



November 2011
**CITY OF LOS ANGELES MURAL ORDINANCE:
SOCIAL AND PUBLIC ART RESOURCE CENTER (SPARC)
PRECEPTS AND DRAFT RECOMMENDATIONS**



CREATING SITES OF
PUBLIC MEMORY SINCE 1976
WWW.SPARCMURALS.ORG

SPARC's PRECEPTS

for a Mural Ordinance for the City of Los Angeles
Rooted in Artists' Rights, Ethics, Community, and Economic Development

SPARC is dedicated to upholding the rights of public artists, preserving the legacy of public art works and to sustaining the creative incentive for today's public artists. Just as citizens of a nation must be educated about their rights to ensure that they are protected and upheld, so too must those who create public art works know the rights that support their own acts of creation. Without these rights, which directly emanate from the U.S. Constitution, many who dream of focusing their talents on public art work creation would be economically unable to do so - an outcome that would diminish artistic expression today and for future generations.

SPARC Believes...

- That a "Fine Art Mural" is an original work of art by an individual or collective that is protected under the California Art Preservation Act (State) and the Visual Artists Rights Act (Federal).
- That a Fine Art Mural holds registered copyrights that protect artists' rights.
- That a mural ordinance protects an artist from censorship and vandalism.
- That property owners should not receive any form of payment for the production of the artwork.
- That murals do not contain corporate logos, slogans, trademarks, or are used for or a product of advertising campaigns or branding.
- That artists' copyrights are not transferable to corporate agencies for the purpose of advertising and profit.

- That any derivatives of the Fine Art Mural for any use constitute royalties to the original artist or collective who painted said artwork.
- That a mural engages the community and that this process is inextricably linked to the conceptualization and production of the work.
- That corporate sponsorship is philanthropic giving, and is not an excuse for such sponsorship to dictate an artist's imagery or content.
- That an artist has the freedom of expression that is protected by the First Amendment of the US Constitution.
- We acknowledge that the access to culture is a human right and those funds for public art projects are equitably distributed citywide so that the greatest number of citizens will have access to their right to create public art works.
- That an artist has the right to create short-term revolving murals as well as longstanding community monuments.
- That a Fine Art Mural has relationship to the architecture on which it resides. Thus there should be no overarching restrictions to scale, lighting or media.
- That the public art creating process between public & private, property owner and artist is publicly disclosed and transparent for community members.
- That the people of the City of Los Angeles deserve a mural program that restores their legacy murals and funds the creation of new murals on public and private walls of our neighborhoods.
- That the City of Los Angeles must reestablish a Mural Fund that provides public monies towards the restoration of damaged works and the patronage of new works.
- That local youth should always be engaged in mural productions taking place in their neighborhoods and that if the Fine Art Mural budget allows, that a percentage of said budget goes towards to hiring of local youth.
- That the production of Fine Art Murals can stimulate the local economy, and should the mural budget allow, that a percentage of said budget goes towards the hiring of local labor.
- That the goal of a new mural ordinance seeks to sustain a creative and economic incentive for future mural artists.

SPARC's DRAFT RECOMMENDATIONS FOR THE MURAL ORDINANCE

SPARC has compiled research from various sources of which include US Copyright Law, the Visual Artist Rights Act (**VARA**), the California Art Preservation Act (**CAPA**), past court cases regarding the Advertising Industry and the payment & hiring structure utilized by agents of the advertising industry. In compiling this information, we have determined that the fundamental difference between an Advertisement and a Fine Art Mural lies within four legally enforceable principals: **purpose** of the work in question, **authorship** of the work, **economic exchange** of the work and the **ownership** of the work.

Purpose – A work designed for Commercial Use versus a Fine Art Mural.

Authorship – The Artist presents copyright proof as original author protected under CAPA & VARA.

Economic Exchange – Property owners do not receive payment from other agencies for the production of the Fine Art Mural.

Copyright Ownership – The Artist retains copyright ownership and is non-transferable without violating VARA.

Defining Terms:

The purpose of the work is one that is determined through the interplay of the economic exchange, authorship and ownership of the visual product. As stated in CAPA, an "**Artist**" means the individual or individuals who create a work of *fine art*. "**Fine Art**" means an original painting, sculpture, or drawing, or an original work of art in glass, of recognized quality, but shall not include work prepared under contract for *Commercial Use* by its purchaser. Thus, "**Commercial Use**" means fine art created under a **work-for-hire** arrangement for use in advertising, magazines, newspapers, or other print and electronic media. **VARA** also reinforces the distinction between a commercial work and a fine art work, with additional language protecting Fine Art Murals. This distinction is held at the State and Federal level and should be used by the city to restrict advertising companies from utilizing a "**Fine Art Mural Permit**" to create off-site advertisements.

Four Recommendations for the Mural Ordinance:

Enforce the Mural Ordinance through Building and Safety as an Administrative Permit to obtain a Fine Art Mural Permit. To obtain this permit, the artwork must meet the following:

1. Copyright Registered: A Fine Art Mural is protected by VARA & CAPA. If the work in question does not qualify for copyright protection under VARA & CAPA, the work is not issued a Fine Art Mural Permit. The Artist or Collective must provide proof of Copyright Protection under VARA & CAPA.

2. Original Authorship: The Artist or Collective seeking a Fine Art Mural Permit are the original authors of the work. The work cannot contain pre-existing individually copyrighted creative content such as registered logos, slogans, trademarks or brands.

3. Ownership: The Artist or Collective retains the copyright ownership of the work. Copyrights granted with protection of CAPA & VARA are non-transferable and derivatives of the work require consent by the copyright holder. The individual Artist or Collective must provide proof that the design has received copyright protection and that they are listed as the copyright holder. The Fine Art Mural clearly states in a designated "Signature Panel" area on the artwork the Copyright Information with ©

symbol and year produced, Artist or Collective Name, Contact Information, Sponsorship Name (if applicable) & City Permit ID Number.

4. Economic Exchange: Property Owners cannot receive payment by any entity for the Production of the Fine Art Mural on their wall structure or property. Proof of Property Owner Sponsorship or Payment to Artist must be submitted to the City Agency and be publicly available.

Note: California is uniquely situated to create a Fine Art vs. Commercial Work distinction because unlike other States, **California State Law California Civil Code §987** has a pre-existing definition of work prepared for commercial use.

SPARC CREDENTIALS:

City Wide Mural Project

1974-1978

400+ Murals sponsored
100's Of artists commissioned
100's Of youth hired
Sparked the beginning of a movement

Great Wall of Los Angeles-The Longest Mural in the World

1976-1984

400 Youth employed
100 Artist employed
50 Scholars engaged
100+ Community organizations engaged
1/2 mile mural painted, making it the largest monument to interracial harmony in America today

2002-Present

Began campaign to restore the Great Wall, build a new interpretive bridge, and add informational stations
Communities will be re-engaged
Youth will be hired
Great Wall Alumni will serve as supervisors
Designing next segments
Created a virtual 3D animated fly-thru
Created the Great Wall Educational DVD

Neighborhood Pride Mural Program

1988-2003

105 Murals Produced
15 Council Districts served
95 Artists Commissioned
1100 Youth employed
840 Months of working directly in community (8 months per site)
525 Community meetings held
210 Community organizations engaged
Became the model mural program replicated throughout the country.

Social and Public Art Resource Center (SPARC)

1976-Present

35+ Years of Creating Sites of Public Memory

- Recognized as a leader in muralism
- Holds the largest archives of murals in the world w/the Mural Resource & Education Center (MREC)
- Advocates regularly for artist copyright licensing and enforcement
- Designed and implemented the first Mural Maintenance and Inventory Program (MMIP)
- Remains on the cutting edge of mural innovation, created the first Digital/Mural Lab in the Country
- Continues to be the main dispenser of information regarding murals, fielding 100's of requests annually

ABOUT SPARC:

SPARC was born in a time of change – the 1970s. It has, since its inception, been a catalyst for social change through the arts and a home for artistic innovation. Being a catalyst has often meant handling the many currents that flow through historical events at the moment they are occurring and working outside of typical art venues in the places where people live and work. SPARC is a facilitator – finding ways to tell richly textured stories that help community participants and artists achieve a measure of change and transformation. SPARC endeavors to communicate to the larger public – the means of communication may take many forms, from built architectural monuments, to murals or to new technological spaces such as the internet.

The Social and Public Art Resource Center (SPARC) was founded in 1976 by Chicana muralist and educator Judith F. Baca, filmmaker/director Donna Deitch and Artist/Teacher Christina Schlesinger. Debra J.T. Padilla has served as SPARC's Executive Director since 1993. SPARC is a cultural center that creates public art as a vehicle to promote civic dialogue, foster cross-cultural understanding and address critical social issues.

We accomplish our mission by producing, preserving and teaching methods to create community-based, public art. SPARC's intention is: to examine what we choose to memorialize through public art, to devise and produce excellent artworks responsive to articulated community needs through innovative community participatory processes, that include creative visualization and collaborative teams composed of local residents of all ages.

SPARC is proud of its rich legacy of artwork that provides an ethnic face for our city. SPARC's public projects, which are national and international in scope, now number in Los Angeles alone in the 100's and are considered among the most important landmarks of our city. For 35 years SPARC has been working in Los Angeles' communities, including poor and immigrant communities with youth and their families as participants in the production of public monuments – artworks that make their stories evident to local, national and international audiences. Through the expansion of the American historical narrative, SPARC seeks to create understanding between diverse ethnic groups and respect for the significant contributions made by diverse populations that make up a nation of immigrants.

SPARC has remained committed to its values as a socially responsible organization utilizing art to bring about social change. We also remain committed to helping communities find their voice, giving them public expression, and having others hear it; while breaking down barriers, real and perceived, between and within communities. What we do is as much about community transformation and creating permanent sites of public memory as it is about public art.

KEY ACCOMPLISHMENTS OF SPARC FROM 1976-2011

1) 1976-Present: The Great Wall of Los Angeles 1/2 mile long Mural/Education Project is one of Los Angeles' true cultural landmarks and one of the country's most respected and largest monuments to inter-racial harmony. SPARC's first public art project and its true signature piece, the Great Wall is a landmark pictorial representation of the history of ethnic peoples of California from prehistoric times to the 1950's, conceived by SPARC's artistic director and founder Judith F. Baca. Begun in 1974 and completed over six summers, the Great Wall employed over 400 youth and their families from diverse social and economic backgrounds working with artists, oral historians, ethnologists, scholars, and hundreds of community members.

2) 1988-2002: Neighborhood Pride, a program initiated and developed by SPARC and sponsored by the City of Los Angeles Cultural Affairs Department produced 105 community artworks in every ethnic community in Los Angeles, commissioned 95 artists and trained over 1800 youth apprentices. In 2002 alone (the last year of the program), SPARC conducted 80 community dialogues citywide with community participants determining the placement and content of 15 new large-scale public artworks. These works confronted some of the most critical issues in our city such as; the on going migration and integration of the Central Americans particularly in the 1980's to Pico Union from el Salvador, Nicaragua and Guatemala, and the changing demographics in our schools, creating the phenomena of "chocolate schools in vanilla suburbs" which has resulted in the demise of the age old "neighborhood school" concept in many Los Angeles communities.

3) 1990-Present: World Wall: A Vision of the Future Without Fear *The World Wall, conceived by Judith F. Baca, consists of seven 10' x 30' portable mural panels on canvas This 210' mural addresses contemporary issues of global importance: war, peace, cooperation, interdependence, and spiritual growth. As the World Wall tours the world, seven additional panels by artists from seven countries will be added to complete this visual tribute to the "Global Village."*

4) 1976-Present: The Mural Resource and Education Center (MREC) In the course of our community cultural development work we have amassed one of the country's largest collections of written and visual information about public art, including an archive of over 60,000 mural slides. Hundreds of students, educators, scholars, artists and art historians avail themselves of the MREC's resources each year. In addition, the MREC sponsors public mural tours, giving visitors and Angelenos alike an opportunity to view the city's unique outdoor gallery.

5) 1976-Present: The SPARC Exhibition Series In The SPARC Gallery SPARC's headquarters in the 10,000 sq foot facility of the 1929 old Venice Jail in Venice California houses a converted cellblock exhibition space. Exhibitions take place year round in the facility, which is well known for exhibitions of socially relevant work and the work of children and youth. SPARC's programming recognizes the vital function the arts play in any social justice movement.

6) 1992-1996: Mural Maintenance and Inventory Program (MMIP) SPARC's belief that murals ought to be an integral part of the life of the communities in which they are located is in fundamental harmony with the requirements of a mural's inventory, assessment, restoration, and education program that is based on a close working relationship with these communities. SPARC staff worked with a of conservation team, consisting of several mural experts and one conservator to create the first city funded mural maintenance program based on earlier on-going mural maintenance practices instituted by SPARC. Panel of mural experts developed the criteria for the categorization of all murals in Los Angeles. SPARC team proceeded to survey, analyze, and document over 100's of murals throughout the City of Los Angeles. Murals throughout the fifteen city council district were surveyed. Its findings were documented and a priority list was developed to categorize murals and identify and prioritize those murals in need of immediate repair.

7) 1996-Present: The UCLA/SPARC Cesar Chavez Digital/Mural Lab is the leading research and production facility in the country devoted to the creation of large-scale digitally generated murals, educational DVD's, animations, community archives and digital art. In its community setting at SPARC's headquarters in the old Venice jail. The Lab develops new methods for combining traditional mural painting techniques with computer generated imagery, collaborates across distance with local, national and international communities to create public art expressing the concerns of diverse communities and develops new methods of preservation and restoration for mural art through use of digital prints and new materials.

8) 2005-2009: Otis School of Art & Design/Digital Media lab for High School Students @ SPARC. O TEAM: Otis Teens, Educators, Artists and Mentors O TEAM prepares Venice youth for a productive life through skill-based art and design education and mentoring to facilitate their personal development and entry into higher education and the workplace. The O TEAM program is designed to support the aspirations of young people, instill core values, and reinforce self-esteem by providing them with the tools to succeed. O TEAM meets downstairs in SPARC's basement; the students fondly call their group "Underground Roots."

9) 2008-Present: Planet Siqueiros Peña, is inspired by Mexican muralist David Alfaro Siqueiros and the South American musical Peñas, which produced a wave of music that utilized old rhythms to express new realities. The movement emerged during the 1960s in Chile and Argentina during the reign of oppressive military governments that forbid artists to assemble. The Peñas began in private homes where poets and musicians could discretely come together to share food and wine along with their songs of despair and hope. During the following decades many musicians were forced into exile, and the Peña spirit migrated with them.

10) 2006-Present: Save Los Angeles Murals Campaign, Based on the plight LA Murals were facing, due to tagging, deterioration, destruction, or complete removal, SPARC (with no funding) began in earnest an advocacy campaign to bring awareness to save LA's murals. First, a proposal entitled "Murals for a New Los Angeles" was submitted to the city in August of 2006. Despite SPARC's best effort, the proposal languished in the Mayor's office, Department of Cultural Affairs, and some City Council offices. Ultimately, SPARC began an awareness campaign via the creation of our saveLAMurals website. (www.savelamurals.org). The website has served as a tool to get the word out on the mural issue, also presentations, petitions, action items, etc. are all part of the website. In a few circumstances, when funding has become available, murals have been restored.

ONE COMMUNITY'S TESTIMONY



The impact of SPARC's work is best voiced in that of a community partner. Works such as the CARECEN mural, the first significant public work created in Los Angeles about the migration of Central Americans into the Pico Union district of Los Angeles represent the partnerships with community groups who wish to visualize the issues affecting their community. Regarding the experience at CARECEN Angela Sanbrano Former Executive Director of CARECEN writes, *"SPARC's work parallels the organization's belief in art as a reflection of the lives of America's diverse ethnic communities. Especially heartening has been the organization's development of a community approach in the creation of art for the betterment of society. SPARC's work with CARECEN empowered participating youth, enabling them not only to play an active role in the decision process, but also to work with their parents, professional artists, ethnologists and scholars. This is an experience that has enriched their lives while creating meaningful change in the Central American community itself. By encouraging students to take responsibility for their community and their own individual development, SPARC has enabled them to grow in new and exciting ways."*

SPARC Founder/Artistic Director UCLA Professor Judy Baca writes this about muralism:

- A mural is not an easel painting made large. A mural is a work of art created in "relatedness"
- "Relatedness to the architecture" in which it is placed,
- To the people for whom it is painted,
- Related to those who lift the brushes to help paint it.
- It is a choreographed dance between team members, community residences, and street life.
- At their best, muralists pass brushes between hands in precise poetic marks without individual distinction. Where one hand ends another begins.
- A mural's scale transforms place, immerses the viewer in color, amplifies community voice,
- A mural's compositional lines draw the body of the unsuspecting passerby, into the painting, by the solar plexus, yanking on his heart...
- Murals sing gospel from our streets and.... preach to us about who we can be, What we fear, and to what we can aspire.
- In their highest moments, murals can reveal to us what is hidden,
- Challenge the prevailing dialogues,
- Transform people's lives; exercise our most important rights of free speech
- And indeed be the catalysts for change in difficult times.
- Times such as these....

CONTACT INFORMATION:

SPARC: Creating Sites of Public Memory Since 1976
685 Venice Blvd. Venice, CA 90291
310-822-9560 www.sparcmurals.org
Founder/Artistic Director UCLA Professor Judy Baca
Executive Director Debra J.T. Padilla



© PLEASE NOTE: THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN ARE THE INTELLECTUAL PROPERTY EXCLUSIVELY OF THE SOCIAL AND PUBLIC ART RESOURCE CENTER (SPARC) AND MAY NOT BE REPRODUCED OR DISTRIBUTED IN ANY WAY WITHOUT THE EXPRESS WRITTEN PERMISSION OF SPARC.

This document is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named; the proposer has not directly or indirectly induced or solicited any other proposer to put in a sham bid, or any other person, firm, or corporation to refrain from submitting a proposal; and the proposer has not in any manner sought by collusion to secure for himself an advantage over any other proposer.