



## **For the Arts Guidelines Relating to Ordinance No. 3068**

### **I. PURPOSE**

These guidelines are developed and adopted by the Santa Barbara County **Arts** Commission for the purpose of establishing procedures to implement Ordinance No. 3068, passed by the Board of Supervisors on Nov. 13, 1978. The Commission was directed to formulate such guidelines in Section 7A-5 of the ordinance.

### **II. INTENT**

The stated intent of the ordinance is to fulfill the County's "responsibility to foster culture and the arts," also recognizing "the necessity for the viable development of its artists and craftsmen."

### **III. COUNTY ART FUND--ALLOCATIONS AND RESPONSIBILITIES**

A County Art Fund is established in the County Treasury, as prescribed in the ordinance, to include:

1. Amounts set aside under Section 7A-3 of the ordinance, which directs that 1% of the estimated costs of County construction projects over \$100,000 be budgeted for works of art. These amounts shall be separately identified from other sources, such as gifts and donations;
2. Gifts received by the County for such purposes;
3. Any other appropriations designated for works of art by the Board of Supervisors

In the process of "constructing, creating, or acquiring" works of art as defined in the legislation, 1% money may be spent for:

1. Art selection panel honoraria;
2. Honoraria for artists invited to participate in limited competitions, if such be the selection process;
3. Identifying plaques and installation.

A. The Public Works Department will notify the County Arts Commission as to which capital projects in the County budget are eligible for the 1% allocation. CAPP staff will monitor County capital projects for appropriate allocation of funding.

B. The Public Works Department will notify the Arts Commission as to which capital projects might be appropriate for an integral work of art and will inform the architect of approved projects within the 1% allocation.

C. The Arts Commission will designate 1% arts projects, develop specific plans of purchase, and submit its recommendations to the Board of Supervisors for approval, requesting transfer of money from the County Art Fund to the proposed project. Projects under \$25,000 do not require submission to the Board of Supervisors.

D. The County Auditor will provide a summary reporting mechanism, dealing with the status of and all activity within the Art Fund. This report will be transmitted monthly to the Arts Commission.

E. The appropriate County departments and divisions will be responsible for including a 1%-for-the-arts estimate in all eligible capital projects.

#### **IV. RESPONSIBILITIES IN THE ART-ACQUISITION PROCESS**

A. The Arts Commission and its agents:

1. The Arts Commission shall

- a. have overall responsibility for developing proposed projects and procedures which commit County Art Fund monies. It will submit its recommendations to the Board of Supervisors;
- b. annually review the overall %-for-the-arts program and submit a report to the Board of Supervisors;
- c. appoint an Art in Public Places committee to develop particular arts projects as to site, media, budget and artist-selection process;
- d. confirm or deny by a majority vote of the Commission members the recommendations of the Art in Public Places committee with regard to projects and composition of art selection panels;
- e. confirm or deny by a majority vote of Commission members the choice of artist and/or artwork of the selection panel.

2. The Art in Public Places committee shall include no fewer than four commissioners, representing four supervisorial districts, appointed for two-year terms. It shall

- a. review %-for-the-arts allocations and recommend on appropriateness of eligible capital projects for artworks;

- b. develop a long-range County Arts Plan at least every five years to utilize Art Fund monies on County lands;
- c. recommend amount of money to be spent on each project;
- d. recommend the method of artists' selection for each project, establishing whatever eligibility/residency requirements it may deem appropriate;
- e. recommend members for art-selection panels and oversee the panels' work;
- f. develop a concise, written charge to the art-selection panel, discussing the parameters of the project and what the expectations are for the art;
- g. review and make recommendations to the Commission on the basis of the selection panel's decisions on artist and/or artwork. The committee's recommendations will be based on a majority vote of its members;
- h. recommend % policy and procedure to the Commission.

3. For a specific project, an Art Selection Panel shall be appointed by the Arts Commission upon the recommendation of its Arts in Public Places Committee. It will develop a specific art acquisition plan that has the preliminary approval of the Board of Supervisors. It shall have a flexible organization and membership, depending on the nature and scope of the project. Typically, it might consist of one artist, one art professional or collector, and one representative of the community in which the artwork would be located. An area Arts Commissioner would act as non-voting chairperson. The Art Selection Panel decisions will be by majority vote, with all members voting. Should there be no agreement, it will return to the Art in Public Places committee for further instructions.

The panel shall:

- a. consult with the project architect/engineer when the art is integral to a project's design and development;
- b. consult with departmental representatives on appropriateness of artwork when their working environment is affected;
- c. develop the project from the beginning, including site, media, scope, allocation within the project and other relevant considerations;
- d. meet at least once in open session in the community where the artwork will be placed. If appropriate, public input will be accepted at this time;
- e. review and examine proposals and maquettes submitted by artists;
- f. ascertain that any work of art selected can be reasonable maintained, preserved, and, should its location be radically altered, removed;
- g. make a selection of an artist to be commissioned to execute a work for the project, or select an artist whose existing work is to be purchased for a

selected site, subject to confirmation by the Commission, and, subsequently, the Board of Supervisors. This decision will be final, except in cases of proven technical infeasibility.

h. provide to the Arts Commission a report on the reason for its selection. This report shall include addressing the stated parameters and expectations of the project.

B. The Artist shall receive the maximum freedom to reach creative solutions to the aesthetic problems he/she has been employed to solve. However, the Artist must be sensitive to the unique qualities of public art and the guidelines which have been drawn.

The Artist shall:

1. submit proposals as directed for consideration by the Art Selection Panel. The number of copies required will be announced;
2. be commissioned (if selected) to execute and complete the work in a timely and professional manner or transfer title to an existing work of art to the County;
3. be required to warrant that the design and work being submitted is an original product of his/her creative effort;
4. maintain a close working relationship with the architect on commissioned work within a capital project;
5. return to the Art in Public Places committee for review and approval should any significant change occur in the scope, material, design or siting of the work subsequent to preliminary design approval;
6. be responsible for all phases of the design and execution of the work, including installation unless otherwise stipulated in the contract;
7. guarantee and maintain the work from defects of material and workmanship for a period of one year from installation.

C. Upon approval of an art project, the Board of Supervisors will authorize the transfer of funds from the County Art Fund to finance the project.

## **V. SELECTION OF ARTISTS**

A. Eligibility requirements for each project will be established by the Art in Public Places committee.

1. Artists will be selected on the basis of quality and appropriateness alone.
2. Effort will be made to encourage qualified submissions from artists of Santa Barbara County.

3. Specifically excluded are student works of art done to satisfy course requirements, artists who are the project architect or members of the project architect's firm, and artists who are members of the Arts Commission or its staff. Curators may not show their work in exhibitions which they curate. This provision does not exclude student work not done for course credit.

B. Methods of selection:

1. Direct selection by the Art Selection Panel
2. Open competition: any artists, subject to limitations established by the selection panel of the Arts Commission, may apply.
3. Limited competition: artists will be chosen and invited to enter.

C. Criteria for selection of artworks

1. Quality: of highest priority is the inherent quality of the work.
2. Media: all visual art forms may be considered, subject to limitations set by the Art in Public Places committee.
3. Style and nature: the art should be appropriate in scale, material, form and content in relationship to its immediate and general environment, social and physical, in which it will be placed.
4. Elements of design: the panel and artist will take into account that public art may have considerations beyond the aesthetic that it may serve to establish focal points, terminate areas, modify, enhance or define specific areas or establish identity.
5. Permanence: due consideration will be given to structural and surface integrity, durability, feasibility of relocation if necessary and protection against theft, vandalism, weathering, excessive maintenance and repair costs.
6. Cost: prices quoted must include artists' time and materials, shipping, site preparation, installation and sales tax, unless otherwise stipulated.
7. Public liability: each work will be examined for unsafe conditions or factors that may bear on public liability and accessibility.
8. Acquisition: either existing works or those commissioned specifically for the site may be acquired.
9. Diversity: the overall program will strive for diversity in style, scale, media, artists and geographic distribution of the artworks.
10. If no entry is judged suitable by the above criteria, all may be rejected and the selection process may be begun again.

## **VI. CONTRACTUAL AGREEMENTS**

After an artist has been selected and approved, the artist will enter into an agreement with the County to perform the work, to be executed either by the artist or by an independent contractor. Arts Commission staff will assist in the preparation of this agreement, which they will also administer.

A deadline will be included in the artist's agreement concerning completion and installation.

The artist will present the proposed design, in whatever medium is appropriate, to the Arts Commission to review. A representative of the division of County government most affected by the artwork will be invited to attend. Upon approval the artist will be authorized in writing to proceed with the execution and installation of the work. At some time during the proposed design phase, the artist may be requested to make a public presentation at an appropriate forum in the community where the work will be placed.

The agreement used by the Arts Commission grants all copyrights to the artist, except for the occasional photographic reproduction for the purposes of documentation and publicity. However, the artist will be asked to warrant that the work has not been accepted for sale elsewhere nor will it be used elsewhere in the future without prior written agreement between the artist and the County.

## **VII. PAYMENTS TO THE ARTIST**

Payments to the artist shall be prescribed in the approved agreement. Progress payments shall be made upon request by the artist after completion of specified phases set down in the agreement. Final payment will be made upon completion and acceptance by the County.

*Revised according to recommendations from the offices of the Auditor-Controller, County Counsel and Thomas Quarton, May, 1980*