

City of Louisville, Colorado

# Public Art Policy

2018

## ABOUT THE PUBLIC ART POLICY

The City of Louisville seeks to offer high quality Public Art that engages residents and visitors and celebrates the cultural legacy of Louisville. This policy is intended to supplement Chapter 14.20 of the Louisville Municipal Code (LMC) regarding Public Art, to guide the acquisition of works of art by the City and their placement on public property and in public buildings within the City.

The Public Art Policy (Policy) is created at the direction of the Cultural Arts Master Plan (adopted April 2017) and the City of Louisville's Comprehensive Plan (adopted May 2013), and seeks to apply the 2016 Best Practices for Public Art Projects established by the Public Art Network Council and the Americans for the Arts.

## LIMITATIONS OF THIS POLICY

For the purpose of this Policy, "Public Art" is defined as a work of art owned by the City of Louisville and placed on public property. "Work of art" means and includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, mosaic, ceramic, weaving, carving and stained glass. This Policy does not address art on privately owned property that is available for public viewing such as murals on private businesses. This policy also does not apply to works of art within the exemptions in Section 14.20.090 of the LMC.

The Policy does not address changing the current City budget or allotting additional funds for the purchase of Public Art. It outlines the process for selecting works of art to be purchased with City funds utilizing current City of Louisville procurement policies, or for accepting/rejecting works of art proposed for donation to the City by individuals or organizations.

## PUBLIC ART MANAGEMENT

The Louisville Cultural Council (LCC) will have the authority to make decisions on matters of Public Art. Cultural Arts/Special Events staff will provide support and may recommend that the LCC seek additional guidance or participation from experts such as artists, arts professionals and design professionals.

The LCC will make decisions regarding:

1. Public Art site selection
2. Design and review of commissioned works of art
3. Review, acceptance and rejection of donations, loans and purchases of works of art
4. Planning for conservation and maintenance
5. De-accession and removal of works of art

The City Council may review an LCC decision regarding proposed installation of Public Art in accordance with the LMC.

## GUIDING PRINCIPLES FOR PUBLIC ART IN LOUISVILLE

Public Art in Louisville must align with the following Guiding Principles:

1. Celebrate quality art and design
2. Enhance community identity and place
3. Contribute to community vitality
4. Involve a broad range of people and communities
5. Value artists and artistic process

6. Use resources wisely

## PUBLIC ART VALUES

In addition to meeting the Guiding Principles, several values have been identified that are priorities of the Louisville community and which should be considered when selecting or approving new Public Art installations. Public Art in Louisville should strongly reflect one or more of the values outlined below.

### WORK OF ART AND ARTIST SELECTION VALUES

1. High artistic quality
2. Celebrate Louisville, Front Range, Colorado and National artists of importance
3. Appeal to Louisville residents and visitors
4. Materials that are durable and appropriate to the proposed site
5. Subject matter that is meaningful to the Louisville community
6. Diversity of thought and artistic expression
7. Appropriateness of the piece for all ages

### SITE SELECTION VALUES

1. Support of economic development and revitalization efforts
2. Encouraging exploration and discovery throughout the City of Louisville
3. Sites with compelling site-specific works of art
4. Placemaking and opportunities for art to create community
5. Accessibility for all
6. Pedestrian access
7. Locations that allow viewers to pause and experience the works of art

## APPROVAL PROCESS FOR PUBLIC ART INSTALLATIONS

When considering a new Public Art installation, the following process will be followed:

1. **Evaluation:** The LCC will evaluate proposed Public Art donation or purchase.
2. **Public Notice:** Notice will be given and the public will have an opportunity to comment on the proposal.
3. **Approval:** The LCC will vote on whether to approve the proposed Public Art installation.
4. **City Council Review** (if applicable): The City Council may choose to review a decision of the LCC in accordance with the LMC.
5. **Purchase/Acceptance of Donation and Installation.**

## EVALUATION

The LCC will evaluate proposed Public Art installations by considering the following criteria:

### CHOICE OF ARTIST AND WORK OF ART

Artist and works of art selected should reflect one or more of the Work of Art and Artist Selection Values.

### SITE SELECTION

A specific site must be selected and should reflect one or more of the Site Selection Values. The LCC must address any permissions or permits needed for the proposed location and any concerns about future viability of the location.

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## PURCHASE AGREEMENT/DONATION ACCEPTANCE AGREEMENT TERMS

The LCC must research and determine that the work of art can be acquired under appropriate terms and that enough information is known about the work of art to appropriately evaluate its durability and expected maintenance. Specific terms that must be discussed with the donor, artist or seller include:

1. Value of the work of art
2. Description including title, artist and materials
3. Maintenance and conservation plans
4. Realistic lifespan of the work of art
5. Rights of the City to ownership or to reasonable use of images of the work of art for publicity, educational and promotional purposes
6. De-accession plan

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## FUNDING

The LCC must determine the cost to purchase and install the work of art and affirm that appropriate funds are available. The LCC must further determine that funds will be available for the expected ongoing maintenance of the work of art.

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## GUIDING PRINCIPLES

Looking at the acquisition and installation of the work of art as a whole, the LCC must determine that the work of art and proposed site meet the Guiding Principles for Public Art in Louisville.

## PUBLIC NOTICE

If the LCC decides to proceed with a proposed Public Art installation after its initial evaluation, then prior to its final decision and installation, public notice will be made and the public will have an opportunity to comment.

A sign will be placed at the proposed installation site for a minimum of 15 days prior to the date of the meeting when the LCC will vote on whether to acquire and install the work of art. The sign should include the following information:

1. Description, photograph or drawing of the work of art
2. Description, photograph or drawing of the proposed location
3. Anticipated lifespan
4. Maintenance plans
5. Source of work of art (donation/purchase)
6. Date, time and location of public meeting
7. Contact information for submitting public comment

## LOUISVILLE CULTURAL COUNCIL APPROVAL

The LCC will discuss the proposed Public Art installation at the meeting announced on the public notice. The public will have an opportunity to comment at the meeting and comments received in writing will be shared. The LCC may then vote on whether to approve the proposed Public Artwork installation. All decisions by the LCC as to acquisition and placement of works of art shall be considered final.

## CITY COUNCIL REVIEW

All decisions by the LCC as to acquisition and placement of works of art shall be considered final unless the City Council within 45 days of the decision chooses to review the decision, which review shall occur at a subsequent City Council meeting.

## ARTWORK REMOVAL/DE-ACCESSING

From time to time, it may be appropriate for the LCC to consider de-accessing a piece of Public Art, the process of withdrawing a work of art from public exhibition through storage, loan or disposal. Following current Best Practices for Public Art, the LCC may de-access a work of art when any one or more of the following circumstances exist:

1. The repair of a damaged work of art is impractical or the cost is excessive in relation to the cost of the work of art.
2. The work of art poses a public safety risk.
3. The security and condition of the work of art cannot be reasonably guaranteed in the present site.
4. The use of the particular public space has changed and re-siting the work of art would be inappropriate because it would impact the contextual meaning of the work of art.
5. The work of art is of inferior quality to other works in the collection or is incompatible with the rest of the collection.
6. The City wishes to replace the work of art with a work of more significance or appropriateness by the same artist.
7. The work of art does not meet the Values or Guiding Principles of the collection.
8. The work of art has received documented, unabated adverse reaction from the community over a period of time and modifications to the work are not possible.

The City Council may choose to review a decision of the LCC regarding de-accession of a piece of Public Art within 45 days of the decision, which review shall occur at a subsequent City Council meeting.

## DE-ACCESSION APPROVAL PROCESS

1. **Evaluation:** The LCC will evaluate the work of art based on the Removal/De-Accessing criteria.
2. **Public Notice:** Public notice will be made and the public will have an opportunity to provide comment.
3. **Approval:** The LCC may vote to de-access a piece of Public Art.
4. **City Council Review** (if applicable): The City Council may choose to review a decision of the LCC regarding de-accession of a piece of Public Art within 45 days of the decision, which review shall occur at a subsequent City Council meeting.
5. **Removal/De-accession.**

## DE-ACCESSION PROCESS

When de-accessing a piece, the artist will first be informed in writing of the decision and will be given right of first refusal to buy back the de-accessioned work of art. Donor will be informed in writing of the intent to de-access the Public Art (if applicable).

The following means of de-accession will be considered (in order):

1. Re-donation, sale or other specific action as agreed upon with the donor or artist at the time of the City's acquisition of the work of art
2. Sale of the work of art

3. Trade for one or more other works of art by the same artist
4. Indefinite loan to another government entity
5. Destruction of a work of art that is deteriorated or damaged beyond repair at a reasonable cost and deemed to be of no or only a negligible value

**RESOLUTION NO. 4  
SERIES 2018**

**A RESOLUTION APPROVING THE 2018 PUBLIC ART POLICY**

**WHEREAS**, the City of Louisville is a home rule municipal corporation organized under and pursuant to Article XX of the Colorado Constitution and the Louisville Home Rule Charter; and

**WHEREAS**, by virtue of such authority, City Council adopted the 2013 Comprehensive Plan on May 7, 2013 by Resolution 18, Series 2013; and

**WHEREAS**, Principle CS-6 of the Comprehensive Plan asks for the development of a Cultural Arts Master Plan aimed at “integrating the arts, culture and humanities with urban design, economic development, education and other community development initiatives”, and

**WHEREAS**, City Council adopted the 2017 Cultural Arts Master plan on April 18, 2017 by Resolution 22, Series 2017, and

**WHEREAS**, the Cultural Arts Master Plan identifies the need for the creation of a Public Art Policy as a way of providing diverse and engaging cultural activities in the City, and

**WHEREAS**, the City Council and the Louisville Cultural Council formally initiated a process to establish a Public Art Policy, which included best practices for public art as identified by the Public Art Network Council and the Americans for the Arts, and

**WHEREAS**, a duly noticed public meeting on November 16, 2017, the Louisville Cultural Council recommended that the Public Art Policy be approved as it enables the City to implement the Cultural Arts Master Plan and its goal of providing diverse and engaging cultural activities in the City, and

**WHEREAS**, City Council has reviewed the Public Art Policy, including the recommendation of the Louisville Cultural Council and finds that the Public Art Policy should be approved.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Louisville, Colorado does hereby approve the 2018 Public Art Policy.

**PASSED AND ADOPTED** this 20<sup>th</sup> day of February, 2018.

By:   
Robert P. Muckle, Mayor

Attest: 

Meredyth Muth, City Clerk

