

ARTS AND CULTURAL AFFAIRS COMMISSION REVIEW AND APPROVAL PROCESS

**Temporary Art Projects, Programs, Exhibits, and Events
Under the Purview of the Art on the Outside Subcommittee
On behalf of the Arts and Cultural Affairs Commission**

ARTS AND CULTURAL AFFAIRS COMMISSION

Mission

The City of West Hollywood is committed to providing accessible arts and cultural events programming for its residents and visitors. The City formed the Arts and Cultural Affairs Commission (“also referred to herein as the “Commission” or “ACAC”) to identify the arts needs of the community, analyze methods of fulfilling these needs, and promote and broaden the opportunities for citizen participation in the arts. Working in conjunction with other City departments, constituents and local nonprofit arts organizations, the ACAC oversees a number of projects and programs to meet the City's mandate to broaden citizen participation in the arts.

Function

The City of West Hollywood Arts and Cultural Affairs Commission supports quality arts and cultural organizations in the City; promotes arts and cultural activities and advises City Council on policies affecting the arts and cultural life of the City, its residents and organizations that provide such services to the City. The Commission also reviews and approves recommendations proposed by its various subcommittees with regard to the City's Art on the Outside, Urban Art, Arts Grant, Performing Arts, and One City One Pride programs, among others.

As with other boards and commissions, an important function of the Arts and Cultural Affairs Commission is to represent the community perspective in business matters that come before it. One of its important business functions is to review art projects on behalf of the City. Each Commission program has a prescribed set of guidelines that are used to evaluate proposed projects or programs. The Commission has an opportunity to publicly discuss the merits of projects and appropriateness of the proposed project for the community and/or public space. On occasion, the Commission, as part of its public action, will authorize staff to review and approve specific works on its behalf.

The public has an opportunity to weigh in on any project under the purview of the Commission as all Commission and Subcommittee meetings are publicly noticed, subject to the Brown Act, and include a public comment section on every agenda.

Overarching Principles & Considerations in Review and Approval Processes

West Hollywood serves many diverse communities and cultural traditions. Its audiences include older immigrants from repressive political environments, children, families, singles, and a large LGBTQ population. Consequently, the Commission seeks to provide broad access to a variety of artistic disciplines and practices that can appeal to this diverse constituency.

West Hollywood has a progressive government and a sophisticated and well-educated population. As a result, the City's Arts and Cultural Affairs Commission encourages experimentation, edginess, and boundary pushing in providing provocative art, in addition to the more traditional art that would be found in other government-funded arts programs.

One of the Commission's tasks is to determine the proposed locations for the art work, programs, or projects. When works are located in public spaces where official City business or activity is taking place, the public encounters them randomly and individuals do not have a choice of seeing or not seeing the work. The City is not, and should not be considered, an art gallery or art museum and in determining the location of a project, the Commission members shall site projects in a way that takes into consideration general standards of decency and respect for the diverse beliefs and values of the public. Special care shall be given to projects that: (i) are located in a public space that is frequented or easily accessible to minors or (ii) create a captive audience based on proximity to official City business (e.g., exhibit prominently displayed in the lobby of City Hall, exhibit adjacent to where citizens wait in line for obtain a permit, etc.). While the Commission actively supports the presentation of provocative and challenging work, it also understands that these works must be presented with care and consideration.

Projects not suitable for minors and projects more likely to violate general standards of decency shall be curated in a location that requires affirmative action to view the project.

This policy acknowledges that artists enjoy constitutionally guaranteed freedom of speech and expression and that the artists' works are protected by additional state and federal laws. However, the City is not creating a public forum in providing accessible arts and cultural events programming for its residents and visitors; rather, the City is merely permitting certain artists—after a viewpoint neutral review process—to display various projects in furtherance of the City's goals. The City must balance the artists' protection with other applicable legal parameters such as sexual harassment and non-discrimination laws. The Commission must weigh and balance sometimes conflicting rights when approving projects and deciding where these projects or programs should be sited in the City. In approving and siting these projects, the Commission and the

City are not endorsing or approving any opinion, position or viewpoint expressed by the selected artist or the selected project. The viewpoints, positions and opinions expressed in the art are solely those of the artists and should not be attributed to the City.

In order to ensure compliance with the City's principles and applicable legal considerations, all applications and requests for the temporary art installations and exhibitions in public spaces shall be submitted to the Arts Division. Approval or installation of any art project in the public space in violation of this process shall be considered a violation of the City's policy.

Collaborative Process

The ACAC plays a collaborative role with the public and its various constituencies – nonprofit arts organizations, artists, businesses, and developers. Since art is not an exact science, nor does it have specific local, state or federal guidelines or requirements as might be applicable in other fields, it is incumbent upon those who bring business before the Commission to understand that the development of an artwork, project, program, or idea is a process in which the Commission must weigh community interests alongside the artist's aesthetic considerations.

As the following program guidelines indicate, the ACAC as a body does not want to dictate or tell an artist how to create, but instead wants to assist the artist in creating a more successful product and engagement with the community. The Commission functions much the same way as an editor or curator by providing guidance.

The collaborative process is an important one, as public art works, programs and projects do not exist in a vacuum, but in a larger community context. The art work, project, or program becomes a reflection of the community in which it is presented. A willingness to explore direction and outcome of the creation in a collaborative process will result in a project that is successful for both the artist and the community in which it exists.

Art on the Outside Subcommittee Review Process

The **Art on the Outside Subcommittee (AOTO Subcommittee)**, a group of three City Council appointed arts commissioners from the Arts and Cultural Affairs Commission, reviews all of the proposals for temporary art installations and exhibitions in the City and makes recommendations to the ACAC. The AOTO Subcommittee takes the lead in developing and evaluating exhibition concepts and art proposals for the City's Art on the Outside Program, billboard art, and murals. The AOTO Subcommittee also determines the methodology and process by which to attract artists and art consultants and reviews requests for proposals as well as interviewing arts consultants and artists as appropriate.

The AOTO Subcommittee reviews temporary public art projects in the fields of visual and performance art, film/video, architecture, design, and emerging/multi-disciplinary practices.

The AOTO Subcommittee, on behalf of the ACAC, has an open proposal process whereby individual artists and/or arts organizations may propose temporary art projects throughout the year. AOTO meetings are open to the public and proposals presented to the Subcommittee are subject to public review and input from the community during the public comment portion of the meeting.

AOTO Subcommittee Review Schedule

The review schedule for proposals is as follows:

- January and June - Unsolicited proposals for temporary art projects will be reviewed twice a year during regularly scheduled AOTO Subcommittee meetings.
- March and September – Unsolicited WEHO Muralist Roster applications will be reviewed twice a year during regularly scheduled AOTO Subcommittee meetings.
- Monthly – Commercial Business Mural Applications, Invited Artist Mural Applications for City Property, and WEHO Muralist Roster Applications submitted in tandem with a Commercial Business Mural Application will be reviewed at the first available regularly scheduled AOTO Subcommittee meeting.

In order to ensure that artists propose feasible and durable artwork proposals of the highest quality, City staff will review the artwork proposals prior to any public presentation or review by the AOTO Subcommittee. City staff will provide feedback, if necessary, on any aspect of the proposal that may impact the AOTO Subcommittee's recommendation, such as budget, scope, proposed location, etc. to assist the applicant in successfully presenting its proposal. Applicants are welcome, but not required, to attend the AOTO Subcommittee meeting.

In making its recommendations, the AOTO Subcommittee reviews all of the submitted proposals and supporting documents and enters into a discussion using the review and evaluation criteria as qualifiers to evaluate the proposal. While works are reviewed independently, the AOTO Subcommittee also has in mind the whole of the Art on the Outside program – projects currently exhibited or in development – to determine if the proposed project also fits within the scope of the Subcommittee's work plan as adopted by the Arts and Cultural Affairs Commission.

Projects under the Authority of the Art on the Outside Subcommittee Review and Evaluation Criteria

Art project and mural proposals presented to the AOTO Subcommittee and Commission and appeals presented to the City Manager or his/her designee, are reviewed based on the following criteria. **[Please note each criterion may not be applicable to all projects and that some criteria may be weighed more heavily than others depending on the circumstances of the proposals.]**

- **Artist Qualifications and Experience**
 - The artist's qualifications, including – the education, training, experience, body of work, and recognition of the artist, and the consistency of the artist's qualifications with the stated goals of the project.
 - To the extent applicable, the artist's record of previous collaboration with other agencies, organizations, artists, fabricators, installers to achieve a successful result in implementing the proposed project.
 - The artist's experience working in the public realm.
 - To the extent applicable, the artist's previous proven successful experience in creating, producing or otherwise implementing projects similar to the one proposed.

- **Aesthetics** – Projects will be evaluated on the design quality, potential visual enjoyment, innovation/risk in concept and technical approach, and prospective social interaction.
 - The continuation or advancement of the artist's practice.
 - The original nature of the proposed concept.
 - To the extent applicable, the artist's past work and if it demonstrates the level of craftsmanship needed to realize the proposed project.
 - The artist's and/or proposer's consideration of the context of the artwork in relation to the proposed site: scale, materials, form; architectural, historical, geographical, landscaping and social/cultural context of the site.
 - The work's contribution to the pedestrian friendly culture of West Hollywood.
 - The work's enhancement, advancement, and/or diversification of the Art on the Outside program.
 - The approach or direction of the artistic discipline taken by the work.
 - The experimental, edgy, boundary-pushing characteristics or use of a new idea into an artistic practice of the work.
 - The inherent artistic quality and aesthetic merit of the work.

- **Diversity** – The Commission is committed to providing opportunities to artists who have not yet exhibited with the City. All ranges of artistic styles,

materials and types of artworks and diversity of artists (gender, race and culture) are encouraged to assure a balanced and interesting program.

- The promotion of the City's and the Commission's commitment to providing opportunities to artists who have not yet exhibited with the Art on the Outside Program.
 - The work's contribution to the Commission's commitment to represent a range of artistic styles, materials and types of artworks.
 - The advancement of the representation of a diversity of artists (gender, race, and culture) to ensure a balanced and interesting program.
- **Proposed Budget** – Proven successful experience working within a given budget.
 - The budget of the project given the scope of the proposed project.
 - The cost of fabrication, installation, and other related costs.
 - If the artist or proposing entity is requesting funding from the City.
 - The sources of funding for the project.
 - The ability of the Commission to support this project, if needed.
 - **Public Safety, Materials, Maintenance, and Structural Integrity** – Each proposal shall be evaluated to ensure that it does not present a hazard to public safety.
 - The structural integrity of the proposed work.
 - The public's ability to safely enjoy the project.
 - The appropriateness of the proposed project materials for public space, considering maintenance, safety, and longevity.
 - **Arts and Cultural Affairs Commission Work Plan** – For every two-year City budget cycle the Commission adopts a work plan for the Commission and each of its subcommittees—including the AOTO Subcommittee. The work plan is reviewed and revised on an annual basis and serves as a guideline for all Commission business conducted during the year.
 - The proposal's consistency with the Commission's adopted work plan.
 - **Location** – Each proposal shall be evaluated with the general standards of decency and respect for the diverse beliefs and values of the public in mind.
 - The intended audience for the proposal.
 - Whether the public will be a captive audience or will the proposal require affirmative steps to view it.
 - The location of the proposal and if it will be in an area typically accessed by minors.

In accordance with the general standards of decency and respect for the diverse beliefs and values of the public, the ACAC (or City Manager on appeal) may choose the location of the art project or mural based on these criteria. The decision on a location is subject to appeal on its own or as part of an appeal on the decision for the entire proposal.

Review Process

Applications submitted to the AOTO Subcommittee are reviewed according to the review schedule. Using the established review and evaluation criteria, the AOTO Subcommittee members review all of the applications and use their judgment, experience, and knowledge to make recommendations to the Arts and Cultural Affairs Commission. The Arts and Cultural Affairs Commission shall review all of the AOTO Subcommittee's recommendations (including recommendations to deny approval) and shall confirm, reverse, or modify the AOTO Subcommittee's recommendations. The AOTO Subcommittee may request an in-person presentation from an applicant prior to making a recommendation of the art proposal to the Arts and Cultural Affairs Commission.

Upon receipt of a proposal, the AOTO Subcommittee may:

- a) Recommend approval of the proposal to the Arts and Cultural Affairs Commission;
- b) Request that the applicant make further clarification or redesign the proposal before advancing a recommendation to the ACAC;
- c) Request that the applicant present a new concept for the project; or
- d) Recommend denial of the proposal to the Arts and Cultural Affairs Commission due to inconsistencies with the Art on the Outside Review and Evaluation Criteria.

The Arts and Cultural Affairs Commission reviews the Art on the Outside Subcommittee's recommendations and using the same evaluation criteria may:

- a) Ask the Art on the Outside Subcommittee for clarification;
- b) Request the applicant to make further clarification or redesign the proposal and resubmit the proposal to either the Art on the Outside Subcommittee or the Arts and Cultural Affairs Commission. In the event the Arts and Cultural Affairs Commission directs a proposal to be resubmitted to the Art on the Outside Subcommittee, the provisions of this policy shall apply as if the resubmitted proposal is a new application;
- c) Approve the proposal; or
- d) Deny the proposal.

Challenged Decisions:

The applicant may appeal the ACAC's determination to the City Manager or his/her designee pursuant to the procedures below.

Should an applicant appeal the decision of the Arts and Cultural Affairs Commission, then any action on the application shall be suspended until the resolution of the appeal (*e.g.*, If applicant appeals the Arts and Cultural Affairs Commission's decision that applicant must redesign the proposal, this redesigned proposal shall not be acted on by the Arts and Cultural Affairs Commission until end of appeal). The City Manager or his/her designee shall use the above evaluation and review criteria in deciding the appeal.

All decisions of the City Manager or his/her designee are final.

Appeal Process

- a) The applicant must file a written request for an appeal to the City Manager or his/her designee within ten (10) days of the notification of the Arts and Cultural Affairs Commission's decision and shall submit any materials supporting the appeal. The applicant may request a hearing before the City Manager in its written request for an appeal.
- b) Upon filing of an appeal, if no hearing is requested the City Manager or his/her designee shall review any material submitted by the appellant and city staff as well the administrative record of the Arts and Cultural Affairs Commission's decision (including the AOTO Subcommittee proceedings) and make a determination on the issues raised in the appeal within thirty (30) days of receiving the written request for an appeal. If a hearing is requested, the City Manager or his/her designee shall schedule a hearing within thirty (30) days of such request. If a hearing is requested, the City Manager shall also consider any evidence presented at the hearing, in addition to the information listed above. The City Manager or his/her designee shall give the applicant ten (10) days' notice of the hearing and shall allow the applicant reasonable time to present the applicant's case. The City Manager or his/her designee shall make a determination within thirty (30) days of the hearing.
- c) The Arts and Cultural Affairs Commission will receive a notification from staff of the appeal request.
- d) The City Manager or his/her designee may affirm, reverse, or modify in whole or in part any appealed decision or requirement. The City Manager, or designee, shall deliver a written report of the appeal findings and decision to the applicant within fifteen (15) days of making the decision. The report shall also be delivered as an information item to the ACAC at its next regular meeting.