
COLLECTION MANAGEMENT PROCEDURES:
GIFTS AND LOANS**

I. GIFTS AND LOANS

A. Policy

Works of art are occasionally offered as gifts or long-term loans to the City of Santa Monica through the City Council, the Santa Monica Arts Commission, and other City departments. The City seeks to establish a standard measure for reviewing proposed gifts and loans by the Arts Commission and its PAC. The intent is to ensure that only works of the highest standard of excellence are accepted for the City's collection. The most important criterion is the inherent quality of the work itself.

B. Review Process

1. Application

All applicants will submit the materials listed below to the CAD at least six months prior to the anticipated installation date of the project.

The application for review will consist of all of the following items:

- Completed application form
- Photographs, drawings, models, or designs of proposed artwork
- Description and samples (if available) of materials and colors
- Appraisal by professional art appraiser (if the work is existing)
- A site plan, to include photographs of site and neighborhood, drawings of the proposed site with the project to scale
- Proposed installation schedule
- Maintenance manual, including the long-term intent of artist for the preservation and maintenance of artwork
- Maintenance schedule prepared by professional art conservator
- Budget for installation and maintenance
- Resume and examples of artist's previous work
- Proof of insurance sufficient to meet the requirements of the City's Risk Manager, if necessary
- Building permits, if necessary

2. Technical Criteria

The acquisition of an artwork by the City of Santa Monica means a commitment to its preservation, protection, and display for the public benefit. All materials used in the creation of the work must last in a public, non-archival setting. The work must be suitable for display in the proposed indoor or outdoor setting and must not have a limited life span due to either built-in obsolescence or inherent weakness.

CAD staff and, when necessary, professional consultants, will review materials submitted by the applicant to determine the technical feasibility and needs of the work. A written report will be presented to the PAC addressing the following issues:

- Technical feasibility
- Budget
- Maintenance needs
- Durability and anticipated life span of the work
- Safety hazards and potential for vandalism
- Donor's conditions

3. Review Panel Process

The PAC will appoint a panel of three to five arts professionals to serve as a review panel when artworks are proposed for donation. If the PAC chooses, rather than appoint a panel, the PAC can elect to serve as the panel itself. This panel will prepare a written evaluation and recommendation based on the following criteria:

- Artistic quality
- Site
- Context within the City collection
- Professional credentials of the artist
- Collection diversity

4. Recommendation by PAC

CAD staff will transmit the application to the PAC at one of its regularly scheduled meetings. At this time, the CAD will present its report on the technical aspects of the work including maintenance requirements and a representative from the Review Panel will present their recommendation to the PAC. The PAC will make a recommendation that will be forwarded to the Arts Commission for consideration.

5. Approval by the Santa Monica Arts Commission

The Chair of the PAC will present the Committee's recommendation at a regularly scheduled meeting. The Commission will vote to accept or decline the artwork.

6. Approval by other City Boards and Commissions

It is the responsibility of the applicant to submit the project for review and approval by any other boards and commissions deemed necessary for final approval. CAD staff will work with the applicant to identify such groups.

7. Final Acceptance

Final acceptance of gifts and loans will be made by the Arts Commission and the City Council will be informed of the decision.

Final acceptance of gifts will require:

- An executed contract transferring title of the artwork and clearly defining the rights and responsibilities of all parties.
- Complete records of accession including, but not limited to, a signed deed of gift, acknowledgment of receipt, registration information, location card, exhibition record, photographs or slides, and independent appraisal.
- Verification that the work is unique and an edition of one (unless stated to the contrary in the contract and accepted by the City).
- An endowment fund for the art work in the event that the City's maintenance budget is not sufficient or if the potential maintenance is deemed excessive.
- In general, works of art will be acquired without legal restrictions as to future use and disposition, except with respect to the State or Federal laws on preservation, copyright, and/or resale of works of art.

Final acceptance of loans will require:

- An executed contract clearly defining the terms and conditions of the loan and the rights and responsibilities of all parties.

C. Exemptions

The following will be exempt from the formal review and acceptance procedure:

Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States that may be accepted by the City Council or City Manager on behalf of the City. Permanent placement of any such artworks will be determined jointly by the Arts Commission and the appropriate City department. If not provided by the donor, maintenance of the art will be the responsibility of the host City department with assistance from the staff of the Cultural Affairs Division.

- Art or exhibitions loaned for display on public property for 90 days or less. Review and approval in these instances will be the responsibility of the CAD staff in consultation with the CCS Assistant Director and the department with jurisdiction over the site of the display or exhibition.
- Non City owned artworks in private offices or non-public areas of City facilities.

CITY OF SANTA MONICA COLLECTION MAINTENANCE

I. COLLECTION MAINTENANCE

A. Policy

The works of art created, purchased for or donated to the City's public art collection represent a significant asset that must be appropriately managed. The acquisition and display of works of art entail a commitment to care for and maintain the work adhering to the standards and practices of the art world. The following guidelines codify the overall approach to maintaining a majority of the work in the Collection.²

B. Periodic Review and Assessment of the Collection:

Periodically, or at least once in every ten year period, the City's Public Art Collection will be evaluated by the PAC for the purpose of collection management and in order to assess the collection's future. The Committee's evaluation will be based on condition reports and financial considerations developed by CAD staff in conjunction with outside experts as needed. Murals will be evaluated as described in the Mural Conservation policy adopted by the Santa Monica Arts Commission.

C. Routine Care and Maintenance

- The City of Santa Monica assumes the responsibility for ongoing conservation of artworks belonging to the City. The CAD will oversee the maintenance and conservation of all artworks in the City's collection.

1. Artist or Donor Responsibilities

When an artwork is acquired by the City, whether by commission or donation, the artist or agent/donor will have certain responsibilities including, but not limited to, the following:

- Within the terms of the contract acquiring any specific artwork, the artist or agent will guarantee and maintain the work of art against all defects of material or workmanship for a period of five years following installation or acquisition.
- Within the terms of the contract, the artist or agent will provide the CAD with detailed instructions regarding routine maintenance of the artwork including a maintenance manual and maintenance schedule and will provide the CAD with guidelines concerning the lifespan of the particular artwork as determined by Staff and outside experts, such as a conservator or an expert in the proposal media and materials, when Staff deems appropriate.
- Within the terms of the contract, all repairs and restorations that are made during the lifetime of the artist will have the mutual agreement of the City and the artist

² For details regarding murals, please refer to the mural conservation policy

where feasible. To the extent practical, the artist will be given the opportunity to accomplish such repairs.

- Mural maintenance and conservation will follow the Mural Conservation Policy guidelines adopted by the Arts Commission.

2. City Responsibilities

a. Cultural Affairs Division

- Establishing guidelines and schedules for routine maintenance such as cleaning, changing the light bulbs, etc.
- Advising the artist or donor about the removal of artwork from a site for which it was selected or from public display.
- Advising the artist or donor when artworks require extraordinary maintenance or repairs.
- Periodically inspecting and preparing a report on each work of art in the City collection which will include the following:
 - ◇ Present location of the artwork
 - ◇ Present condition of the artwork
 - ◇ Recommendation regarding needed maintenance or repairs
 - ◇ Annually, as part of the development of the Annual Work Plan, the PAC will review the condition reports and will recommend specific restoration projects for consideration by the Arts Commission as a part of the PFA Budget approval process.

b. City Departments or Entities

- Routine maintenance including regular cleaning of artwork. Such work will be completed in accordance with maintenance schedules and guidelines prepared by the CAD.

D. Transportation

City departments should not move any artwork from the site at which it was installed, nor remove any artwork from display, without the prior approval of the CAD.

Professional care will be taken in moving and transporting all City owned artwork. Whenever feasible such relocation will be contracted to or supervised by the artist or a professional art handler.

**CITY OF SANTA MONICA
COLLECTION MANAGEMENT PROCEDURES:
DEACCESSIONING**

I. DEACCESSIONING

A. Policy

Deaccessioning is the process by which the Santa Monica Arts Commission decides and declares that an object may be removed from the City's collection. It is a responsibility of the Arts Commission to preserve and protect the collections under its management for the people of the City of Santa Monica. The City will dispose of works of art in its collections only in the public interest and as a means of improving the quality of the collection. Since artworks are acquired by the City through a thorough review process, deaccessioning should be considered only after five years following acceptance. The need for relocation or the temporary removal from public display does not automatically necessitate deaccession. Deaccessioning should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence of fluctuations of taste and the premature removal of an artwork from the collection.

CAD staff will manage the deaccession process working with the PAC and the Arts Commission. The process will ensure that the interests of the public, the intent in the broadest sense of the donor (if any), and the interests of the scholarly and the cultural communities are all given careful consideration. Because of its complex legal and ethical nature, the deaccession process requires even greater deliberation than the acquisition of objects and will be handled in an open and candid manner. All final decisions regarding the deaccession of any artwork will be made at regularly scheduled public meetings of the Arts Commission.

All proceeds from any sale or auction of a work of art, less any payment due the artist under the California Resale Royalties Act, will be used for the exclusive purpose of acquiring or maintaining one or more other works of art for the same public structure or purpose for which the original work of art was acquired. If that is not possible, then the proceeds will be used to acquire or maintain a work of art at another city facility.

B. Removal of an Artwork from Public Display

1. Cause for a review

While the intent of acquisition of artwork or creation of public art is for permanent public display, circumstances and/or conditions may arise that make it prudent for the Arts Commission, on behalf of the public interest to remove an artwork from public display. One or more of the following conditions must apply in order for an artwork to be considered for deaccession:

- The work presents a threat to public safety.

- The condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work.
- The work requires excessive or unreasonable maintenance.
- The work has serious or dangerous faults in design or workmanship.
- The condition of the work requires restoration in gross excess of its monetary value, or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false.
- The work is of poor quality.
- A similar but superior example exists in the collection.
- The work is a forgery.
- No suitable site for the work is available.
- Significant adverse public reaction is documented over an extended period of time (5 years or more).
- The work is judged to have little or no aesthetic and/or historical or cultural value.
- The Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- The work can be sold to finance, or can be traded for, a work of greater importance.
- A written request from the artist has been received to remove the work from public display.
- The work is not, or is rarely displayed.
- The artwork has been determined to be incompatible with the rest of the collection.

2. Review Process

Prior to the deaccession of a work of art, CAD staff will make all reasonable efforts to ascertain that the City is legally free to dispose of the work in question and complete a report with the following information:

- Acquisition method and purchase price.
- Any restrictions that may apply to the specific work, based on contract review.
- An analysis of the reasons for recommending deaccessioning.
- Alternatives to deaccessioning.
- Suggested methods of deaccession.
- Appraised value of the work by two independent consultants, if obtainable.
- Documentation of correspondence, including media or other evidence of public debate documenting extended adverse public reaction.
- Documentation of discussions with the artist or donor or any stakeholder groups of the circumstances prompting the review.
- Documentation of discussions with the affected department.

The report will be presented to the PAC who will be asked to make a recommendation to the Arts Commission. CAD staff may seek additional information regarding the work from the artist, art galleries, curators, appraisers or other professionals prior to making a recommendation to the Arts Commission. The PAC's recommendation will be presented to the Arts Commission at a regular public meeting for action.

3. Deaccession Considerations

- a. Sale at public auction is strongly encouraged. Whenever works are deaccessioned by means other than public auction, no fewer than two independent estimates of fair market value must be secured.
- b. Artworks may not be given or sold privately to City employees, officers, volunteers or members of City commissions, committees, boards, affiliate groups, or their representatives unless they are sold at public auction and with appropriate disclosures.
- c. Consideration should be given to placing the art objects, through gift, exchange or sale, in another tax-exempt public institution wherein they may serve the purpose for which they were acquired initially by the City. The Arts Commission may exchange a work of art on such terms as the Commission, by a 2/3 vote of the members, determines appropriate.
- d. A work of art may be sold privately under the following circumstances:
 - If the work is offered at public auction and no bids are received, or if the bids are rejected. A work of art on which bids have been rejected will not thereafter be sold through private sale for less than the amount of the highest bid received.
 - If the Arts Commission determines, by a 2/3 vote of the members, that the work may be sold on terms more advantageous to the City if sold through private sale.
 - If the artist of the work chooses to purchase it at the original purchase price.
- e. An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the records of the CAD.
- f. The City must abide by the California Resale Royalties Act with respect to notification and payment of artists.
- g. When a gift is deaccessioned, the donor's name should be recognized in the label copy for the object or objects acquired in its place.
- h. Destruction of work deteriorated or damaged beyond repair at a reasonable cost, and deemed to be of no or only a negligible value, will take place in accordance with national standards for conservation and deaccession.
- i. All recommendations for deaccession are subject to appeal. All appeals must be made in writing to the office of the Director of Community and Cultural Services and the City Manager.

CITY OF SANTA MONICA MURAL CONSERVATION POLICY

POLICY

Murals are intrinsically a community based art form developed by artists with the active participation of area residents. Many murals are painted by artists as a gift to their neighborhood. In Santa Monica, murals enhance blank walls and help celebrate the history and unique characteristics of the City. With regard to the conservation of these works, it is the policy of the City of Santa Monica to consult the original artist whenever possible and to favor that artist's participation in the conservation process.

A. Inventory

Periodically, or at least every ten years, the CAD will update the inventory of murals in Santa Monica. The inventory will include at a minimum all murals located on City owned property or sponsored by the City. These murals will be deemed to be a part of the City's public art collection.

Murals located on all public property within Santa Monica (schools, state and federal right of way, etc.), and privately owned may be included in the inventory. Signage and advertisements³ may also be included.

The inventory will consist of a detailed file for each mural. The file will contain photographic documentation, information on the artist, information on the sponsor or community group (if applicable), and technical information (such as paint type, protective coatings).

B. Condition Report

Upon completion of the inventory report, the CAD will hire a conservator with specific expertise in assessing murals to develop a comprehensive condition report and conservation estimate for each of the murals in the City's collection.

C. Evaluation

Each time the inventory and condition report are updated, the PAC will hold a public hearing to review the inventory and re-evaluate all of the murals in the City Collection. Neighborhood stakeholders will be invited to the meeting and the conservator will be present to provide expert opinion to the Committee.

³ The Social and Public Art Resource Center (SPARC) categorizes mural as follows: a. public murals (city sponsored, Olympic, WPA, artist initiated), b. private murals (corporate, private residence), c. school murals, d. 'pulquería' murals (ornamentation of small business), e. commercial murals (advertisements).

1. Criteria

The Committee will review each of the murals included in the City Collection and rank them using criteria such as the following:

- Artistic excellence – is this mural an outstanding work of art? Was it painted by an artist of local, regional or national significance?
- Community ownership – is there an active community group interested in the conservation of the mural? Has the mural been vandalized? Has the nature and composition of the community significantly changed?
- Historical significance – is the mural an important work by a significant artist? Is it representative of a specific style or period? Does the mural portray an important event?
- Appropriateness of the wall and site– is the wall currently a good candidate for a mural, one that has good visibility and that will weather well?
- Condition of the mural – is the mural in urgent need of conservation?

2. Conservation Recommendations

Once the PAC has ranked the murals, it is the policy of the City to care for the works in the City Collection. Each year the PAC will evaluate what level of funding is available for mural conservation projects. This will take place during the development of the Annual Work Plan.

Based upon funding availability the PAC will then review the list of murals and may recommend one or more high priority conservation projects. In developing recommendations, the PAC will take into account each mural's overall ranking, as well as the urgency of the need and the estimated cost (per the condition report).

Funding for the conservation of a mural may not become available prior to the mural reaching an extreme state of disrepair. If CAD staff estimate that a mural has become a blight on the City's Collection, they will submit it to the PAC in accordance with the deaccession process described in the Collection Maintenance Procedures.

D. Conservation/Restoration Process

1. Protocol

In order to help ensure the longevity of new murals developed for the City's Collection, as well as to optimize the conservation process, CAD staff will establish a protocol for the creation of each new mural as well as a standard mural conservation protocol. The protocol will be developed working with a professional conservator familiar with the specific needs of murals. The protocol for new murals will cover, at a minimum, the following:

- required wall preparation
- approved paint types
- approved protective coatings.

The conservation protocol will also address:

- notification of the artist and sponsor/community group
- cleaning
- stabilization
- restoration (the repainting of damaged or significantly faded areas)
- the application of protective coatings

2. Murals by Living Artists

a. Participation

Living artists will always be invited to participate in the project in an advisory capacity. They will also be given the option of bidding on the entire conservation project or simply a portion of the project (i.e. repainting).

Once a mural has been selected as a conservation project and the budget approved, staff will contact the artist and ascertain interest in participating in the conservation project. Staff will then develop a request for proposals for the conservation project that will reflect the artist's desired level of participation in the project. The original artist will be given priority if the bid is comparable to that of other qualified respondents.

b. Replacement Murals

If it is determined that a mural is to be deaccessioned, the PAC may issue a request for proposals for a replacement mural on the site. The artist of the original mural will be invited to submit along with other artists interested in working at the site. An artist will be selected to paint a new mural in accordance with the standard approval process as described in the Artist Selection Procedures.

3. Historical Murals

If the artist is no longer living or has declined to participate in the project, the City will issue a request for proposals for the project to qualified conservators. All proposals will comply with the City's adopted protocol for mural conservation.

E. Maintenance

1. Protocol

Working with experts familiar with the ongoing maintenance needs of murals, CAD staff will develop a standard maintenance protocol that will specify:

- how often murals in the City Collection are cleaned
- the appropriate methods of cleaning
- recommended protective coatings and application frequency

2. Partnerships

On occasion, CAD staff may seek to identify sponsors or community groups interested in maintaining specific murals according to the City's adopted protocol.