



Public Art Management Plan

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1.0 Executive Summary

The Wheat Ridge Cultural Commission and the Parks and Recreation Department/City of Wheat Ridge have developed a Public Art Management Plan that provides guidelines and policies for the funding, acquisition, placement, and maintenance of public art within the City. This management plan responds to Ordinance No. 1257, July 2002:

WHEREAS the City of Wheat Ridge wishes to enhance the public spaces and provide for a more aesthetic and humane environment in the City by acquiring works of art which shall become the City's public art collection.

The intent is that public art in Wheat Ridge creates an opportunity for cultural enhancement for citizens and draws people to the community. The Cultural Commission firmly believes that the City of Wheat Ridge can build a public art program to more effectively utilize the potential of public art to enhance pride in the community and to become more competitive in plans for economic development as they are developed.

The Public Art Management Plan addresses these essential points:

- Guiding Public Art Policy: To develop a collection of public art by acquiring artwork that demonstrates artistic excellence and technical competence for public benefit and enjoyment.
- Commission Involvement: The Cultural Commission will be responsible for implementing and following the administrative guidelines for the selection of artwork as outlined in the Plan. These include:
 1. Public Art Acquisition Committees
 - Process for the removal of public art
 2. Siting and Displaying Works of Art
 - Process for the removal of public art
 3. Deaccession of Works of Art
 - Process for the removal of public art
 4. Roles of City Council and City Agencies
 - The Plan outlines the respective responsibilities of the City Council, the Cultural Commission and City staff. The City Council always has the opportunity to review all municipal public art projects on request.

- Funding: A Public Art Fund has been set up to receive revenue from a percentage of private and public site development fees. Funding also includes donations and other funds as directed by City Council (See Section 9, Funding of Public Art).

The Public Art Management Plan is based on the belief that public art enhances and defines a city's image. Art makes public spaces more welcoming and it creates a deeper interaction with the environment—the places where individuals work, live, shop, and seek recreation.

2.0 Vision and Mission

2.1 Vision

Public art in Wheat Ridge will create opportunities for cultural enhancement for citizens and visitors alike. Thoughtful selection and strategic placement of an outstanding collection of public art will contribute to achieving the Key Values of *Envision Wheat Ridge* by:

- Helping to create a resilient local economy;
- Promoting vibrant neighborhoods;
- Enhancing community character and promoting quality design;
- Encouraging confident utilization of transportation options through way finding designs;
- Attracting citizens and visitors to community amenities; and
- Supporting sustainable practices.

2.2 Mission

To celebrate the unique character of the City of Wheat Ridge by selecting, displaying, and maintaining exemplary artwork that demonstrates a variety of media, styles, and points of view in public spaces and facilities throughout the City for the enjoyment of the community and its visitors.

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3.0 Overview

3.1 Definition of Public Art

Public art is generally considered to be artwork in the public realm that possesses aesthetic qualities; is chosen through a public selection process; is placed in an area visible and accessible to the public; and is acquired with public funds. Public artwork may be permanent, temporary or functional and includes, but is not limited to, the following:

Three-Dimensional Artwork: Sculpture in the round, bas-relief, mobile, kinetic, having light or audio properties, electronic or digital, in any material or combination of materials.

Two-Dimensional Artwork: Paintings, prints, drawings, photographs, murals, and mosaics.

Fine Crafts: Clay, fiber and textiles, wood, metal, plastics, glass, and other materials, both functional and nonfunctional.

Mixed Media: Any combination of forms or media, including collage.

3.2 Public Art: Art in Public Places

Traditionally, public art has been exactly that—art in public places. The term “public art” may spawn images of a heroic soldier in the park, a bronze eagle on a bank, or a decorative relief on the façade of City Hall, but public art entails so much more than just those images. While traditional works like these represent the foundation of public art, contemporary public art has grown to encompass a wide range of innovative concepts, projects, and programs.

Historically, one might use the Statue of Liberty as a good example of “new” art born from traditional ideals. A gift to the United States in 1885, it took over 20 years for F.A. Bartholdi to develop, design, and create the world famous statue. Although his heroic image of liberty was based on figurative sculptures of the past, its representation of freedom as a woman was unusual in the United States and became cause for debate. People were afraid she would look tired or old and be less than heroic. Rumors, misperceptions, and concerns over its “contemporary” nature created intense controversy in the 1880’s and the sculpture was nearly rejected. Now, almost 120 years later, it is one of the most recognizable examples of public art in the world.

Today, public art includes “traditional” monuments and decorations along with a broad spectrum of unique projects and programs. In many cases, artists are included early in the design process or as part of the design team, and community leaders work to include and educate the public throughout the development of projects. With these and other new strategies, more often than not, public art becomes a source of pride and

enjoyment for visitors and residents of the cities and communities it inhabits. At the start of the new millennium, we've learned that a comprehensive public process is often the key to successful public art projects.

Some works, like the Statue of Liberty, have worldwide impact while others may identify a city or simply brighten a neighborhood. There are many examples of successful, permanent, and temporary public art projects throughout the nation: the "Chicago Picasso" in Chicago's Civic Center Plaza; unique benches and bus shelters adorning parks and sidewalks across the country; photographs, films, and television programs projected on the side of buildings by artists for viewers gathered in the street; artists, architects, and designers collaborating to transform landfills into scenic parks; street musicians and performers entertaining lunch time crowds; a garden designed by an artist and a scientist that will help remove toxins from soil; buses painted by local citizens to celebrate and add vibrancy to city life; a quilt with sections made by people from around the world that travels the country to raise awareness about AIDS; and the "Gateway Arch" on the shore of the Mississippi River.¹

3.3 Advantages of Public Art

Advantages of Public Art to the Community

- Gives meaning and enjoyment to public spaces.
- Generates a sense of pride in the community.
- Creates a sense of place; encourages people to gather and helps visitors navigate the city.
- Enhances an environment and can transform the landscape.
- Reflects the diversity, richness, and heritage of the community.
- Expresses community values.
- Displays freedom of expression.
- Heightens our awareness or questions our assumptions.
- Demonstrates artistic excellence and technical competence.
- Helps boost public awareness and appreciation about art.

¹ All paragraphs in Section 3.2 are taken from *A Reference Guide for Developing Public Art Programs and Projects*. This Guide was originally compiled and written for the St. Louis Regional Arts Commission by Porter Arneill.

In positioning Wheat Ridge as a community attentive to its cultural life, public art will help the City to realize its economic development goals by:

- Attracting and retaining residents who will build strong households and families that will engage in and contribute to a vibrant community life; and
- Attracting businesses seeking to grow and serve the community.

Advantages of Public Art in Economic Development

- Revitalization efforts in communities across the United States have featured public art. Benefits include development of community identity and pride, growth of the types of businesses that contribute to creation and installation of artwork, and cultural tourism.
- Large city examples include Providence, RI; Chicago, IL; and Minneapolis, MN. Successful initiatives in smaller communities include North Adams, MA; Loveland, CO; and Grand Junction, CO.
- The popularity of the “Cows on Parade” project speaks to the ability to create community partnerships and generate tourism revenues even with temporary exhibitions.

Public art in private development offers benefits to the developers as well as to the community.

- Tenants respond to having artwork in their workplace. Artwork gives the building or location an identity. Some developers believe that artwork increases the value of the property.
- Supporting public art can be used as a promotion and it can serve as a public relations strategy.
- Public art is a way to give back to the community in return for permission to develop.
- Public art gives the development and the community an identity that can foster cultural tourism.

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4.0 Public Art Policy

ARTICLE I. PUBLIC ART MANAGEMENT

Section 18-3. Acquisition.

The objective of this article is to develop a collection of public art by acquiring for the City of Wheat Ridge artwork that demonstrates artistic excellence and technical competence for public benefit and enjoyment. (Ord. No. 1257, § 2, 7-22-02)

4.1 Policy and Procedures for Defining and Acquiring Works of Art

GOAL: To develop a collection of public art by acquiring artwork for the City of Wheat Ridge that demonstrates artistic excellence and technical competence for public benefit and enjoyment.

A. Objectives

1. To establish procedures for the acquisition, selection, and permanent siting or temporary placement of works of art through commission, direct purchase, donation or loan.
2. To establish a selection process that provides for public and expert review according to articulated criteria, and is not affected by conflict(s) of interest.

B. Definitions

1. **Public Art:** Artwork in the public realm that possesses aesthetic qualities and is accessible to the public. Public artwork may be permanent, temporary or functional and includes, but is not limited to, the following:
 - Three-dimensional artwork: Sculpture in the round, bas-relief, mobile, kinetic, having light or audio properties, electronic or digital, in any material or combination of materials.
 - Two-dimensional artwork: Paintings, prints, drawings, photographs, murals and mosaics.
 - Fine crafts: clay, fiber and textiles, wood, metal, plastics, glass, and other materials both functional and nonfunctional.
 - Mixed media: any combination of forms or media, including collage.
2. **Commission:** Selecting an artist or artist team and providing payment for creation and installation of a piece of artwork, usually for a specific site.
3. **Direct Purchase:** Selection and purchase of an existing piece of artwork ready for display.

4. Donation: Acquisition of artwork either through acceptance from an individual or organization of a donation of funds to purchase or commission artwork, or of actual artwork.
5. Loan: Acquisition of artwork for temporary or long term display in public spaces, as differentiated from rotating exhibits.

C. Policies

1. The City shall establish, manage, and maintain a public art collection.
 - a. Inventory of these assets includes documents transferring title, artist's contracts, reports, invoices, and other pertinent material.

ARTICLE I. PUBLIC ART MANAGEMENT

Section 18-3. Acquisition.

(2) To establish a selection process that provides for public and expert review according to articulated criteria, and is not affected by conflict(s) of interest. (Ord. No. 1257, § 2, 7-22-02)

2. The City shall implement a selection process for acquiring artwork that includes both community input and expert advice in order to assure that the public art collection will be of excellent quality and appropriate to the community.
 - a. The City will invite public participation on acquisition committees.
 - b. The City will establish criteria for acquisition of artwork
3. This selection process shall include the following general criteria and would support the work for of the Wheat Ridge Cultural Commission in implementing:
 - a. A Public Art Campaign initiated by the Mayor or City Council.
 - b. Other public and or public/private campaigns for installation of public art in Wheat Ridge.
 - c. Acceptance or declination of donations of artwork or funding for artwork to be installed or displayed in public spaces.
 - d. Temporary exhibitions of two and three-dimensional artwork in civic facilities as well as displaying sculptures on loan.
4. This acquisition process shall serve the public interest by adopting and implementing a conflict of interest policy to assure that there is no actual or perceived impropriety in the decision-making process for identifying artists or artwork.

D. Procedures

ARTICLE III. BOARDS AND COMMISSIONS

Section 2-55. Cultural Commission.

(b) Duties. The duties of the cultural commission shall be:

(5) To seek citizen input and advice on the management of public art. (Ord. No. 1263, § 2, 9-4-02)

1. The Wheat Ridge Cultural Commission would identify and convene a public art committee or exhibition committee for projects.
 - a. Public art acquisition process for permanent acquisition.
 - b. Public art acquisition process for temporary exhibitions.
2. The Public Art Committee would proceed with an acquisition process applying the following criteria established by the Wheat Ridge Cultural Commission and operate within the Conflict of Interest policy:
 - a. Artistic excellence;
 - b. Technical competence;
 - c. Suitability to potential site;
 - Conceptual compatibility
 - Scale, material, form, and content
 - Appropriate relationship to the function of the site
 - Strong contribution to the historic, ethnic or other characteristics of the site
 - Contribution to diversity of the City's public art collection
 - d. Structural and surface integrity;
 - e. Accessibility to the public;
 - f. Resistance to damage by weather (including wind, water, and UV exposure), vandalism or theft;
 - g. Ease of maintenance, minimal and low cost maintenance; and
 - h. Compliance with applicable public safety codes.
3. The Public Art Committee would recommend up to five (5) artist finalists to the Wheat Ridge Cultural Commission for review and approval. The Cultural Commission would forward these recommendations to the Wheat Ridge City Council.
4. At the conclusion of the acquisition process, the Public Art Committee would recommend the artist finalist(s) for the commission or artwork for direct purchase to the Wheat Ridge Cultural Commission for review and approval. If approved,

the recommendation would be presented to the Wheat Ridge City Council for review and approval and authorization of expenditure of public art funds.

5. The Wheat Ridge Cultural Commission, or its designee, would continue with implementation of the project by monitoring the fabrication, transportation, site preparation and installation of the artwork. Once the artwork is installed and the final documentation, including maintenance instructions, is received, the project can be accepted by the City of Wheat Ridge. Going forward, the Cultural Commission would arrange to have the artwork's condition assessed annually and provide for maintenance and/or conservation as necessary.
6. The Wheat Ridge Cultural Commission will oversee acquisition and administrative processes for these additional policies and make recommendations to the Wheat Ridge City Council as appropriate:
 - a. Policy for accepting donations of artwork and artwork as memorials;
 - b. Policy for public/private partnerships for funding and selecting public art;
 - c. Policy on documentation, maintenance and conservation of works of art; and
 - d. Policy on deaccessioning of works of art.

5.0 Public Art Acquisition Policy

5.1 Policy and Procedures for Public Art Acquisition Committees

GOAL: To establish and implement a public art acquisition process that includes both community and professional participation to ensure selection of excellent artwork for the City of Wheat Ridge's public art collection.

A. Objectives

1. To identify and recruit interested individuals from the community and arts professionals to conduct an acquisition process for public art for the City of Wheat Ridge.
2. To establish policies and procedures for soliciting and reviewing artwork in accordance with established criteria for installation or exhibition in public spaces within the City.

B. Definitions

1. **Community Members:** Citizens of Wheat Ridge who are interested in public art.
2. **Arts Professionals:** Visual artists, curators, arts administrators, and art educators.
3. **Key Interests:** Persons associated with a proposed public art project, such as developers, department personnel, tenants, etc.

C. Policies

1. The Wheat Ridge Cultural Commission will convene a Public Art Acquisition Committee composed of community members, visual art professionals, and representatives of key interests.
 - a. Community representatives on the Public Art Acquisition Committee should be:
 - i. Interested in community improvement;
 - ii. Interested in visual art or design; and
 - iii. Committed to the best interests of the entire community.
 - b. Voting Committee members shall be a(n):
 - i. Visual artist;
 - ii. Community representative (should have at least one from the area in which the art is to be sited);
 - iii. Elected City government representative;
 - iv. City staff member;
 - v. Wheat Ridge Cultural Commission representative;

- vi. Site agency representative; and
- vii. Donor representative, if appropriate (donor representative is related to funding contributions not to an actual art donation).
- c. Committee advisors as needed (non-voting member(s)) shall be:
 - i. Architect(s);
 - ii. Engineer(s); and/or
 - iii. Technicians.
- d. The Committee shall be facilitated by a professional arts consultant (non-voting member(s)).
- e. Each member will serve on the Public Art Acquisition Committee for the duration of the project.
- f. The process for recruiting community representatives for a Public Art Acquisition Committee is as follows:
 - i. Give public notification of opportunity to serve and criteria for appointment.
 - ii. Request a written statement of qualifications and reason(s) for wanting to serve on the Public Art Acquisition Committee.
 - iii. The City Manager or his/her designee will review and appoint committee members who best fit the needs of the project.

D. Procedures

1. Review established criteria for artwork.
2. Develop a detailed description of the project and application process.
 - a. Determine type of artwork that would be appropriate.
 - b. Define characteristics of the anticipated site:
 - i. Location and site;
 - ii. Use by the public;
 - iii. Department priorities; and
 - iv. Conditions that would affect or inform the artwork.
 - c. Determine the amount of funding available.
 - d. Determine/calculate the time frame for expected completion and installation.
3. Inform interested parties.
 - a. Contact artists working in appropriate media.
 - b. Contact potential donors.

4. Procedure for commissioned work:

- a. Request and review images of existing artwork suitable for this project.
- b. Select up to three and no more than five artists whose work would be appropriate for this project.
- c. Provide each artist with a design fee to visit the site, develop a proposal, and model.
- d. Review proposal and model, interview the artist finalists, and make a recommendation of a finalist to the Wheat Ridge Cultural Commission for their recommendation to Wheat Ridge City Council for final approval.

Staff will advise the finalist of the decision and develop a City contract with the artist stating all agreements and warranties with Visual Artist Rights Act provisions.

5. Procedure for direct purchase of existing work:

- a. Solicit images of existing work available for purchase that meets project criteria.
- b. Make a recommendation for suitable work to the Wheat Ridge Cultural Commission.

Staff will advise the artist and develop a City contract with the artist stating all agreements and warranties with Visual Artist Rights Act provisions.

6. Procedure for accepting a donation of artwork:

- a. Review proposed donation in terms of established criteria.
- b. Determine the fiscal impact, if any, for preparation for display transportation, installation, and maintenance.
- c. Decide whether to recommend acceptance of the donation to the Wheat Ridge Cultural Commission for further recommendation to Wheat Ridge City Council for final approval.

Staff will advise the donor of the decision to accept or decline the donation. If accepted, staff will develop a City contract with the donor stating all agreements including warranties and/or Visual Artist Rights Act provisions, if appropriate.

7. The Wheat Ridge Cultural Commission, or its designee, would continue with implementation of the project by monitoring the fabrication, transportation, site preparation, and installation of the artwork. Once the artwork is installed and the final documentation, including maintenance instructions, is received, the project

can be accepted by the City of Wheat Ridge. Going forward, the Cultural Commission would arrange to have the artwork's condition assessed annually and provide for maintenance and/or conservation as necessary.

5.2 Public Art Selection Process for Permanent Acquisition

To initiate a public art project or projects, the Wheat Ridge Cultural Commission will review the prioritized sites and identify which one(s) should be launched, and when. The Cultural Commission would determine:

1. Appropriate locations for artwork at the site based on site selection criteria.
2. Size and scale of the artwork desired at this location.
3. A budget estimate for the artwork and the selection process needed to identify a finalist for this commission, or direct purchase of existing artwork, or donation.
4. A realistic time line that includes, if necessary, a campaign for raising sufficient funds, a selection process, and finally, creation and installation of the artwork.
5. Key people with relevant expertise to invite to serve on the Public Art Acquisition Committee in addition to representation from the Cultural Commission.
6. Procedures to ensure that conflicts of interest or perceptions of conflict of interest are not present in the selection process.

The Public Art Acquisition Committee composed of community members, visual art professionals, and representatives of key interests would conduct a selection process based on established art selection criteria. The Wheat Ridge Cultural Commission would receive reports and recommendations from the Public Art Acquisition Committee and, after review and approval, present these recommendations to the Wheat Ridge City Council as required for approval of funding.

The Wheat Ridge Cultural Commission, or its designee, would continue with implementation of the project by monitoring the fabrication, transportation, site preparation and installation of the artwork. Once the artwork is installed and the final documentation, including maintenance instructions, is received, the project can be accepted by the City of Wheat Ridge. Going forward, the Cultural Commission would arrange to have the artwork's condition assessed annually and provide for maintenance and/or conservation as necessary.

A. Artwork Selection

The artwork will be selected by an open, fair and transparent process that involves community members, arts professionals and other key interests. The selection process will be governed by a conflict of interest policy. Public art selected for the City's collection will feature one or more of the following characteristics:

1. Public art that reflects the diversity and richness of the community.
2. Public art that embodies community values.
3. Public art that displays freedom of expression.
4. Public art that heightens our awareness or questions our assumptions.
5. Public art that highlights a particular theme that relates to the community, its history or location.

B. General Criteria for Acquiring Public Art

The Public Art Acquisition Committee will review potential artwork for permanent acquisition whether by commission, direct purchase or donation. The Committee will apply the following criteria in the review process:

1. Artistic excellence;
2. Technical competence;
3. Suitability to potential site;
 - a. Conceptual compatibility;
 - b. Appropriate relationship to the function of the site;
 - c. Strong contribution to the historic, ethnic or other characteristics of the site; and
 - d. Scale, material, form, and content.
4. Structural and surface integrity;
5. Accessibility to the public;
6. Resistance to damage by weather (including wind, water, UV exposure), vandalism or theft;
7. Ease of maintenance, minimal and low cost maintenance; and
8. Compliance with applicable public safety codes.

The public art acquisition committee will make its recommendation to the Wheat Ridge Cultural Commission. The Commission will review the recommendation and refer the recommendation to City Council for final approval.

5.3 Public Art Acquisition Process for Temporary Exhibitions

The Wheat Ridge Cultural Commission will organize temporary exhibitions of artwork in City facilities to promote local and regional artists and expand the community's awareness of cultural resources. This Art Acquisition Process for Temporary

Exhibitions provides a framework and guidelines for selecting appropriate artwork that would reflect the community's values and culture for display in designated areas throughout Wheat Ridge.

The Wheat Ridge Cultural Commission will develop and keep current an artwork site plan that includes opportunities for temporary exhibitions of artwork. The Cultural Commission will determine:

1. Appropriate locations for temporary exhibitions of artwork at the site based on site selection criteria.
2. Size and scale of the artwork desired at each location.
3. A budget estimate for the exhibition of artwork or for a sculpture on loan project, and the selection process needed to identify the artists for these opportunities.
4. A realistic time line that includes, if necessary, a campaign for raising sufficient funds, and promotion of these opportunities.
5. Key people with relevant expertise to invite to serve on the public art committee for temporary exhibitions in addition to representation from the Cultural Commission and City staff.
6. Procedures to ensure that conflicts of interest or perceptions of conflict of interest are not present in the selection process.

A. Process for Temporary Exhibitions

1. The Wheat Ridge Cultural Commission will solicit and consider solo, two-person or group exhibits of artwork in a variety of media and styles. The Cultural Commission will assemble an Art Acquisition Committee to evaluate proposals for exhibitions based on the quality of the artwork, exhibition history and the exhibition calendar, as well as the general selection criteria for public art. The solicitation will state the length of time and the location where the artwork will be exhibited.
2. Display of temporary artwork is at the discretion of the Wheat Ridge Cultural Commission.
3. Selected artwork may be displayed at City facilities for up to six months.
4. City staff will be responsible for insurance, signage, and will assist the artist with installation of the artwork.
5. Artists are requested to provide an artist's statement for each exhibition.
6. The Wheat Ridge Cultural Commission will notify the artist(s) in writing if their artwork has been selected for exhibition.

B. Public Artwork Acquisition for Temporary Exhibition

The artwork for temporary exhibition will be selected by an open, fair and transparent process that involves community members, arts professionals, and other key interests. The selection process will be governed by the conflict of interest policy. Public art selected for Wheat Ridge collection will feature one or more of the following characteristics:

1. Artwork demonstrates artistic excellence.
2. Artwork displays technical competence.
3. Artwork reflects the diversity and richness of the community.
4. Artwork embodies community values.
5. Artwork displays freedom of expression.
6. Artwork heightens our awareness or questions our assumptions.
7. Artwork highlights a particular theme that relates to the community, to its history or to its location.
8. Artwork is suitable to the location in which it will be exhibited

5.4 Public Art Policy and Procedures for Accepting Permanent Donations and Artwork as Memorials

GOAL: To expand the public art collection in the City of Wheat Ridge by accepting gifts and donations from individuals, groups and corporations.

A. Objectives

1. To provide a framework for soliciting and accepting donations of artwork for the Wheat Ridge public art collection.
2. To ensure appropriate review of donations of artwork or funding for artwork.
3. To ensure appropriate review of requests for memorial artwork.

B. Definitions

1. Donation: An unrestricted gift to the City of Wheat Ridge of artwork or funding for artwork.
2. Memorial: To honor and commemorate individuals, families, organizations and/or events.

C. Policies For Donations

1. Any proposed donation of artwork will be reviewed by a public art acquisition committee in accordance with the City's public art policy and procedures. The

public art acquisition committee will make recommendations to the Wheat Ridge Cultural Commission.

2. Donation Application Process

- a. Persons interested in making a donation of artwork must submit a letter of intent that includes:
 - i. Detailed description of the artwork to be donated and artist's resume
 - ii. Ownership and history of the artwork
 - iii. Assessed value of the artwork
 - iv. Maintenance records for the artwork
 - v. Contribution for transportation and/or installation costs, if possible.
- b. The public art acquisition committee will review and consider this information as well as the liability, safety, security and maintenance issues, location and installation of the artwork.

3. Procedures for acceptance and ownership of gifts and donations of artwork to be placed in public areas:

- a. The Wheat Ridge Cultural Commission will use the public art selection policy and procedures and established criteria in the decision to accept or decline donations of artwork.
- b. Any costs incurred by the City of Wheat Ridge as a result of accepting the donation may be charged to the donor as determined at the time of acceptance of the public artwork.
- c. The cost of ongoing maintenance and conservation of the gift or donation will be a consideration in the decision to accept or decline the artwork.
- d. The application for donation will be reviewed by a public art committee comprised of community members, arts professionals and other key interests including representation from the Wheat Ridge Cultural Commission and City staff.
- e. The public art acquisition committee will make its recommendations to the Wheat Ridge Cultural Commission. The Wheat Ridge Cultural Commission will review and present the selections and recommendations of the art acquisition committee to the Wheat Ridge City Council for final review and approval.
- f. The donor will be informed in writing about the decision of the Wheat Ridge Cultural Commission.

D. Policies For Memorials

1. Requests to place artwork as a memorial to a deceased person or persons or to an event in a public space in City of Wheat Ridge will be reviewed by a public art acquisition committee comprised of community members, arts professionals and other key interests including representation from the Wheat Ridge Cultural Commission and City staff.
2. The recommendation of the public art acquisition committee will be reviewed by the Wheat Ridge Cultural Commission who will then make a recommendation to the Wheat Ridge City Council to accept or decline the request.
 - a. The application for placement of a memorial must include:
 - i. The name of the individual(s) or the event to be memorialized through a piece of public art;
 - ii. A biographical sketch or narrative description of the event;
 - iii. The outstanding achievement or circumstance on which the request for memorial is based;
 - iv. The type of memorial requested; and
 - v. Planned location and installation of the memorial project and the relationship of the individual(s) or event to that location.
 - b. Criteria for acceptance of a memorial include:
 - i. Correspondence to the criteria for selection of artwork;
 - ii. Appropriateness of the planned memorial and its identification and /or signage to the location;
 - iii. Appropriateness of the installation plans and City codes have been observed; and
 - iv. Funding has been secured for design, fabrication, installation, and maintenance of the memorial artwork.
 - c. The public art acquisition committee will make its recommendation to the Wheat Ridge Cultural Commission. The Cultural Commission will review the recommendation and make a recommendation to the Wheat Ridge City Council to accept or decline the request for the memorial.
 - d. The person or group making the request for a memorial will receive, in writing, the decision of the City to accept (with conditions, as appropriate) or decline the request.

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6.0 Siting and Displaying Works of Art

ARTICLE I. PUBLIC ART MANAGEMENT

Section 18-4. Art work site plan.

The objective of this article is to establish a plan for the thoughtful display, siting and management of works of art in the public art collection. (Ord. No. 1257, § 2, 7-22-02; Ord. No. 1502, § 1, 10-10-11)

6.1 Policy and Procedures for Siting and Displaying Works of Art

GOAL: To establish a plan for the thoughtful display or siting of public works of art. The intent being to select sites for public art that will ensure the artwork will be seen to its best advantage and that it will be available to the public.

A. Objectives

1. To establish procedures for the display or siting of public works of art.
2. To provide for appropriate engineering, security, maintenance, and amenities such as signage and lighting for public works of art.

B. Definitions

1. Siting: The permanent installation of a work of art.
2. Display: The temporary showing of a work of art.

C. Policies

1. To ensure public enjoyment of the artwork in the City's public art collection, the City Manager will assure that works of art shall be placed in, on or about any municipal building or other municipally owned, leased, or rented property. These locations for public art will be accessible to the general public as well as to persons with special needs.
2. The City Manager or his or her designee will develop an artwork site plan that identifies and prioritizes locations on City property for placement of public art.
3. The artwork site plan shall address permanent locations, as well as provide for the planned movement of appropriate works of art to various locations in the City.
4. The artwork site plan shall be updated every three years.
5. No work of art in the City collection may be moved without the written approval of the City Manager or his or her designee.

D. Procedures

1. Evaluation of the location should include the impact of a public art installation on the current environment or properties and usage of the space. The site or location priorities shall be based on specific criteria that include, but are not limited to:
 - a. Maximum visibility and public benefit. The location must also be accessible to persons with special needs.
 - b. Public safety.
 - c. Integration with formal City plans.
 - d. Integration and coordination with proposed or potential private sector projects.
 - e. Permanence or ease of relocation, if appropriate.
 - f. Consideration of the possibility of future public or private development plans or potential changes to a built environment or the natural environment.
 - g. Compatibility with the type, scale, and scope of potential public projects.
 - h. Security.
 - i. Protection from improper or unnecessary physical contact.
 - j. Protection from heat, air conditioning, direct sunlight, water or other potentially harmful elements, unless the work is designed for such exposure.
 - k. Ease of maintenance of artwork.
 - l. Avoidance of interfering with vehicular or pedestrian sight lines or traffic patterns.
 - m. Avoidance of interference with City operational functions (i.e., lawn mowing, irrigation, snow removal, etc.)
 - n. Locations for public art should create a secure, supportive setting for the artwork and not be filled with other visual distractions, activities or movement that would compete with the artwork.
 - o. The activities or usage of the site do not diminish or interfere with the enjoyment of the artwork as intended.

6.2 Site Selection Guiding Principles and General Site Selection Criteria

Public art will be placed in suitable locations broadly dispersed throughout the City of Wheat Ridge. Installation of artworks will give meaning and enjoyment to these public spaces by:

1. Creating a sense of place;
2. Generating neighborhood and community identity;
3. Creating a spot for people to gather;
4. Enhancing the environment;
5. Transforming the landscape for greater enjoyment; and
6. Providing public access to this creative expression.

A. General Site Selection Criteria for Public Art

The intent is to select sites for public art that will ensure that the artwork will be seen to its best advantage and that it will be available to the public.

1. Consider visibility and accessibility by the general public. The location must also be accessible to persons with disabilities.
2. Locations for public art should create a supportive setting for the artwork and not be filled with other visual distractions, activities or movement that would compete with the artwork.
3. Artwork placed at this location should not endanger public safety or interfere with pedestrian or vehicular sight lines or traffic flow.
4. Evaluation of the location should include the impact of a public art installation on the current environment or properties and usage of the space.
5. Ensure the activities or usage of the site do not diminish or interfere with the enjoyment of the artwork as intended.
6. The possibility of future development plans or potential changes to a built environment or the natural environment should also be considered.
7. Placement of the artwork should not interfere with routine maintenance, landscaping maintenance or snow removal.

6.3 Site Selection Goals, Strategies, and Recommendations

In September 2013, the Wheat Ridge Cultural Commission toured locations in various parts of the City that offered potential as sites for public art. These sites were subsequently prioritized using established site selection criteria (*See 13.3, Site Survey for Public Art*). In 2011, as part of the implementation of *Envision Wheat Ridge*, the

potential options for public art expanded to include gateways to Wheat Ridge, commercial centers and areas designated for development or redevelopment. Criteria for site selection and artwork selection are updated to reflect these additional opportunities. This Public Art Management Plan includes goals for public art in parks and recreation areas and City facilities, gateways and commercial centers and future development, including Transit-Oriented Development (TOD).

GOAL 1: To identify and prioritize sites in parks and recreation areas, City facilities and other civic spaces for which artwork can be acquired by commission, direct purchase or temporary loan to enhance these environments for our community and visitors.

Strategy: Survey, analyze, and rank the options for placement of public artwork. Possible locations for public art could include but are not limited to:

- Parks and open space areas;
- Trails;
- Public buildings to which the public has access both interior and exterior sites;
- Traffic circles and medians;
- Bridges and overpasses;
- Sidewalks near benches that are functional and decorative; and
- Street corners or civic plazas.

Recommendation: Review site inventory annually and reprioritize these options as conditions change or as resources become available.

Strategy: If public schools are considered as potential sites for public art, selection and installation should be completed in collaboration with the school. The artwork should be placed in areas to which the general public has access.

Recommendation: Limited public art resources should be allocated to projects that have broader public access.

GOAL 2: To identify and prioritize gateways and commercial centers for public art that can highlight areas or serve as landmarks to emphasize Wheat Ridge as a unique and vibrant community (*See 13.3, Site Survey for Public Art*).

Strategy: Survey, analyze, and rank options for placement of public artwork in primary gateways.

Recommendation:

- The gateways associated with I-70 offer significant opportunities to herald Wheat Ridge as a vital community. Way finding and safety should be the priorities in these

dynamic traffic areas. Artwork should be located in places that are easily viewed and accessible by the public. Both the pace of traffic and spaces available in these areas do not encourage placement of public artworks.

- The gateways on 26th Avenue at Wadsworth Boulevard and at Kipling Street would be desirable locations for more prominent signage welcoming people to Wheat Ridge.
- Anticipated development of 44th Avenue and the 38th Avenue corridor could provide opportunities for public art. Public art installations could define Wadsworth Boulevard, making it a unique destination for residents and visitors. Areas could be animated by murals or include functional elements such as artist-designed benches or bicycle racks.

GOAL 3: To continue to be alert to civic or other opportunities to incorporate public art in areas of development in Wheat Ridge creating more livable spaces in which to work, visit, and live (*See 13.3, Site Survey for Public Art*).

Strategy: Leadership would cultivate relationships and form partnerships to secure support and potential funding for public art projects in existing Community Commercial Centers and those planned for future development.

Recommendation: Each of the future community commercial centers appears to present excellent opportunities for incorporating public art to heighten the image and value of a project and increase its income-producing potential. Public art can help create an identity for the City and help define the character of a mixed-use development.

- Prioritize these projects according to the potential for public art, the time line, and the availability of funding sources.
- Develop a collaborative process with City departments and development interests to identify and track progress on these efforts to advocate for public art to enhance these developments, as appropriate.
- Initiate collaborative dialogue with commercial interests about the potential and the benefits as well as the responsibilities associated with public art at these sites. Explore the possibility of financial participation in the cost of the public art and secure that support, if feasible. For example, supporting the arts through private development can be a way for the developer to give back to the community. Involve the collaborators in the process for selecting the artwork.
- Negotiate agreements for the ongoing expenses of insurance and maintenance of publicly funded artwork on private property, in advance.

GOAL 4: To seek and implement additional opportunities for art to enhance and define the City's image through temporary displays in civic facilities and/or sculpture-on-loan projects.

Strategy: Inventory possible locations for temporary exhibitions. Develop procedures, a time line, and a budget for selecting artwork for temporary display at these locations. Solicit proposals and conduct a selection process consistent with the guidelines and criteria for public art.

Strategy: Explore sculpture-on-loan options for prominent locations, particularly in new developments, to highlight the arts and attract attention to newly developed areas. Work with local businesses to sponsor annual installations of sculpture on their properties. Promote through such avenues as social media and "People's Choice" awards.

Recommendation: The Wheat Ridge Cultural Commission may organize temporary exhibitions of public art or display art-on-loan for a specified period of time. Guidelines for these exhibitions will be consistent with the criteria for public art set forth in this Plan.

In positioning the City of Wheat Ridge as a community attentive to its cultural life, this Public Art Management Plan will help the City realize its cultural goals and contribute to economic development endeavors as well.

7.0 Documentation, Maintenance, and Conservation of Works of Art

ARTICLE I. PUBLIC ART MANAGEMENT

Section 18-5. Documentation; conservation.

The objective of this section is to ensure the care and accounting of works of art in the public art collection through systematic record keeping and conservation. (Ord. No. 1257, § 2, 7-22-02; Ord. No. 1502, § 1, 10-10-11)

7.1 Policy and Procedures for Documentation, Maintenance, and Conservation of Works of Art

GOAL: To ensure the accounting of and care for public works of art through systematic record keeping and management.

A. Objectives

1. To provide appropriate management and care of a City asset.
2. To ensure regular examination, preservation and restoration of public works of art.

B. Definitions

1. *Maintenance*: The routine cleaning and removal of debris from the site.
2. *Conservation*: A broad concept of care of works of art encompassing three activities; examination, preservation, and restoration.
3. *Preservation*: Actions taken to retard or prevent deterioration or damage in works of art, and to maintain them in as unchanging a state as possible.
4. *Restoration*: The treatment of a deteriorated or damaged work of art to approximate as nearly as possible its original form, design, color, and function with minimal further sacrifice of aesthetic integrity.

C. Policies

1. The City Manager or his or her designee shall systematically document all works of art which represent assets in the City's collection.
2. The City Manager or his or her qualified designee will examine all works of art on a regular basis and develop a condition report that represents the current condition of the artwork.
3. The City Manager or his or her designee will arrange for the conservation of all works of art in a planned and orderly manner and arrange for any qualified professional conservation services necessary to the preservation and/or restoration of the artwork subject to available funds.

4. The City will develop a process to fund a conservation program.

D. Procedures

1. Each work of art shall be listed on the City's master inventory and maintenance schedule.
2. Additional documentation shall include the following information:
 - a. Acquisition documents and a unique accession number.
 - b. Curatorial information to include:
 - i. Artist's biography;
 - ii. Title of artwork and date completed;
 - iii. Edition, if appropriate;
 - iv. Purchase price and insurance value; and
 - v. Other descriptive or identifying information.
 - c. Conservation information to include:
 - i. Materials and sources used in the artwork;
 - ii. Methods of fabrication and who did the work;
 - iii. Installation specifications; and
 - iv. Method and frequency of maintenance recommended.
 - d. Administrative information to include:
 - i. Legal instrument of conveyance;
 - ii. Artist contract;
 - iii. Significant agencies involved and their roles and responsibilities;
 - iv. Significant dates;
 - v. Permits and project costs; and
 - vi. Insurance information.
 - e. Photographic, architectural/engineering and media documentation of the artwork, when installed.
 - f. Conservation history documentation:
 - i. Who performed conservation work; what were the conservator's qualifications?
 - ii. When was conservation performed?
 - iii. What methods were used? What were the results? Were there any recommendations?
 - iv. Photographic documentation of conservation work before and after each occurrence.

8.0 Deaccessioning Works of Art

ARTICLE I. PUBLIC ART MANAGEMENT

Section 18-6. Deaccessioning; relocation or disposal.

The objective of this section is to maintain the artistic integrity of the City's public art collection by establishing policies and procedures for deaccessioning, relocation or disposal of artwork. (Ord. No. 1257, § 2, 7-22-02; Ord. No. 1502, § 1, 10-10-11)

8.1 Policy and Procedures on Deaccessioning of Works of Art

GOAL: To maintain the artistic integrity and safety of the City's public art collection.

A. Objectives

1. To establish policies and procedures for reviewing the status of public works of art.
2. To establish procedures for the deaccession, disposal, or relocation of public works of art.

B. Definitions

1. Deaccessioning: The removal of an artwork from permanent display, whether it is disposed of or not.
2. Disposal: Actions that result in the cessation of ownership and possession of an artwork.
3. Temporary Work of Art: Artwork on short-term loan (less than one (1) year) or with an intended or anticipated life span of less than five (5) years.

C. Policies

1. The City shall seek to ensure the ongoing presence and integrity of all works of art at the sites where they are located. Guidelines apply to artwork which has been purchased from or donated by professional or emerging artists and is part of the City's public art collection. Student generated projects are excluded.
2. The continued display of all works of art acquired by the City shall be reviewed by the City to determine if the artwork relates to the City's goals and policies for public art.
3. Artwork that no longer relates to the City's goals and policies for public art may be considered for deaccession or disposal after careful review that shall include input from art professionals and the public.
 - a. For temporary works of art on display, removal or relocation shall generally not be considered before the work has been in place for 60 percent of its anticipated life span.

- b. For permanent works of art, removal or relocation shall generally not be considered until the work has been on display for five (5) years.
- 4. This review shall be taken cautiously in order to avoid the potential influence of short-term fluctuations in taste or any immediate pressures of public controversy. Criteria for reviewing public art shall address the quality of the work itself and how it relates to the City's goals and policies for public art.
- 5. A work of art may be considered for deaccessioning or disposal for one or more of the following reasons:
 - a. Security of the work of art cannot be reasonably assured in its present location.
 - b. The work endangers public safety.
 - c. The work is damaged and repair is not practical or feasible, or it no longer represents the artist's intent.
 - d. The work requires excessive maintenance or has faults of design or workmanship.
 - e. A suitable site for display of the work is no longer available. This could include a significant change in the use, character, or design of an existing site which affects the integrity of the work or its display.
 - f. The work is not or is rarely displayed.
 - g. The work has received significant and sustained adverse public opinion for five (5) or more years.
 - h. The quality, authenticity or provenance of the work is called into question.
 - i. The work has been stolen.
 - j. The work was purchased as a temporary acquisition and the predetermined exhibition period has been reached.
 - k. The work has been determined to be of inferior quality relative to the quality of other works in the collection.
 - l. The City wishes to replace the artwork with a work or works of more significance by the same artist.

D. Procedures

- 1. The review process shall be initiated by the City Manager or his or her designee as part of regular care of the public art collection.

- a. The City Manager or his or her designee will convene the Public Art Acquisition Committee that approved acquisition of the artwork, if feasible, to review the request for deaccessioning.
 - b. If not feasible, the City Manager or his or her designee will convene a committee with representation from the community and professional expertise to develop recommendations for the City regarding deaccessioning the artwork under review.
2. A request for review of a work of art may be submitted by the artist, a host agency or an outside party.
3. The request for a review for deaccession should include:
 - a. The reason deaccession is requested;
 - b. The estimated current value of the work;
 - c. The acquisition method and cost;
 - d. Written evaluation from disinterested and qualified professionals such as an engineer, conservator, architect, safety expert or art historian;
 - e. Photographs indicating the current status of the work;
 - f. Contract with the artist or any other relevant agreement concerning the artist's rights;
 - g. Written recommendations of other concerned parties including the City Manager, the host agency, the artist, and the outside party;
 - h. Cost estimate of deaccession and identification of the funding source for deaccessioning;
 - i. Media reports regarding the work or evidence of public debate, if pertinent; and
 - j. Written correspondence concerning the work.
4. If deaccessioning or disposal of a work of art is being contemplated, a recommendation from the review Committee based on these policies and the following information shall be reviewed and discussed at an open public meeting.
 - a. Discussion of the recommendation with the artist, if s/he can be notified by reasonable means.
 - b. Written opinions of several independent professionals qualified to make recommendations (conservators, architects, engineers, safety experts, art historians, etc.)
 - c. Review of all evidence of public comment and debate.

5. The Wheat Ridge Cultural Commission will review all the information and materials relating to the deaccessioning and make a recommendation to City Council.
6. If reasonable measures do not exist to address the concerns, or the City Manager determines that the recommended measures do not resolve the concern, City Council shall consider the removal or disposal of the work.
7. If removal or disposal is directed; the City shall consider, in order of priority, the following:
 - a. Relocation;
 - b. Removal of the work and placement in storage, with the intent of finding a new site for the work. If a new site is not found in a six-year period, disposal of the work shall be considered;
 - c. Removal and deaccessioning of the work from the City collection by sale, trade, or gift; and
 - d. Destruction of the work.
8. Works that are deaccessioned can be disposed of in the following manner (excluding any prior contractual agreement entered into by the City with the artist or donor at the time of acquisition):
 - a. For the current market value to the original artist or his/her heirs;
 - b. As a gallery consignment;
 - c. At auction, in accordance with the standard City practice with a predetermined opening bid; or
 - d. After exhausting above disposal methods, transferring ownership without consideration to:
 - i. The artist or the estate of the artist.
 - ii. A government agency.
 - iii. A non-profit agency.
9. Funds received from the sale of deaccessioned art shall be utilized by the City for future purchase of public art.

9.0 Funding of Public Art

ARTICLE II. FUNDING OF PUBLIC ART

Sec. 18-21. Public art fund—Private site development funding. (Ord. No. 1502, § 2, 10-10-11)

9.1 Current Funding

Source of funds. There is hereby created a public art fund (private site development funding), into which shall be deposited the following revenues:

A. Private Site Development Funding

1. One (1) percent of the total amount received by the City for plan review, building permit fees and use tax charged in connection with all private site development (as defined in *Section 26-123*), having an anticipated construction cost of \$100,000 or greater.
2. One (1) percent of the total amount received by the City for the development review fees charged in connection with all private site development (as defined in *Section 26-123*), having an anticipated construction cost of \$100,000 or greater.
3. Any funds which may be donated by private parties for the purposes of the Public Art Fund.
4. Other funds as directed by City Council.

B. Public Site Development Funding

1. One (1) percent of the budget of city and state capital construction projects of fifty thousand dollars (\$50,000.00) or more (which projects are located within any urban renewal area within the city) shall be deposited in said fund.
2. Unless otherwise directed by City Council, all public projects (as defined in *Section 18-22(a)*) shall include an appropriation of funds for public art, within the project area, at the rate of one (1) percent of the project cost.

9.2 Policy and Procedures for Public/Private Partnerships to Fund Public Art in Development Projects

GOAL: To increase the value and enhance the presence of a development and to provide a community amenity by incorporating public art.

A. Objectives

1. To provide a framework for selecting and including public art in developments throughout the City of Wheat Ridge.
2. To promote collaboration and partnership between the City, developers, businesses, and the community to expand cultural opportunities for the City.

3. To ensure appropriate selection processes for public artwork that involves all stakeholders and key interests.

B. Definitions

1. Public Funding: Funds allocated from a municipal, county, state or federal sources.
2. Public Art Fund: Private site development funding collected from building permit fees, use tax and development review fees.
3. Private Funding: Funds allocated from corporate or private sources.

C. Policies for Including Public Art in Public or Private Development

1. Opportunities for public/private partnerships in funding public artwork will involve all interested parties. The Wheat Ridge Cultural Commission or its designee shall:
 - a. Identify and seek partnership opportunities for placement of public art.
 - b. Contact and convene all interested parties to begin working on potential public art projects, such as:
 - i. City departments
 - ii. Developer representatives
 - iii. Business interests
 - iv. Community representatives
 - v. Arts professionals
 - c. Explore options for public art in a development or other project area.
 - i. Types of art projects that could be considered include:
 - One-of-a-kind building features designed by artists such as gates, benches, bicycle racks, or shade structures;
 - Artist-designed landscape features such as walkways, plazas or bridges;
 - Mosaics, murals, terrazzo floors or wall features;
 - Sculpture: freestanding, wall-supported or suspended, kinetic in durable materials suitable for the site; and
 - A collection of two-dimensional artwork such as paintings, prints, photographs, fine crafts in durable media and/or electronic media for interior lobbies accessible to the general public.
 - ii. Types of projects that are not eligible for consideration as public art:
 - Reproductions or unlimited editions of original work;
 - Mass-produced art objects;

- Architectural rehabilitation or historic preservation;
 - Playground equipment that is mass produced; and
 - Logos or signage.
- d. Review and plan for the public art process selection and approval processes in accordance with the City's Public Art Management Plan by:
 - i. Identifying members for the Public Art Committee for this project;
 - ii. Reviewing options such as commission, direct purchase, selection process and time line; and
 - iii. Reviewing established criteria for site selection and for artwork selection.
 - e. Review and agree on the type(s) of public art desired for this project and funding commitments from each party.
 - f. Develop and agree on a budget and management plan for this project by asking:
 - i. Who will contract with the artist?
 - ii. Who will oversee and monitor the creation, fabrication, and installation of the artwork?
 - iii. Who will monitor and make payments as provided in the contract with the artist.
 - iv. Who will own and maintain the artwork?
2. Conduct the selection process as established in the Public Art Management Plan by:
 - a. Encouraging frequent reports and communication with all interested parties; and
 - b. Monitoring and make payments for costs incurred for the selection process.
 3. Make recommendations to the Wheat Ridge Cultural Commission for review and finally, make a recommendation to City Council for approval.
 4. Encourage frequent reports and communication with all parties involved as the project progresses.
 5. Plan for dedication at the completion of the project.

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10.0 Administration

ARTICLE I. PUBLIC ART MANAGEMENT

Section 18-7. City manager authority.

The City Manager or his or her designee is authorized to promulgate and administratively amend, from time to time, any rules and regulations necessary to carry out the public art management policies set forth in this article. (Ord. No. 1257, § 2, 7-22-02; Ord. No. 1502, § 1, 10-10-11)

The Director of the Parks and Recreation Department of the City of Wheat Ridge, or his/her designee, will manage the Public Art Program established by this ordinance establishing a public art fund on behalf of the City of Wheat Ridge and the Wheat Ridge Cultural Commission.

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11.0 Conflict of Interest

11.1 Policy for Conflict of Interest

In order to ensure that the public art selection process conducted by the Wheat Ridge Cultural Commission (hereafter “the Commission”) is and is perceived to be open, accessible, and fair, the Commission will implement the following policy with respect to conflicts of interest:

1. It is essential to the work of the Commission that people with varying interests, backgrounds, and experience participate in this work. Each individual member of a Commission committee is expected to serve in the best interests of the City of Wheat Ridge (hereafter, “the City”) and to avoid any bias in favor of or against any particular individual, media or geographic area.
2. A member of an advisory or selection committee, such as a public art committee, must be alert to avoid any action which could possibly be interpreted as using their committee membership to further his/her interest or the interest of any organization or individual with whom he/she is affiliated.
3. Each member must also be alert to avoid taking action that benefits anyone with whom he/she has a close personal relationship because that action may create the appearance of impropriety, even if no actual impropriety exists.
4. Individual artists who serve on the Commission or its committees may participate in and/or receive benefit from projects in the City if they do not participate in the review and decision-making process on such projects.
5. A member of the Commission or its committees may not participate in deliberation and recommendation on any application with respect to which the member feels he/she cannot bring an unbiased judgment, even if not otherwise required to do so by this policy.

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12.0 Ordinances and Resolutions

12.1 Ordinance No. 1263 Establishing the Wheat Ridge Cultural Commission

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER SCHNEIDER
Council Bill No. 28-2002
Ordinance No. 1263

Series of 2002

TITLE: AN ORDINANCE ESTABLISHING THE WHEAT RIDGE
CULTURAL COMMISSION.

WHEREAS, pursuant to Chapter IX of the Home Rule Charter of the City of Wheat Ridge, the Wheat Ridge City Council ("City Council") has the authority to create boards and commissions; and

WHEREAS, the City Council has determined that City-sanctioned promotion of culture and the arts would both directly and indirectly benefit residents of the City through cultural enrichment, educational opportunities and potential revenue from exhibitions, fairs and similar events; and

WHEREAS, the City Council desires to establish a cultural commission to act as the official cultural organization of the City of Wheat Ridge.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 2-52 of the Code of Laws of the City of Wheat Ridge ("Code of Laws") is amended to read in its entirety as follows:

The following boards and commissions of the city are hereby established: CULTURAL COMMISSION, animal control commission, parks and recreation commission, arborist board, building code advisory board, planning commission, and board of adjustment.

Section 2. Section 2-55 of the Code of Laws, repealed by City of Wheat Ridge Council Bill No. 23-2002, is reenacted to read in its entirety as follows:

Sec. 2-55. Cultural Commission.

(a) **Membership.** Members of the cultural commission shall be appointed and serve in accordance with Section 2-53 of this Code, except that the cultural commission shall consist of nine (9) members: two (2) members shall be appointed from each council district, and one member shall be appointed by the city manager, to serve at large.

(b) **Duties.** The duties of the cultural commission shall be:

CNB\53027\417424.02

- (1) To cooperate with city staff in the promotion and administration of public programs and policies concerning culture and the arts;
- (2) To promote artistic endeavors within the city by encouraging appreciation of culture and the arts, providing an arts resource and a forum for communication, developing and recommending cultural programs to city council and promoting the growth of arts organizations in the city and assisting such organizations in reaching greater audiences;
- (3) To make recommendations on issues concerning culture and the arts to the city council;
- (4) To promote and develop positive relationships with other persons and entities interested in promotion of culture and the arts, including for-profit and non-profit arts organizations, other public agencies and community members;
- (5) To seek citizen input and advice on the management of public art; and
- (6) To assist the city in the submission of grant proposals and fund raising activities, as directed by the city manager.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

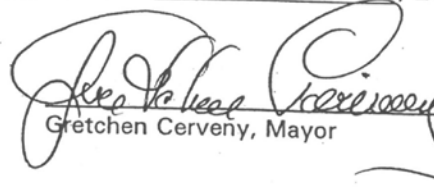
Section 4. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 12th day of August, 2002, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for August 26, 2002, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by
a vote of 8 to 0, this 26th day of August, 2002.

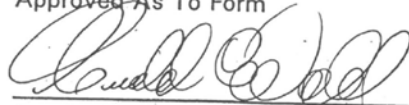
SIGNED by the Mayor on this 4th day of September, 2002.


Gretchen Cerveney, Mayor

ATTEST:


Wanda Sang, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

First Publication: August 15, 2002

Second Publication: September 12, 2002

Wheat Ridge Transcript: _____

Effective Date: September 27, 2002

PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION

CITY OF WHEAT RIDGE

APPLICATION FOR APPOINTMENT TO THE:

(BOARD/COMMISSION/COMMITTEE)

DATE: _____

DISTRICT: _____

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? _____

ARE YOU A REGISTERED VOTER? _____

WHY ARE YOU SEEKING THIS APPOINTMENT? _____

DO YOU HAVE EXPERIENCE IN THIS AREA? _____

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A
BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG?

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR
ATTENDANCE OR DUTIES? _____

Signature _____

PLEASE PRINT OR TYPE NAME: _____

ADDRESS: _____ ZIP: _____

HOME PHONE: _____

BUSINESS PHONE: _____

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

12.2 Ordinance No. 1257 Amending Chapter 18 of the Code of Laws Establishing the Arts and Culture Chapter with the Addition of Article I. Public Art Management

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER FIGLUS
Council Bill No. 22-2002
Ordinance No. 1257

Series of 2002

TITLE: AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF LAWS OF THE CITY OF WHEAT RIDGE, COLORADO, BY ENTITLING SAID CHAPTER "ARTS AND CULTURE" AND BY THE ADDITION OF AN ARTICLE I CONCERNING THE ACQUISITION, DISPLAY, OWNERSHIP AND DISPOSAL OF PUBLIC WORKS OF ART.

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a political subdivision of the State of Colorado organized and existing as a home rule municipality pursuant to Article XX of the Colorado Constitution and the home rule charter for the City (the "Charter"); and

WHEREAS, pursuant to section 1.3 of the Charter, the City has all the power of local self-government and home rule and all the power possible for a municipality to have under the Constitution of the State of Colorado; and

WHEREAS, the City of Wheat Ridge wishes to enhance the public spaces and provide for a more aesthetic and humane environment in the City by acquiring works of art which shall become the City's public art collection.

WHEREAS, pursuant to Section 16.2 of the Charter, the Wheat Ridge City Council has the power to receive or refuse gifts, bequests and donations on behalf of the City and to delegate this power; and

WHEREAS, individuals and entities from time to time offer to temporarily or permanently donate works of art to the City for the purpose of public display; and

WHEREAS, the City Council finds and determines that it is desirable to have guidelines concerning the acceptance and display of works of art and that the City does not currently have such guidelines; and

WHEREAS, the City Council desires to delegate its authority to receive and refuse gifts of works of art to the City Manager and empower the City Manager to establish guidelines concerning the acquisition, ownership, display or siting, conservation, deaccessioning and disposal of public works of art.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Chapter 18 of the Code of Laws of the City of Wheat Ridge, previously reserved, is hereby entitled "Arts and Culture."

Section 2. Chapter 18 of the Code of Laws of the City of Wheat Ridge is hereby amended by the addition of Article I, to read in its entirety as follows:

ARTICLE I.

PUBLIC ART MANAGEMENT.

Sec. 18-1. Intent and purpose.

The objective of this section is to establish goals, policies and guidelines for the acquisition, ownership, display or siting, conservation and disposal of public works of art.

- (1) Public art differs from art intended for private enjoyment, in that it must speak, in a significant way, to a larger portion of the population. Public art should bring meaning and enjoyment to public spaces.
- (2) Public art is founded in the freedoms of thought and creative expression. It should reflect the diversity and richness of the community.
- (3) The City shall acquire art that is of the highest quality and that is consistent with the policies adopted by the City.
- (4) The acquisition process shall promote the public display of many types of works of art.
- (5) Public art should become a valuable part of the City art collection, be thoughtfully sited or displayed and be properly maintained at all times.

Sec. 18-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acquisitions means the procurement by the City of Wheat Ridge, Colorado, of works of art through commission selected by open competition, limited competition, or invitation; direct purchase; donation; loan or any other means.

City means the City of Wheat Ridge, Colorado.

Conservation means care encompassing three activities: examination, preservation and restoration.

Deaccessioning means the removal of an art work from display.

Display means the temporary public location of a work of art.

Disposal means actions that result in the termination of the City's ownership and/or possession of a work of art.

Preservation means actions taken to retard or prevent deterioration or damage in works of art, and to maintain them in as unchanging a state as possible.

Public art means works of art acquired and held by the City.

Restoration means the treatment of a deteriorated or damaged work of art to approximate as nearly as possible its original form, design, color and function with minimal further sacrifice of aesthetic integrity.

Siting means the permanent location accessible to the public of a work of art.

Temporary work of art means a work of art with an intended or anticipated life span or loan term of five (5) years or less.

Works of art means all forms of original visual and tactile art, traditional or folk art and media art. Works of art may include but are not limited to sculpture, painting, graphic arts, mosaics, photography, crafts such as ceramics, paper, textiles, glass, wood and metal, mixed media and earthworks. Exclusions include reproductions or unlimited editions of original work, art objects that are mass produced, architectural ornamentation, directional elements and signage, and landscaping.

Sec. 18-3. Acquisition.

The objective of this section is to develop a collection of public art by acquiring for the City of Wheat Ridge artwork that demonstrates artistic excellence and technical competence for public benefit and enjoyment.

A. To establish procedures for the acquisition and temporary placement or permanent siting of works of art through commission, direct purchase, donation or loan.

1. General administrative policies.

- (a) The City shall acquire and display public artwork for the benefit and enjoyment of its citizens.

- (b) The City shall establish and maintain an inventory which includes complete records of all public art acquisitions, including documents transferring title, artists' contracts, reports, invoices and other pertinent material.
- (c) Works of art shall generally be acquired without legal restrictions concerning use, display or disposition, except with respect to copyrights or restrictions specifically defined by law or contract.
- (d) Any City liability associated with the ownership, display or disposal of public art shall be covered under the City's insurance programs where possible.

B. To establish a selection process that provides for public and expert review according to articulated criteria, and is not affected by conflict(s) of interest.

1. Selection procedures.

- (a) The City Manager or his or her designee shall establish administrative procedures and guidelines for the selection of public art.
- (b) Selection procedures shall encourage open public discussion to ensure that all concerned parties are involved in the process, including the City, the general public, the business community and the arts community.
- (c) Whenever appropriate, selection procedures shall encourage early collaboration between artists and design professionals including architects, landscape architects, project managers and engineers to facilitate integration of the artwork into the structure where it will be sited.
- (d) Selection procedures shall establish specific criteria for the City's acceptance of works of art as gifts or as long term loans. Generally, gifts shall be accepted without restrictions as to future use, placement or disposition.

2. Criteria. Public art shall generally:

- (a) Be appropriate in size, scale, material, form and style for the social and physical environment in which it is to be placed;
- (b) Be durable;
- (c) Have high resistance to vandalism;
- (d) Be maintainable at a reasonable cost;

- (e) Minimize public liability; and
- (f) Possess other appropriate characteristics as determined by the selection guidelines.

Sec. 18-4. Art work site plan.

The objective of this section is to establish a plan for the thoughtful display, siting and management of works of art in the public art collection.

- A. To establish procedures for display and/or siting of public artwork.
- B. To provide for appropriate engineering, security, maintenance and amenities, such as signage and lighting for public artwork.
 - 1. General administrative policies.
 - (a) The City Manager or his or her designee shall develop an art work site plan that identifies appropriate locations within the City for the display and siting of public art. Such a plan shall serve as a guideline for the placement of acquired works of art.
 - (b) The art work site plan shall identify current and potential locations for the display and siting of public art within the City.
 - (c) The art work site plan should be reviewed and updated by the City Manager or his or her designee at least once every three (3) years.

Sec. 18-5. Documentation; conservation.

The objective of this section is to ensure the care and accounting of works of art in the public art collection through systematic record keeping and conservation.

- A. To provide appropriate management and care of a City asset through inventory, regular examination, preservation and restoration of the public art collection.
 - 1. The City Manager or his or her designee shall:
 - (a) Establish and maintain an inventory of all works of art in the City's collection.
 - (b) Examine all public art on an annual basis to determine if it is properly sited or needs conservation.
 - (c) Conserve public art in a planned and orderly manner and shall arrange for any services necessary to the preservation and restoration of public art subject to available funds.

Sec. 18-6. Deaccessioning; relocation or disposal.

The objective of this section is to maintain the artistic integrity of the City's public art collection by establishing policies and procedures for deaccessioning, relocation or disposal of artwork.

A. To establish policies, guidelines and procedures for review of placement.

1. The City Manager or his or her designee shall establish guidelines and procedures for the review of public art placement.
 - (a) Review procedures shall provide for input from art professionals and the public, where practical.
 - (b) Review criteria shall address the quality of the public art and how the piece relates to the City's goals and policies for public art.
2. In conjunction with the annual review and update of the art work site plan referenced in Section 18-4 of this article, the status and condition of all public art may be reviewed for possible deaccessioning.
3. The removal or relocation of temporary works of art on display shall generally not be considered before the piece has been displayed for sixty percent (60%) of its anticipated life span or loan term, generally three years.

B. To establish policies, criteria and procedures for deaccessioning, relocating or disposal of a work of art in the City's public art collection.

1. The City Manager or his or her designee shall establish policies, guidelines, criteria and procedures for reviewing artwork to determine if it still relates to the City's goals for the public art collection.
2. This review shall include both public comment and expert testimony about the possibility of deaccessioning artwork.

Sec. 18-7. City Manager Authority.

(a) The City Manager or his or her designee is authorized to promulgate and administratively amend, from time to time, any rules and regulations necessary to carry out the public art management policies set forth in this article.

Secs. 18-8 - 18-19. Reserved.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this

ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

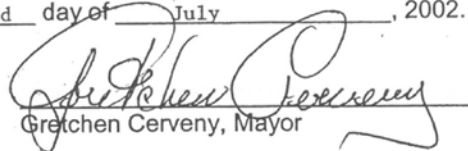
Section 4. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 8th day of July, 2002, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for July 22, 2002, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 22nd day of July, 2002.

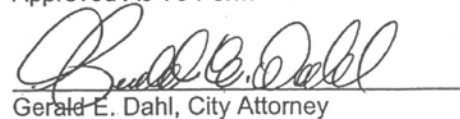
SIGNED by the Mayor on this 23rd day of July, 2002.


Gretchen Cerveny, Mayor

ATTEST:


Wanda Sang, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

First Publication: July 11, 2002
Second Publication: July 25, 2002
Wheat Ridge Transcript
Effective Date: August 9, 2002

12.3 Ordinance No. 1502 Amending Chapter 18 of the Code of Laws Renumbering Article II. as Article I. and Enacting a New Article II. Funding for Public Art.

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER BERRY**

Council Bill No. 28

Ordinance No. 1502

Series 2011

**TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS
CHAPTER 18 RENUMBERING ARTICLE II AS ARTICLE I AND
ENACTING A NEW ARTICLE II, CONCERNING FUNDING FOR
PUBLIC ART**

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the City Council has exercised these powers by the adoption of Chapter 18 of the Wheat Ridge Code of Laws ("Code") concerning arts and culture; and

WHEREAS, Ordinance 1257-2002 originally enacted Chapter 18, Article I, which addressed the management of public art in the City; and

WHEREAS, public art is one method of creating a unique identity for an area; and

WHEREAS, in 2007 the City Council:

- adopted the Wadsworth Subarea Plan and determined that an ordinance concerning art in public places should be drafted for the area governed by the Plan; and
- at the same time, the Council directed that the public art ordinance should provide that 1% of the City's and State's capital construction projects (for projects of \$50,000 or more) should be designated for the purchase of public art and the promotion of cultural events; and
- that ordinance was never adopted by the Council; and

WHEREAS, on November 22, 2010, the City Council adopted Resolution 63 establishing a public art fund for all areas of the City where such art is provided through site development fees charged in connection with private site development; and

WHEREAS, the City Council desires to amend Chapter 18 of the Code to provide for all of the City's public art regulations in one location in the Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Chapter 18, Article I, of the Code, previously codified as Article II, is hereby relocated to Article I and all sections are renumbered accordingly.

Section 2. Chapter 18, Article II is hereby titled, "Funding of Public Art" and shall read in its entirety as follows:

Sec. 18-21. Public art fund: private site development funding

(a) Source of Funds. There is hereby created a Public Art Fund (private site development funding), into which shall be deposited the following revenues:

- (1) One percent (1%) of the total amount received by the City for plan review, building permit fees and use tax charged in connection with all private site development (as defined in Code Section 26-123), having an anticipated construction cost of \$100,000 or greater.
- (2) One percent (1%) of the total amount received by the City for the development review fees charged in connection with all private site development (as defined in Code Section 26-123), having an anticipated construction cost of \$100,000 or greater.
- (3) Any funds which may be donated by private parties for the purposes of this Chapter.
- (4) Such other funds as the City Council may direct.

(b) Use of Funds. The funds in the Public Art Fund (private site development funding) shall be used for any public art in the City, as recommended by the Wheat Ridge Cultural Commission and directed by the Council.

Sec. 18-22. Public art fund: public site development funding

(a) Source of Funds. There is hereby created a Public Art Fund (public site development funding). One percent (1%) of the budget of City and State of Colorado capital construction projects of \$50,000 or more (which projects are located within any urban renewal area within the City) shall be deposited in said fund.

(b) Unless otherwise directed by City Council, all public projects, as defined in Section 18-22a, shall include an appropriation of funds for public art, within the project area, at the rate of one percent of the project cost.

Secs. 18-23 - 18-30. Reserved.

Section 3. Upon the effective date of this Ordinance, Resolution 63, Series of 2010, done and resolved on the 22nd day of November, 2010 shall be repealed.

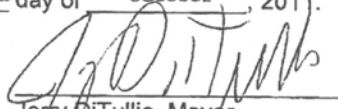
Section 4. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

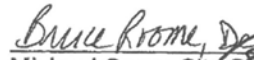
INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 26th day of September, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for October 10, 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 10th day of October, 2011.

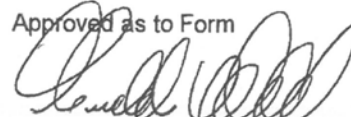
SIGNED by the Mayor on this 10th day of October, 2011.


Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk



Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: September 29, 2011
Second Publication: October 13, 2011
Wheat Ridge Transcript
Effective Date: October 28, 2011

12.4 Resolution No. 63 Establishing a Public Art Fund

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 63
Series of 2010

TITLE: A RESOLUTION ESTABLISHING A PUBLIC ART FUND

WHEREAS, the City Council of the City of Wheat Ridge has previously enacted Article II of Chapter 18 of the Wheat Ridge Code of Laws, entitled "Public Art Management"; and

WHEREAS, Article II of Chapter 18 establishes goals, policies and guidelines for the acquisition, ownership, display or siting, conservation and disposal of public works of art; and

WHEREAS, for the purposes of Article II of Chapter 18 of the Code and this Resolution, "public art" means works of art acquired and held by the City; and

WHEREAS, Article II of Chapter 18 of the Code does not specify funding sources for public art; and

WHEREAS, the Council finds it is in the public interest to identify sources of funding for acquisition of public art by the City.

NOW, THEREFORE, BE IT RESOLVED by the Wheat Ridge City Council:

Section 1. Public Art Fund Created.

There is hereby created a Public Art Fund, into which shall be deposited the following revenues:

- a. One percent (1%) of the total amount received by the City for plan review, building permit fees and use tax charged in connection with all private site development (as defined in Code Section 26-123), having an anticipated construction cost of \$100,000 or greater.
- b. One percent (1%) of the total amount received by the City for development review fees charged in connection with all private site development (as defined in Code Section 26-123), having an anticipated construction cost of \$100,000 or greater.
- c. Any funds which may be donated by private parties.
- d. Such other funds as the Council may direct.

Section 2. Disposition of Public Art Fund.

The Wheat Ridge Cultural Commission, as constituted from time to time, shall recommend to the City Council the expenditure of monies in the Public Art Fund for the new acquisition, ownership, display or siting, conservation and disposal of public works of art. In making its recommendations, the Cultural Commission shall follow the requirements of Article II of Chapter 18 of the Code of Laws. The City Council, may, in its sole discretion, include the recommendations of the Cultural Commission in an appropriations measure or measures.


Section 3. Effective Date. This Resolution shall be effective upon passage.

DONE AND RESOLVED this 22ND day of November, 2010.



Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

13.0 Appendices

13.1 Public Art Sample Timeline

TASK	TIME FRAME
Wheat Ridge Cultural Commission meets to: <ul style="list-style-type: none"> Identify project site(s), type of artwork, materials. Recommend funding allocation(s) Determine whether the project will be commission, direct purchase and/or solicitation of donation Suggest candidates for the public art committee Recommend the geographical area from which artists may apply; metro area, Front Range, Colorado, western region or United 	May
Recruit Public Art Committee members for this project. Schedule Meeting #1	June
Public Art Committee Meeting #1 <ul style="list-style-type: none"> Visit and confirm site for artwork Identify specific criteria for project: <ol style="list-style-type: none"> media size theme (if appropriate) budget 	July
Draft Request for Qualifications and distribute to the Public Art Committee for approval. Determine deadline for applications Disseminate Request for Qualifications Schedule Meeting #2	July (4 weeks)
Deadline for Applications	Mid-August
Assemble applications, images, and materials.	Mid-August
Public Art Committee Meeting #2 <ul style="list-style-type: none"> Application and Image Review Recommend 3-5 finalists <i>Submit list to Wheat Ridge Cultural Commission for acceptance.</i> Notify finalists; provide design fees/travel subsidy.	Late August

TASK	TIME FRAME
Arrange for group site visit by finalists. Schedule Meeting #3	
Site visit for artist finalists	Late September
Public Art Committee Meeting #3 <ul style="list-style-type: none"> • Review proposals; interview finalists • Select one finalist for the commission <i>Recommend to Wheat Ridge Cultural Commission for review and recommendation to City Council.</i>	November (6 to 8 weeks later)
Contract issued and approved; First payment issued; Creation and fabrication of artwork; Second payment issued;	December
Completion and installation of artwork; Fulfillment of contract requirements (e.g., maintenance instructions, narrative description, photo documentation, and identification plaque); Final payment; and Dedication.	August

13.2 Sample Task Outline

Process for Selecting Public Art

- Identify opportunity for placing artwork to animate, enhance or define a space to and/or through which the public has access.
- Recruit and convene an art selection committee that is composed of key interests present in the opportunity area and appropriate art expertise.

Meeting #1 (Approximately 2 hours)

- Visit the site and develop a full description of the opportunity.
- Define the scope, criteria, range of media, budget, and time line of the project.
- Determine the type of selection process that will result in a successful product.

Commissions:

1. Request for Qualifications: seek qualified artists for commission or to inform the design of the site.
2. Call for Entry/Request for Proposal: seek proposals for the site.

Invitational:

1. Identify and contact a small number of artists (10-15) whose work would be uniquely appropriate for the site.
2. Review their work and interview them.
3. Request proposals from two or three whose work seems most suitable for the project. They should be paid a design fee for preparing a formal proposal including a model/maquette.

Direct Purchase:

1. Solicit specific artwork to install and/or display at the site.
 2. Have artists submit images of existing work for the art acquisition committee to review and select.
- Determine the application materials you want (letter of intent, resume/CV, number and format of images, artist statement, references, etc.)
 - Decide the universe of artists to whom you want to distribute this information and the deadline.

Issue Call (Allow 3-4 Weeks)

- Select mechanism for application ((e.g., Internet, Web based application system, CaFÉ, U.S. mail or other mechanism).
- Publicize to the appropriate universe in print and electronically.

Receive and Organize Responses

- Assemble equipment necessary to view the images submitted.
- Prepare ballots.
- Schedule a prescreening meeting of the full committee or a subcommittee if you receive more than 50 responses (3 hours). Apply Conflict of Interest policy.

Meeting #2 (Schedule approximately 2 weeks following the deadline.) (Approximately 3-4 hours)

- Apply Conflict of Interest policy.
- Review images (all images submitted or those remaining from the prescreening).
- Discuss constructively in relation to criteria established.
- Reach “short list” of 10-15 applicants and review application materials.
- Continue review to identify up to 5 finalists (usually 3).

If commission, notify artists of selection, provide design fee and, if appropriate, travel stipend for preparation and presentation of a proposal (allow 6-8 weeks).

- Notify remaining applicants no longer under consideration.
- Arrange and conduct a site visit for all the finalists
- Request contact information for at least three references that can speak to the artist’s professional work and work habits.

*If direct purchase, notify artists of selection. Arrange for transportation of artwork. **Note:** the purchase contract must stipulate that if the artwork is not as represented in the digital images, the client has the option to reject the piece. The client may want to negotiate with the artist for a similar piece or simply cancel the sale with no penalty.*

- Notify remaining applicants no longer under consideration.
- Check artists’ references.

- Notify the Wheat Ridge Cultural Commission of the art selection committee's selection of finalists.

Meeting #3 (Allow 1 hour per finalist plus final deliberation and selection).

- Apply Conflict of Interest Policy.
- Interview each finalist and inspect each model/maquette and proposal materials.
- Discuss the proposals in relation to established criteria. Select a finalist for this commission.
- Convene the Wheat Ridge Cultural Commission to introduce the artist and present the proposal for review.
- Notify all finalists of the selection and return materials to finalists not selected.
- Contract with the winning finalist.
- Monitor progress on the artwork and fulfillment of the terms of the contract.
- Monitor installation.
- Arrange for dedication.
- Provide documentation, specifications, and a comprehensive maintenance plan to the Wheat Ridge Cultural Commission to be included in the Collections Management Plan.

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13.3 Site Survey for Public Art

Members of the Wheat Ridge Cultural Commission toured potential sites for public art on July 26, 2007 and on November 14, 2007, the evaluation was reviewed and the sites were prioritized.

With the adoption of the Public Art Management Plan and the availability of public art funding, the Wheat Ridge Cultural Commission proposed a re-assessment of available sites. This tour took place on Friday, September 27, 2013. Members of the Wheat Ridge Cultural Commission reviewed the site selection criteria from the Public Art Management Plan and then toured the following sites to re-examine their potential for public art. The following suggested priorities reflect the discussion during this tour.

* Denotes locations with public art already installed.

PARKS

Comment: The parks in Wheat Ridge would be a strategic area for placement of public art. They are located in all areas of Wheat Ridge and would provide good opportunities for access to the artwork and public enjoyment.

High Priority

1. *Prospect Park – 44th & Robb*: A master plan is being developed for this large regional park which may include incorporation of adjacent property to the east. This park continues to be a high priority for public art because artwork at this location would have high visibility; and offers a lot of opportunity and potential sites for an artist. This site would be the first public art in the western part of the city. The lake makes it attractive to geese as well.
2. *Anderson Park – 44th & Field*: This large regional park, with its pool, athletic fields, recreation center, and playground equipment received lots of use. A skate park here has been removed. There are several entry points to the park and some could provide a supportive environment for public art. Because many different groups use this park, the artwork would need to have universal appeal.
3. *Gold Line transit station (RTD) – 40th & Ward Road*: The design for this end-of-line station has not been finalized but there is an expectation that there will be opportunities for public art at this location which is scheduled to open in 2016.
4. *Kendall Park – 44th & Kendall*: Development of this park is in the early design stages but space has been identified for public art. Once the final design has

been approved and a construction time line is determined, a public art selection process can be explored.

5. *Ridge @ 38* - the redevelopment along 38th Avenue that is now in progress.

Mid-Level Priority

1. *Panorama Park* - 35th & Fenton: The public art formerly installed at this park was deaccessioned. This neighborhood park offers softball, baseball and soccer fields. It also has a shelter, tennis courts and playground equipment. As a result, it's a busy, active space. Identifying an appropriate site for public art would be a challenge in this park.
2. *City Hall/Hayward Park* – 29th & Wadsworth: This park is the setting for City Hall. It has a *bas relief* wall treatment on the west entrance wall and a newly installed bronze sculpture at the Wadsworth entrance. The surrounding park could accommodate additional sculptures at this important civic location.
3. *Randall Park* – 43rd & Gray: Baseball/softball fields, playground equipment and a shelter fill this area. There is green space but it appears to be too full of activity for public art.
4. *Paramount Park* – 29th & Kipling: This long, narrow park is active with youth sports. In addition to the athletic fields and playground equipment, there is a large electric transmission tower. These features and many mature trees limit the space available for quieter activities or public art.

Low Priority

1. *Wheat Ridge Historical Park* – 46th & Robb: The focus of this park and the nearby historic Baugh house and grounds is the history of Wheat Ridge. The park is maintained by the City and the Historical Society programs the activities at this park. The arrangement of historic buildings (a sod house, a post office, museum, and outbuildings) creates an environment and patterns of foot traffic that limit the potential or appropriateness of a public art installation.
2. *Discovery Park** – 38th and Kipling: This new park, formerly known as the Einarson property, features a sculpture by Kevin Robb. It's an active park with playground equipment and a large shelter area.
3. *Lena Gulch* – 41st and Kipling: This area had been considered as a good site for public art but is prone to flooding. Also, it is across from the Wheat Ridge Recreation Center which already has public art installations.
4. *Louise Turner Park* – 38th & Parfet: The small park in this high density area is surrounded by apartments. There is a playground area here and some open

space. It would be difficult to identify a successful site for a public art installation. Artwork at this site would need to be very child friendly.

5. *Bonnie's Park* – 37th & Upham: This is a very small neighborhood park, somewhat difficult to find. It does have playground equipment.
6. *Founders Park** – 37th & Jay: This park already has a public art installation.
7. *Fruitdale Park* – 4700 Miller: This park includes a dog park, two sets of playground equipment and a shade shelter. The open areas are used frequently for sports practice. Since this is an area surrounded by a number of hotels/motels and multi-family dwellings, there continue to be concerns about transient traffic, questionable usage, and the potential for vandalism.
8. *Stites Park* – 29th & Newland: This is a small neighborhood park with a baseball field, basketball court, and playground equipment. In this active environment, it would be difficult to identify a place to install artwork.
9. *Creekside Park* – 4900 Marshall: This park has nice baseball fields, a playground and football field. It's adjacent to the greenbelt but there is not a lot of visibility nor are there areas for public art.
10. *Town Center Park* – 40th & Wadsworth: This park is situated adjacent to shopping malls and a decommissioned fountain. It doesn't have very much visibility but enough to attract some homeless people.
11. *Boyd's Crossing* – 45th & Everett: This small triangular park is hidden away. Neighborhood children use its playground equipment. There are no athletic fields.
12. *Apel-Bacher* – 45th & Vance: This park features three tennis courts, a shelter and playground equipment. It is tucked away and public art would not have much public impact in this location.
13. *Happiness Gardens* – 42nd & Ammons: The focus here is the gardening. The gardens are, however, somewhat difficult to find. This might be a location for some small art feature such as a bench or a shade structure for this neighborhood to enjoy. It could be modest in cost.

FACILITIES

Comment: These facilities were surveyed in 2007 and again in 2013. For the reasons noted, the facilities would continue to be a low priority for public art funds.

1. *Wheat Ridge Recreation Center** – 4005 Kipling: This facility has two public art installations on the interior and one bronze sculpture installed on the grounds.

2. *Wheat Ridge Active Adult Center* – 6363 West 35th Avenue is adjacent to Founders Park, an existing public art site. There is no room for public art and the park space to the east of the Center does not belong to the City.
3. *Richards Hart Estate* – 28th & Benton: This historic property features demonstration gardens. It serves both as a neighborhood park and a storm water management area. Although it is a relatively isolated area it might be a potential site for a sculpture garden or exhibition of public art on loan. Its history and current use as a rental for events should be taken into consideration.

TRAILS/OPEN SPACE

Comment: Trailheads continue to be considered as too isolated an environment for public art. They don't have broad public use and there are security concerns for the artwork. The 2013 tour did stop at the Youngfield Trailhead and discussion touched on maintenance concerns for artwork at trailheads. There might be a possibility of developing temporary projects for trailheads; it would be a low priority.

1. *Youngfield Trailhead* – 41st & Youngfield
2. *Lewis Meadows* – 32nd Drive & Union
3. *42nd & Kipling* – Greenbelt/Clear Creek Trail entrance
4. *41st & Miller* – Greenbelt/Clear Creek Trail entrance
5. *Johnson Park* – 48th & Wadsworth is now a trailhead, a continuation of the open space trail network.

GATEWAYS

Comment: Gateways and interchanges present unique challenges for placement of public art. If, at some point, it is determined that artwork should be placed at the gateways in the City, a plan for all the gateways should be developed and presented as a comprehensive public art package; a gateways initiative, for example. The gateways were not surveyed in 2013.

1. *Kipling & I-70* – north gateway to Wheat Ridge
2. *West Side Gateways*
3. *32nd & Youngfield* – gateway to Wheat Ridge
4. *26th & Kipling* – gateway to Wheat Ridge
5. *Southside gateways* – Wadsworth, Harlan, Pierce, and Teller
6. *Eastside gateways* – 29th, 32nd, 38th, and 44th

7. *Northside gateways* – Marshall, Wadsworth
8. *Northside gateway* – 50th & Garrison (Echter's area)

SCHOOLS

Comment: Potential sites were reviewed in 2007 and determined to be a low priority for public art at that time. There are continuing concerns about ownership, maintenance and security of public art at school sites as well as issues of public access. Schools were not surveyed in 2013.

1. Everitt Middle School – 39th & Kipling
2. Kullerstrand Elementary School – W. 38th Avenue
3. Prospect Valley Elementary School – 34th & Parfet
4. Wheat Ridge High School – 32nd & Holland
5. Wheat Ridge Middle School – 38th & High
6. Stevens Elementary School – 40th & Reed
7. Wilmore Davis Elementary School – 41st & Allison
8. Pennington Elementary School – 46th & Independence
9. Martensen Elementary School – 45th & Pierce

Other Areas for Consideration

Comment: Public art would be a valuable addition to development or redevelopment. Opportunities for public art should be incorporated as these developments are designed.

1. Wadsworth Sub-Area
2. Fruitdale District

13.4 Current Public Art Inventory

Wheat Ridge Recreation Center:

“She Ain’t Heavy”

Artist: **Walt Horton**

Bronze Sculpture

2000

“Symbols in Stone”

Artist: **Barry Rose**

Children’s Art Tile Project

1997

“Natural Impressions”

Artist: Carol Fennell

Clay Boxes

July 2008

“Seasons”

Artist: Carol Fennell

Clay Boxes, Leaves of Jefferson County

Fall 2008

Wheat Ridge Municipal Building

“Symbols in Stone”

Artist: Barry Rose

Children’s Art Tile Project

1997

Pennington Elementary School Tiles

Carnation Festival Plates

1970 – 2009

“Red, White and True Blue”

Artist: Bonnie Trujillo-Dickson

Bronze Sculpture

2013

Founders Park

“What Has Stood, Shall Always Be”

Artist: Josh Wiener

Marble and Rock Sculpture

2005

Discovery Park

“Discovering the Stars”

Artist: Kevin Robb

Stainless Steel Sculpture

2010

13.5 Visual Artists Rights Act of 1990 (VARA)

17 USC Sec. 101

TITLE 17 - COPYRIGHTS

CHAPTER 1 - SUBJECT MATTER AND SCOPE OF COPYRIGHT

Sec. 101. Definitions

Except as otherwise provided in this title, as used in this title, the following terms and their variant forms mean the following:

"Pictorial, graphic, and sculptural works" include two- dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, and technical drawings, including architectural plans. Such works shall include works of **artistic** craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.

To perform or display a work "publicly" means -

(1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered;

WORK OF VISUAL ART DEFINED

"A 'work of visual art' is --

"(1) a painting, drawing, print, or sculpture, existing in a single copy, in a limited edition of 200 copies or fewer that are signed and consecutively numbered by the author, or, in the case of a sculpture, in multiple cast, carved, or fabricated sculptures of 200 or fewer that are consecutively numbered by the author and bear the signature or other identifying mark of the author; or

"(2) a still photographic image produced for exhibition purposes only, existing in a single copy that is signed by the author, or in a limited edition of 200 copies or fewer that are signed and consecutively numbered by the author.

"A work of visual art does not include --

"(A)(i) any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audiovisual work, book, magazine, newspaper, periodical, data base, electronic information service, electronic publication, or similar publication;

"(ii) any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container;

"(iii) any portion or part of any item described in clause (i) or (ii);

"(B) any work made for hire; or

"(C) any work not subject to copyright protection under this title.

17 USC Sec. 106A

TITLE 17 - COPYRIGHTS

CHAPTER 1 - SUBJECT MATTER AND SCOPE OF COPYRIGHT

Sec.106A. Rights of Certain Authors to Attribution and Integrity

"(a) RIGHTS OF ATTRIBUTION AND INTEGRITY. -- Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art --

"(1) shall have the right -

"(A) to claim authorship of that work, and

"(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

"(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

"(3) subject to the limitations set forth in section 113(d), shall have the right --

"(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

"(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

"(b)SCOPE AND EXERCISE OF RIGHTS. -- Only the author of a work of visual art has the rights conferred by subsection (a) in that work,

whether or not the author is the copyright owner. The authors of a joint work of visual art are co-owners of the rights conferred by subsection (a) in that work.

"(c)EXCEPTIONS.

"(1) The modification of a work of visual art which is a result of the passage of time or the inherent nature of the materials is not a distortion, mutilation, or other modification described in subsection (a)(3)(A).

"(2) The modification of a work of visual art which is the result of conservation, or of the public presentation, including lighting and placement, of the work is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification is caused by gross negligence.

"(3) The rights described in paragraphs (1) and (2) of subsection (a) *shall not apply to any reproduction, depiction, portrayal, or other use* of a work in, upon, or in any connection with any item described in subparagraph (A) or (B) of the definition of 'work of visual art' in section 101, and any such reproduction, depiction, portrayal, or other use of a work is not a destruction, distortion, mutilation, or other modification described in paragraph (3) of subsection (a).

"(d)DURATION OF RIGHTS.

"(1) With respect to works of visual art created on or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, the rights conferred by subsection (a) shall endure for a term consisting of the life of the author.

"(2) With respect to works of visual art created before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, but title to which has not, as of such effective date, been transferred from the author, the rights conferred by subsection (a) shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106.

"(3) In the case of a joint work prepared by two or more authors, the rights conferred by subsection (a) shall endure for a term consisting of the life of the last surviving author.

"(4) All terms of the rights conferred by subsection (a) run to the end of the calendar year in which they would otherwise expire.

"(e)TRANSFER AND WAIVER.

"(1) The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by

the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

"(2) Ownership of the rights conferred by subsection (a) with respect to a work of visual art is distinct from ownership of any copy [**5130] of that work, or of a copyright or any exclusive right under a copyright in that work. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection (a). Except as may otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection (a) with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work."

TITLE 17 - COPYRIGHTS

CHAPTER 1 - SUBJECT MATTER AND SCOPE OF COPYRIGHT

Sec.113. Scope of exclusive rights in pictorial, graphic, and sculptural works

REMOVAL OF WORKS OF VISUAL ART FROM BUILDINGS

"(d)(1) In a case in which --

"(A) a work of visual art has been incorporated in or made part of a building in such a way that removing the work from the building will cause the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a)(3), and

"(B) the author consented to the installation of the work in the building either before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, or in a written instrument executed on or after such effective date that is signed by the owner of the building and the author and that specifies that installation of the work may subject the work to destruction, distortion, mutilation, or other modification, by reason of its removal, then the rights conferred by paragraphs (2) and (3) of section 106A(a) shall not apply.

"(2) If the owner of a building wishes to remove a work of visual art which is a part of such building and which can be removed from the building without the destruction, distortion, mutilation, or other

modification of the work as described in section 106A(a)(3), the author's rights under paragraphs (2) and

(3) of section 106A(a) shall apply unless --

"(A) the owner has made a diligent, good faith attempt without success to notify the author of the owner's intended action affecting the work of visual art, or

"(B) the owner did provide such notice in writing and the person so notified failed, within 90 days after receiving such notice, either to remove the work or to pay for its removal.

For purposes of subparagraph (A), an owner shall be presumed to have made a diligent, good faith attempt to send notice if the owner sent such notice by registered mail to the author at the most recent address of the author that was recorded with the Register of Copyrights pursuant to paragraph (3). If the work is removed at the expense of the author, title to that copy of the work shall be deemed to be in the author.

"(3) The Register of Copyrights shall establish a system of records whereby any author of a work of visual art that has been incorporated in or made part of a building, may record his or her identity [**5131] and address with the Copyright Office. The Register shall also establish procedures under which any such author may update the information so recorded, and procedures under which owners of buildings may record with the Copyright Office evidence of their efforts to comply with this subsection."

TITLE 17 - COPYRIGHTS

CHAPTER 3 - DURATION OF COPYRIGHT

Sec.301. Preemption with respect to other laws

"(f)(1) On or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, all legal or equitable rights that are equivalent to any of the rights conferred by section 106A with respect to works of visual art to which the rights conferred by section 106A apply are governed exclusively by section 106A and section 113(d) and the provisions of this title relating to such sections. Thereafter, no person is entitled to any such right or equivalent right in any work of visual art under the common law or statutes of any State.

"(2) Nothing in paragraph (1) annuls or limits any rights or remedies under the common law or statutes of any State with respect to --

"(A) any cause of action from undertakings commenced before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990;

"(B) activities violating legal or equitable rights that are not equivalent to any of the rights conferred by section 106A with respect to works of visual art; or

"(C) activities violating legal or equitable rights which extend beyond the life of the author."

TITLE 17 - COPYRIGHTS

CHAPTER 5 - COPYRIGHT INFRINGEMENT AND REMEDIES

Sec. 501. Infringement of copyright

INFRINGEMENT ACTIONS.

(a) Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 122 or of the author as provided in section 106A(a), or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright or right of the author, as the case may be. For purposes of this chapter (other than section 506), any reference to copyright shall be deemed to include the rights conferred by section 106A(a). As used in this subsection, the term "anyone" includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.

(b) The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of section 411, to institute an action for any infringement of that particular right committed while he or she is the owner of it. The court may require such owner to serve written notice of the action with a copy of the complaint upon any person shown, by the records of the Copyright Office or otherwise, to have or claim an interest in the copyright, and shall require that such notice be served upon any person whose interest is likely to be affected by a decision in the case. The court may require the joinder, and shall permit the intervention, of any person having or claiming an interest in the copyright.

TITLE 17 - COPYRIGHTS

CHAPTER 5 - COPYRIGHT INFRINGEMENT AND REMEDIES

Sec. 506. Criminal offenses

"(f) RIGHTS OF ATTRIBUTION AND INTEGRITY. -- Nothing in this section applies to infringement of the rights conferred by section 106A(a)."

TITLE 17 - COPYRIGHTS

CHAPTER 4 - COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION

Sec. 411. Registration and civil infringement actions

REGISTRATION NOT A PREREQUISITE TO SUIT AND CERTAIN REMEDIES.

a) Except for an action brought for a violation of the rights of the author under section 106A(a), and subject to the provisions of subsection (b), (!1) no civil action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute a civil action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. The Register may, at his or her option, become a party to the action with respect to the issue of registrability of the copyright claim by entering an appearance within sixty days after such service, but the Register's failure to become a party shall not deprive the court of jurisdiction to determine that issue.

TITLE 17 - COPYRIGHTS

CHAPTER 1 - SUBJECT MATTER AND SCOPE OF COPYRIGHT

Sec. 107. Limitations on exclusive rights: Fair use

FAIR USE.

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include -

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work. The fact that a work is unpublished

shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

TITLE 17 - COPYRIGHTS

STUDIES BY COPYRIGHT OFFICE

Pub. L. 101-650, title VI, Sec. 608, Dec. 1, 1990, 104 Stat. 5132, provided that:

"(a) Study on Waiver of Rights Provision. -

"(1) Study. - The Register of Copyrights shall conduct a study on the extent to which rights conferred by subsection (a) of section 106A of title 17, United States Code, have been waived under subsection (e)(1) of such section.

"(2) Report to congress. - Not later than **2** years after the date of the enactment of this Act [Dec. 1, 1990], the Register of Copyrights shall submit to the Congress a report on the progress of the study conducted under paragraph (1). Not later than 5 years after such date of enactment, the Register of Copyrights shall submit to the Congress a final report on the results of the study conducted under paragraph (1), and any recommendations that the Register may have as a result of the study.

"(b) Study on Resale Royalties. -

"(1) Nature of study. - The Register of Copyrights, in consultation with the Chair of the National Endowment for the Arts, shall conduct a study on the feasibility of implementing -

"(A) a requirement that, after the first sale of a work of art, a royalty on any resale of the work, consisting of a percentage of the price, be paid to the author of the work; and

"(B) other possible requirements that would achieve the objective of allowing an author of a work of art to share monetarily in the enhanced value of that work.

"(2) Groups to be consulted. - The study under paragraph (1) shall be conducted in consultation with other appropriate departments and agencies of the United States, foreign governments, and groups involved in the creation, exhibition, dissemination, and preservation of works of art, including **artists**, art dealers, collectors of fine art, and curators of art museums.

"(3) Report to congress. - Not later than 18 months after the date of the enactment of this Act [Dec. 1, 1990], the Register of Copyrights shall submit to the Congress a report containing the results of the study conducted under this subsection."

TITLE 17 - COPYRIGHTS

CHAPTER 1 - SUBJECT MATTER AND SCOPE OF COPYRIGHT

FIRST AMENDMENT APPLICATION.

Pub. L. 101-650, title VI, Sec. 609, Dec. 1, 1990, 104 Stat. 5132, provided that: "This title [see Short Title of 1990 Amendment note above] does not authorize any governmental entity to take any action or enforce restrictions prohibited by the First Amendment to the United States Constitution."

This title does not authorize any governmental entity to take any action or enforce restrictions prohibited by the First Amendment to the United States Constitution.

TITLE 17 - COPYRIGHTS

CHAPTER 1 - SUBJECT MATTER AND SCOPE OF COPYRIGHT

EFFECTIVE DATE.

(a) IN GENERAL. -- Subject to subsection (b) and except as provided in subsection (c), this title and the amendments made by this title take effect 6 months after the date of the enactment of this Act.

(b) APPLICABILITY. -- The rights created by section 106A of title 17, United States Code, shall apply to --

(1) works created before the effective date set forth in subsection (a) but title to which has not, as of such effective date, been transferred from the author, and

(2) works created on or after such effective date, but shall not apply to any destruction, distortion, mutilation, or other modification [**5133] (as described in section 106A(a)(3) of such title) of any work which occurred before such effective date.

(c) Section 608 takes effect on the date of the enactment of this Act.

13.6 Funding Strategies and Loan Programs

Countless communities throughout the country have instituted public art programs in local agencies as well as 501(c) 3 organizations. The vast majority of these programs are supported by a “percent for art” funding scenario. In this, a small percentage of capital improvement funds are set aside for commissioning or purchasing artwork for the public spaces in this construction. Other options include:

- Annual appropriation from the agency’s budget;
- Dedicated tax (i.e. hotel/motel);
- Portion of a broader tax such as sales tax;
- Tax increment financing;
- Development fees;
- Foundation grants;
- Private gifts;
- Certain federal programs directed to transportation and community revitalization;
- Corporate sponsorships;
- Benefits and fundraising events; and
- Projects funded by partnerships of public and private interests.

A. Percent-for-Art Programs

Percent-for-art programs encourage or mandate that a percentage of the construction budget for public buildings and sites be used for public art. There are over 225 city/country and state percent-for-art programs in the United States. Historically, projects developed through this process have included sculpture, fountains, photographs, paintings, murals, bas-relief, floor designs (terrazzo, tile, etc.) specialized lighting, and text (poetry, quote, etc.). More recently, projects have included landscape design, sound, video, and interactive computer and video kiosks. Many projects are integrated with structural or design aspects of a building or site, and might include handrails, window designs, light fixtures, landscape designs, railings, columns, etc. They might also be incorporated in daily operations such as musical sounds added to announcements in recorded airport instructions, unique benches, or creative signs that help guide visitors.

B. Mandated Percent-for Art Programs

The typical percent-for-art ordinance stipulates that a percentage (typically 1% to 3%) of the cost of constructing or renovating a public building or site (or a capital improvement project) shall be set aside for artwork. This allows one

or several artists to create artwork in the building and/or on the site. In many cases, artists work as part of a design team with architects and engineers. This minimizes costs by integrating the design work with the construction process. (In many cases, an artist designed railing, light fixture, or floor design is no more expensive to fabricate than “stock” products.) Historically, public art projects that include community participation and support are the most successful. In most cases, these programs are administrated through city government with a selection committee and a thorough selection process. Education programs often evolve from these projects which increase community awareness, participation, and support.

C. Voluntary Percent-for-Art Programs

These programs are privately sponsored by corporations, owners and/or architects with the recognition that art and design projects greatly enhance the environment of buildings and grounds. Enhancement of space and artwork increases attractiveness, thereby attracting tenants, increasing employee morale, and encouraging a greater sense of community. It also increases corporate visibility, and improves owner image. In some cases, there is an investment factor—works of established artists will appreciate over time.

For many voluntary art programs and projects, a private art advisor/consultant is contracted to coordinate the process including: project/program design, budget, selection of the artist/s, artist contracts, insurance, documentation, committee and community involvement, public relations, and installation of art work.

D. Partnerships and Collaborative Public Art Strategies

The programs listed above represent the fundamental processes behind public art programming. To enhance these programs, many public art projects benefit from partnerships, collaborations and/or collaborative funding strategies. For instance, a transit program or mandated percent-for-art program might seek a grant from a local arts commission or private foundation to pay for the cost of printing a request for art work; public or private land might be donated as a site for public art; private donations might be collected to fund the maintenance/preservation of artwork; in-kind donations of equipment rental from private construction companies might be used for the installation of art work.

E. Arts in Transit/Civic Design Programs

These are programs developed specifically for transportation projects. Generally, they are funded through percent for art ordinances and/or individual project grants. Public art in this category includes a range of projects from bench designs and mural projects to bridge and railway station designs. Artists may be asked to create a specific work such as benches, wall tiles, murals, railings, window designs, objects at rail stations, etc., or work as part of a design team with architects and engineers to integrate artwork into the facility through columns, lighting, structural components, brick designs, or sidewalk designs. This adds a new perspective to the design process and allows for a wider range of design solutions.

F. Artist/Architect/Engineer Design Teams

Collaborative design teams are often part of a percent-for-art, transit program or private projects. Artists work with architects, designers and engineers throughout a project to develop aesthetic and creative design solutions. Through this process, the team affects the aesthetics and design differently than an individual architect might.

G. Public Art Loan Programs

Art loan programs give the borrower (such as building owners, business associations, neighborhood associations, cities, etc.) the opportunity to temporarily display work on an on-going basis. In community settings this is an opportunity to educate people about public art and how it can enhance their surroundings, foster dialogue and encourage a greater sense of community. It is also an opportunity for local and regional artists to show their work. Chicago's *Pier Walk* exemplifies this. In 1995, three sculptures were displayed on Chicago's famous pier, on loan from individual artists. Because of its popularity, just three years later, during the annual event, 175 sculptures were displayed for six months and seen by over a million people.

1. Long-Term Loans include a loan agreement with artists, art museums, private collectors, galleries or art organizations to borrow works of art (generally sculpture) for a period of a year to an indefinite amount of time.
2. Short-Term Loans include a loan agreement with art museums, art organizations, galleries or individual artists to place art in a variety of places for periods from one month to a year or more. This offers an opportunity to showcase local artists, and can be combined with festivals and events to gain more attention and add a unique sense of fun and collaboration to a site.

H. Community Programs, Partnerships, Collaborations

Community and education programs are gaining attention for their impact and long-term educational value. Partnerships between individual citizens, arts organizations, communities, schools, and businesses are producing innovative solutions to many social challenges.

I. Education Collaborations/Partnerships

Arts organizations, museums, schools, and/or artists can be selected to develop independent or collaborative education programs which include public art projects. These projects are generally scheduled to occur during the academic year and include a public celebration after the installation of the work. With the involvement of students and residents, these projects are generally well received by the community and sometimes become annual events. Examples include school murals, community gardens, sidewalk designs, painted dumpsters, etc. Grants, private donations, schools and collaborative organizations support these programs. Basic costs include payment for the artist(s), materials, equipment, printing (announcements or flyers), and food and drink for a reception. Many public artists seek opportunities to work with students, community groups, and neighborhoods to develop projects. Several of the famous Los Angeles murals were created collaboratively by the artist, Judy Baca, along with young people from surrounding neighborhoods.

J. Community Projects

Communities interested in neighborhood improvement can sponsor community based art programs. Working with local artists, architects and landscape designers, they can develop enhancement projects or include programs for new construction. They can also develop partnership programs working with local businesses, churches, organizations, schools and/or area youth to promote temporary and permanent enhancement projects.

13.7 Request for Qualifications (RFQ)

The City of Wheat Ridge Cultural Commission

The Request for Qualifications (RFQ), also known as Call for Artists or Call for Entries, will provide specific information to enable artists to decide whether their work or media is appropriate to the project or site that is under consideration for artwork. Requests or calls should include the following information:

1. Project Description;

2. Site Description: Location, activities present or anticipated, significance to the community;
3. Budget available for the project;
4. Eligibility (who is eligible to apply);
5. Timeline for selection process;
6. Deadline for application;
7. Notification procedure;
8. Information and materials required for application;
9. Information about the City of Wheat Ridge and its public art program; and
10. Contact information if there are questions.

SAMPLE #1

REQUEST FOR QUALIFICATIONS

Ellipse at East 35th Avenue and Xenia Street

Stapleton Denver, CO

Stapleton announces a public art opportunity with a commission of \$110,000.

About Stapleton

The redevelopment of Denver's former Stapleton International Airport by Forest City Enterprises, Inc. is one of the largest urban redevelopments in the nation. When fully developed in 15 years, the 4,700-acre Stapleton property will become a series of mixed-use, pedestrian-friendly, urban neighborhoods of 12,000 homes and apartments where 30,000 residents live within walking distance of jobs, retail, schools and public transportation. Stapleton is also projected to have 13 million square feet of offices and retail providing 35,000 jobs. Stapleton currently has more than 3,000 homes and an estimated population of 7,500.

The neighborhoods at Stapleton will be enhanced by more than 1,100 acres of new parks and open space. Stapleton's commitment to "smart growth" has earned international and national recognition that includes awards from the Stockholm Partnership for Sustainable Cities, the U.S. Conference of Mayors, and The National League of Cities.

For more information about Stapleton and the Public Art Master Plan for Stapleton, please go to www.StapletonDenver.com

Project Description

The focus of this public art project is the ellipse median at East 35th Avenue and Xenia Street, an important component of the larger system of parks and parkways that makes up the roadways and shared spaces of Stapleton. Forest City Stapleton's development goal is to create a sustainable community—one that balances higher density uses with generous open space and landscape, one that uses appropriate materials, planned and designed for low life-cycle costs with respect to the regional environment and one that has a design character that adds value to the community.

The ellipse is located at the intersection of two important axes. The first, East 35th Avenue runs east and west linking Quebec Street on the west to Havana Street on the east. This parkway has a generous median that features rectangular shapes, grids or rows of trees, shrubs and light poles, and sod and ornamental plantings. The central part of this two mile long street through the

Westerly Creek area is more informal with native grasses evoking the landscape of the naturalized stream corridor. The median is an active place for walking and jogging.

The second, Xenia Street, runs south providing a sight view of Central Park, Stapleton's major urban park. A planter and a pergola or trellis frames this view.

The area of the ellipse is designed to be a pedestrian environment and will be used by the residential neighborhoods that surround it. Its major features are walking paths around the perimeter, the pergola at the south side and landscape planting to enclose and provide shade for the site. The central area is sodded turf grass and is intended to allow passive use recreational activities such as dog walking, ball/frisbee toss, jogging, picnicking, etc. The ellipse slopes gently from north to south. The pergola area on the south edge of the ellipse contains the space and provides bench seating. The ellipse is approximately 160 feet at its widest point and about 400 feet long. The site includes utilities below grade.

Criteria for Artwork

The Project Selection Committee considers this site as an opportunity for unique artwork appropriate to a residential part of the diverse urban community that is Stapleton.

- The artwork should encourage interaction with all generations during the day and in the evening.
- The artwork could be composed of a single or multiple elements but must not inhibit the view corridor to Central Park.
- The artwork could be functional although that is not a requirement.
- The artwork could be incorporated into the trellis or pergola feature at the south side of the ellipse although that is not a requirement.
- The topography of the ellipse is important; the landscape and green space could be considered a canvas.

The concept of sustainability with respect to construction and landscaping includes several other features that would pertain to public art in this development.

- Stapleton has adopted a Master Plan for Lighting including a "dark skies" initiative that addresses concerns for light pollution and energy efficiency as well as safety and security.
- The artwork must be designed to be durable, require minimal maintenance and low cost maintenance.

- Artwork would need to be able to withstand the intense sun, snow, wind and temperature extremes and fluctuations characteristic of the Denver area.
- This site in a residential area is also a traffic corridor. The artwork should not impede or interfere with pedestrian or vehicular traffic. It should not obstruct sight lines or otherwise affect traffic safety. The artwork will comply with rules, regulations and guidelines of the City and County of Denver applicable to this site.

Application Process and Materials

The Stapleton public art program is conducting an electronic application and selection process online in partnership with Western States Arts Federation (WESTAF). NOTE: No slides or hard copy materials will be accepted for this call. All materials must be submitted in digital format.

Each application must be submitted via the CaFÉ™ web site at www.callforentry.org <<http://www.callforentry.org>> and must include:

1. A current resume for each artist and/or team member that highlights professional accomplishments as an artist or artist team.
2. Eight (8) digital images of relevant work. Accompanying image annotation must list media, size, title, date and a brief description of the artwork if necessary. NOTE: Eight images are required for the application to be accepted.
3. An artist's statement not to exceed 250 words that addresses the artist's/team's preliminary concept for this site.

About CaFÉ™:

The CaFÉ™ (www.CallForEntry.org <<http://www.CallForEntry.org>>) online application process is a Web-based service that allows users to easily and cost-effectively apply for visual art calls for entry. The service, provided by Western States Arts Federation (WESTAF), is especially designed for use in public art and other visual arts competition programs.

CaFÉ™ provides artists with an easy-to-use system to enter contact information, upload digital images and support materials, and enter calls. For more information, image preparation instructions, and to begin your application, please visit: <http://www.callforentry.org>.

Deadline

The application, images and other required materials must be submitted electronically by midnight, Monday, August 6, 2007 to www.callforentry.org.

Estimated Time Line for Selection Process

- Deadline for submissions: Monday, August 6, 2007 by midnight.
- Image review: On Thursday, August 16th, the Project Selection Committee composed of residents of Stapleton, the community and arts professionals will review application materials and images and invite three finalists to submit full proposals for consideration. These finalists will receive a design fee.
- Proposal review and final selection: On Tuesday, October 23rd, the Project Selection Committee will review finalist proposals, interview the finalists and make a recommendation for the commission. This recommendation will be reviewed by the Public Art Advisory Committee for Stapleton and then referred to the owner of the artwork, the Board of Park Creek Metropolitan District for final approval.

Additional Information for Applicants:

Eligibility: Applicants must be legal residents of the United States.

Equal Opportunity: It is the policy of The Park Creek Metropolitan District that minorities and women together with all other persons shall have maximum opportunity to compete for and participate in the performance of all contracts, subcontracts and services awarded for Stapleton's Public Art Program. The Park Creek Metropolitan District and its contractors shall not discriminate on the basis of race, color, national origin, age or sex in the award and performance of all contracts.

SAMPLE #2

Bicycle Rack Call to Artists

Longmont, Colorado

Deadline for submissions: January 27, 2006

The Art in Public Places Commission of the City of Longmont is announcing a Call to Artists to design and develop functional bicycle racks to be located in various locations throughout the City.

Longmont has recently been awarded a “Bicycle Friendly Community” by the League of American Bicyclists. As the City grows in population, more and more people are riding bikes to the various City facilities, as well as to school, work and for recreation. Many of these city facilities are lined with old bicycle racks which often can damage wheels, or the rack itself can simply be lifted and carried away. The Art in Public Places Commission would like to enhance the City by providing functional artwork as Bicycle racks at several locations.

Bicycle racks must meet the following criteria and must accommodate between four and six bicycles, locked up, each with two points of contact so as to minimize “wheel bending.”

- The rack must allow for relative ease when locking a bike utilizing a “U lock” or a longer cable lock.
- Racks must accommodate between four and six bicycles
- Footprint of rack must not exceed 8’ in width, 25’ in length.
- The racks must be constructed of durable materials for permanent exposure to the elements, as well as bicycles and locks;
- The rack must meet safety requirements as determined by the City’s Risk Manager

Racks can be colorful, whimsical and imaginative; “pro bike” or “pro environmental” messages may be incorporated; any “hints” as to the use of the bicycle rack are encouraged (i.e. some artistic bicycle racks are not identifiable as such).

Sizes of pieces will vary. Racks will be placed accordingly depending on design, size and appropriateness of site. Sites may include:

- Longmont Public Library
- Centennial Park and/or pool
- City of Longmont Youth Center
- Sunset Pool

- Roosevelt Memorial Building, Park or (kiddie) pool
- Other city parks or facilities For more information on these parks, please visit: <http://www.ci.longmont.co.us/parks/>

The City of Longmont's Public Works department will install all racks per artists' specifications. This is to minimize insurance requirements and costs to artists. Contact points (to ground) shall be secured down by no less than two connecting points.

Bicycle racks must be identifiable as such, and artist may incorporate a bicycle into the design or the AIPP Commission may choose to adhere a sticker to the rack itself.

Submission Requirements

Artists must submit sketches on 8½ x 11 sheets of paper; color or black and white images are acceptable. Artists may submit up to three drawings each for consideration and may be awarded up to three racks for commission. On a separate sheet of paper, please include contact information, including name, address, phone number, e-mail address and website, as well as last three projects completed by the artist and a brief statement as to why this project appeals to the artist. Also, please include a brief description or list of materials which will be utilized for proposed project.

Eligibility

This is open to artists residing in the USA. The AIPP Commission encourages artists from all cultural, ethnic, and economic backgrounds to apply.

The Competition

A citizen selection panel comprised of citizens, bicycle enthusiasts, and City staff will review all designs and select up to six winning designs. Finalists will be asked to submit "installation specifications" for the AIPP Commission/Engineering Task Force to review. Artists will be notified and will then have approximately twelve weeks to complete the work and ship them to Longmont.

Budget

Each winning artist will receive \$3,000 for the final design and fabrication per bicycle rack. Up to \$500 will be available (per piece) for shipping; the City will be responsible for all installation costs.

Timeline

November 20	call to artists
January 27	submissions due
Mid-February	winners notified
June 1	completed projects due to AIPP
June 30	installation/dedication

Please submit materials by January 27, 2006 to:

Lauren Greenfield
Art in Public Places Administrator
City of Longmont
400 Quail Road
Longmont, CO 80501
303-651-8924

Lauren.greenfield@ci.longmont.co.us

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13.8 Envision Wheat Ridge

Please refer to the City of Wheat Ridge website at
<http://www.ci.wheatridge.co.us/871/Comprehensive-Plan>

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