

LITTLETON ARTS & CULTURE BOARD
PERCENT FOR PUBLIC ART POLICY FOR PUBLIC PROJECTS

ADMINISTRATION

The Littleton Arts & Culture Board (ACB) is the City Council-appointed entity which directs the implementation of the Percent for Public Art program. This responsibility is defined by city ordinance **XX-XXXX**. Littleton Museum staff are responsible for the administration of the specific activities outlined in this policy document with oversight from the ACB.

The ACB works collaboratively with other city agencies that use, occupy, and manage the capital improvements which trigger the percent for public art requirement.

Artworks acquired through the Percent for Public Art program are selected through a process that is led by the Public Art Subcommittee of the ACB. Each public art project is specific to its location and the subcommittee is charged with identifying thought-provoking artworks that speak to a place, represent Littleton's diverse communities, and add vitality to the city's built environment.

PUBLIC ART POLICY DOCUMENT

The framework for Littleton's Percent for Public Art program is outlined in Littleton Municipal Code **XXXXXX**. This policy document serves to describe the guidelines that govern the program. The features may be updated by the ACB as needed from year-to-year. The policy shall be reviewed in its entirety by the ACB every five (5) years.

IDENTIFYING QUALIFYING PROJECTS

The following guidelines are intended to assist the ACB in complying with the Percent for Public Art program ordinance and ensuring that the public art process is integrated into the initial planning, design, and construction work of all capital improvement projects. This unified approach allows for the sharing of resources, potential reduction of costs, and the creation of artwork that is fully integrated and appropriate for the site.

GUIDELINES TO IDENTIFY PUBLIC ART PROJECTS

In accordance with the Percent for Public Art ordinance, the program applies to all city or public Capital Improvement Projects (CIPs) whose actual expended cost of construction and design for a single project or for the total of such multi-phase projects is equal to or greater than \$500,000. These projects also would include those which have multiple funding sources in addition to appropriated city funds, such as the sale of general obligation bonds, private grants, or cooperative agreements by which private funds are made available for use by the city, and by appropriate grants or cooperative agreements with the State of Colorado, the United States government, or other governmental agencies, or by any combination of the above sources of funding. For such projects, the budget is derived only from the total of the city's actual expended project costs and does not include any portion of the project budget provided by other funding sources.

In the event that there may be multiple projects of a similar nature or in close proximity, ACB will work with the Public Works department or other public agency to determine whether pooling of projects would be feasible and cost-effective.

PUBLIC ART CALCULATION

To calculate whether a project qualifies for inclusion in the Percent for Public Art Program, an analysis of the total project budget is conducted.

Included in the calculation are the following: costs allocated for design services (including design contingency in the budget), costs allocated for construction services (including preconstruction services, construction management services, construction supervision and administration), and all hard costs associated with construction, materials testing, inspection, repair and maintenance, and construction contingency. If the total of these combined costs is equal to or greater than \$500,000 the project qualifies for inclusion in the Percent for Public Art Program.

GUIDELINES FOR IDENTIFYING AND CREATING BUDGETS

Once the Public Works department, or other appropriate public agency, determines that a new project qualifies for inclusion in the Percent for Public Art program, that project will be reported to the Public Art Administrator. During post-project reconciliation, the total of the city's actual expended construction costs will be calculated and a surcharge of 1.0% of the total cost will be paid into a designated account for the acquisition of public art. In the event that public art has been integrated into a project during construction, the total cost of that public art will be deducted from the 1.0% due for public art acquisition. As previously stated, the calculation is based on the total actual expended costs allocated for design and construction services and materials.

The post-project reconciliation and allocation of the amount to be paid into the Percent for Public Art account shall occur at the end of the fiscal year in which the project was completed.

USE OF FUNDS

All funds allocated to the Percent for Public Art Program shall be used for acquisition, installation, and maintenance and conservation of public art. Funds also may be used to administer the Percent for Public Art Program, not to exceed 15% of the fund balance. Funds generated by the 1% surcharge shall be allowed to accumulate year to year to build sufficient fund balance for the acquisition of public art.

INCLUSIONS & EXCLUSIONS

The Percent for Public Art ordinance states that the Percent for Public Art program must be applied to any project which meets the criteria described above and involves improvements to, or new construction of, a building or structure, road, streetscape, pedestrian mall or plaza or park or any other project which is "open to or viewable by the public." The Percent for Public Art program will not be applied to temporary improvements, ordinary repair and maintenance projects, mechanical and electrical projects or other projects not available for public view (examples include but are not limited to maintenance and repair of city infrastructure such as the annual pavement management program and facilities, and fleet replacement). If a question arises as to whether a construction project is subject to the 1% surcharge for the Percent for Public Art program, the City Manager, in consultation with the ACB, shall make the final determination.

PUBLIC ART SITES

The Percent for Public Art Ordinance encourages site-specific art. If a more suitable location for artwork is deemed appropriate by the ACB the artwork may be installed there.

TIMING AND WAIVERS

The public art process and installation of artwork can begin at any time following the allocation of funds for the project. Funds must be expended within the agreed upon time frame in the contract if applicable. Per the Percent for Public Art ordinance, if a project qualifies for inclusion in the Percent for Public Art Program, those funds cannot be waived for any reason.

PUBLIC ART SELECTION AND APPROVAL

The Public Art Subcommittee of the ACB shall be the primary selection panel for the acquisition of public art, whether acquired by purchase using funds generated by the 1% surcharge or integrated into a project during construction.

Additional selection panel members can be included as voting or non-voting members for the technical expertise or unique perspective they provide. Voting or non-voting status of additional panelists is at the discretion of the ACB. Subject matter experts who serve on public art selection panels may be compensated with an honorarium as determined by the ACB.

CONFLICT OF INTEREST

It is expected that members of the ACB, Public Art Subcommittee, and members of subcommittees, panels, or any other ad hoc groups may be aware of the work of some artists and arts organizations who submit their work for consideration for public art projects. Such awareness alone does not constitute a conflict of interest, nor does owning a piece of work by a submitting artist. A conflict of interest is deemed to exist if a panelist is related to an artist, either through family, marriage or domestic partnership, any other relationship of economic interdependence, a business relationship such as representing the work of an artist as a gallery owner, or if a panelist stands to gain direct benefit, whether financial or otherwise, from the selection of an artist. If a member or panelist is related to an artist under consideration in one of the ways mentioned above, he/she shall state that they have a conflict of interest and shall recuse him/herself from voting or further discussion on the project in question. Members of the ACB and Public Art Subcommittee may apply for public art opportunities but must recuse themselves from any role or discussion during the selection process.

WORKS OF PUBLIC ART

Littleton's Percent for Public Art Program strives to identify and select the most creative, inspiring, and unique artwork for the project site or appropriate alternate location.

MAY NOT BE CONSIDERED PUBLIC ART

The list of elements which may not be considered public art makes a few very important distinctions:

- Directional elements such as supergraphics, signage, and wayfinding
- Objects which are mass produced in a standard design, such as playground equipment, fountains, benches, or bike racks

- Reproductions, by mechanical or other means, of original works of art (e.g., enlarged, printed banners of paintings, unless the painting was created specifically for the site)
- Landscaping except where such elements are designed by an artist or artist/landscape architect and are an integral part of a work of environmental art

METHODS OF ART SELECTION

Littleton Museum staff may recommend to the art selection panel a variety of methods to solicit submissions from artists, including, but not limited to Request for Qualifications (RFQ); Request for Proposals (RFP); limited call based on criteria established by the selection panel; direct commission with a specified artist; or a joint venture which combines funds from the Percent for Public Art program with other funding sources such as private and/or corporate or foundation donations.

DISTRIBUTION OF CALL FOR ENTRIES

Calls for entries are listed on the City of Littleton website, on Littleton Museum social media pages, and other appropriate platforms. Additional online outlets for art opportunities may also be utilized to advertise calls.

PROCESSING OF APPLICATIONS

Littleton Museum staff reviews and processes applications. Applicants may be disqualified if all required materials are not submitted, or if staff determines the eligibility requirements are not met.

SELECTION PANEL REVIEW OF APPLICATIONS

Once staff processes the applications to ensure they meet eligibility requirements, the selection panel meets to review the remaining applications. Typically, the selection panel narrows the field to three to five finalists to create a site-specific proposal for the project. The number of finalists is at the discretion of the selection panel.

FINALIST INTERVIEWS AND PROPOSALS

Finalists are paid an honorarium from the project budget to create a proposal and present it to the selection panel in person. In preparation of the artist proposals, staff facilitates site visits or conference calls with the artists to answer questions regarding the project. Every effort is made to ensure the artists have as much information as possible. Arrangements may be made for the artist to present remotely.

FINALIST SELECTION

The selection panel convenes to interview finalists and evaluate their proposals. The panel strives for consensus and hopes for a unanimous selection. However, if a panel is divided, a majority vote of selection panel members present for the artist presentations will prevail and the artist's proposed concept is advanced to the next round of approvals.

LITTLETON ARTS & CULTURE BOARD (ACB) REVIEW OF ART SELECTION PROCESS

Once a finalist is approved by the selection panel, Museum staff presents the project and selected concept to the ACB at their monthly public meeting.

The ACB/Public Art Subcommittee representatives on the selection panel are able to attest to the fairness and transparency of the art selection process to the Board; describe the thought process and goals of the selection panel; and speak to the feasibility of the project (including budget and maintenance) and the qualifications of the recommended artist.

The ACB votes by a majority of the Board to approve the process by which the selection panel chose an artist and affirms the recommendations made by the selection panel.

CITY MANAGER ACCEPTANCE OF RECOMMENDATION

The City Manager, or their designee, is presented with a written recommendation from the ACB describing the project and artist's concept. The City Manager, or their designee, then affirms the commission by signing the acceptance memorandum.

ARTIST CONTRACT

Following the City Manager's approval, a contract is negotiated between the artist and the City of Littleton. This contract outlines requirements and payment schedule for the specific project; establishes milestones and expectations; sets limits, if any, on marketing and promotional uses, and stipulates protection of the artist's intellectual rights. All artist contracts are structured with project and payment milestones that must be met and approved by the ACB. These include: the execution of contract, preliminary design review, final design review, mid-point of fabrication, installation, post-installation, and final acceptance. For best results, at any time during the design process, an artist may be asked to make revisions and clarifications to the artwork. The city may terminate the contract at any time if the artist's services become unsatisfactory or if the project is cancelled. Final approval of the contract is exercised in accordance with City of Littleton policies and procedures. Once the contract is initiated, staff manages all remaining phases of design, fabrication, and installation of artwork in accordance with the contract.

MISSION/VALUES

The Arts & Culture Board was established to foster a community where all residents may engage with the arts and where creativity thrives and is valued. The mission of the ACB is drawn from Littleton's core values, guiding principles, shared priorities, and concerns embodied in the Envision Littleton Comprehensive Plan.

Through public support of the arts, the City of Littleton enhances the quality of life, drives economic development, encourages citizen participation, fosters cultural awareness, promotes tourism, and supports the vibrancy of the community.

The ACB works to celebrate and nurture Littleton's cultural and artistic diversity, ensuring that Littleton is a place where arts and culture thrive and all community members and visitors can engage in and experience the arts and culture in all its forms. The ACB nurtures creative expression, celebrates diversity, builds creative public spaces, and showcases Littleton as a thriving destination for arts and culture.

OBJECTIVES

- Raise the profile of arts and cultural programs and activities and promote the positive role they play in civic life

- Bring together and organize essential arts and cultural elements and other stakeholder groups in the community to foster a collaborative approach to arts and cultural issues
- Develop, prioritize, and recommend strategies for funding current and future arts and culture needs
- Cultivate community support for arts and cultural endeavors by the City
- Serve as a public forum for community engagement on arts and culture issues
- Review and make recommendations to City Council that facilitate these policies
- Become a city that attracts and encourages artists to reside and thrive in the community
- Be the credible voice to advocate for arts and culture in Littleton

DEAI STATEMENT

The ACB is committed to creating an inclusive and transparent selection process that reflects Littleton's diversity of communities.