

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 fee-in-lieu program. The Museum Department, under direction of the City Manager, are responsible for the administration of the specific activities outlined in this policy with ACB acting in an advisory capacity under the direction of the City Council.

The Finance Director, under jurisdiction of the City Manager, maintains the authority to determine how Percent for Public Art Program funds are accounted for, classified, and tracked in accordance with generally accepted accounting principles (GAAP), applicable laws, and City policies.

The ACB works collaboratively with city departments that manage the capital improvement projects which trigger the Percent for Public Art requirement. All art projects and fee-in-lieu funds will be managed in accordance with the city's established budget, procurement, project management, and legal processes to include final appropriation of budget and funds by the City Council.

Artworks acquired through the Percent for Public Art program's fee-in-lieu funds are selected through a process that is led by the Public Art Subcommittee of the ACB, and when appropriate, in collaboration with the city's project managers. 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.

This policy will apply to projects that are approved by City Council beginning January 1, 2026. All other projects may be included but are not required to be included if they were approved or began prior to January 1, 2026. The City Manager, or designee, will make the ultimate determination on which projects will be included prior to January 1, 2026.

PUBLIC ART POLICY DOCUMENT

This policy document serves to describe the guidelines that govern the program. The features may be updated by the ACB, with concurrence from the city manager, as needed from year-to-year. The policy shall be reviewed in its entirety by the ACB and City Council every five (5) years.

GUIDELINES TO IDENTIFY PUBLIC ART PROJECTS

The Percent for Public Art funding requirements apply to all city-led Capital Improvement Projects (CIPs) whose actual expended cost of construction for a single project or for the total of multi-phase projects is equal to or greater than \$500,000. Projects also would include those which have multiple funding sources in addition to appropriated city funds, such as the sale of general obligation bonds, certificates of participation (COP), private grants, or cooperative agreements by which private funds are made available for use by the city, and by 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.

The budget for which the 1% public art surcharge is derived, is 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. Funding sources included in the calculation are defined in the GUIDELINES FOR IDENTIFYING AND CREATING BUDGETS section.

Potential projects will be identified as part of the project charter and planning process. All projects identified as potentially being higher than \$500,000 will include 1% of construction costs dedicated to public art, and/or fee-in-lieu for the benefit of the public art program.

GUIDELINES FOR IDENTIFYING AND CREATING BUDGETS

Each project's public art budget will be determined by taking 1% of the total construction cost funded by the city's funding sources. City funded sources are defined as any revenue generated and collected directly by the city that are available for capital construction, to include but not limited to

- Building Use Tax
- Capital Improvement Sales Tax
- Impact Fees
- Open Space Funds (not tied directly to Open Space Grants)

City funding sources does not include debt or certificates of participation. However, any funding sources, including debt, may pay for public art as part of the capital project if proper authorization is received by the contributing outside agency, or in cases of debt, public art is included in the original scope when final approval is received. For example, for general obligation debt funded projects public art is included when approved by voters, and for COPs public art is included when City Council approves the COP issuance.

After a project is complete, the project manager will calculate the total actual expenditures for capital cost using city funding sources. When less than 1% of construction costs were used on public art, the difference will be reserved as fee-in-lieu for future public art. The Finance Director, under the direction of the City Manager, will make final determination of which city funding source will be used as the public art reserve. Under the discretion of the City Manager, or designee, if other sources are approved for public art, this amount may be included as part of the 1%.

The City Manager, or designee, will determine administrative management of the Percent for Public Arts Program.

The 1% surcharge is assessed on each qualifying project. If the cost of public art which is integrated into a single project exceeds 1%, the obligation for that project is fulfilled. The amount over 1% cannot be used to offset the surcharge on other qualifying projects during that fiscal year.

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

UPPER & LOWER LIMITS

Project costs in excess of \$50,000,000 are exempt from the Percent for Public Art program unless specifically approved by the City Manager.

Commented [MG1]: This sentiment is better articulated in the following paragraphs.

In a year in which the total cost of qualifying public projects fails to reach \$2,500,000 an allocation of \$25,000 will be made to the designated account for the acquisition of public art.

USE OF FUNDS

All funds allocated to the Percent for Public Art Program shall be used for acquisition, installation, maintenance, and conservation of public art. All projects and funds will be managed in accordance with the city's established budget, procurement, project management, and legal processes to include final appropriation of budget and funds by the City Council.

The Finance Director, under jurisdiction of the City Manager, maintains the authority to determine how Percent for Public Art Program funds are accounted for, classified, and tracked in accordance with generally accepted accounting principles (GAAP), applicable laws, and City policies.

INCLUSIONS & EXCLUSIONS

The Percent for Public Art program shall 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, 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 sanitary or stormwater utility projects, temporary improvements, emergency or 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, facilities maintenance, and fleet replacement). Land acquisition, environmental remediation, and administrative fees not directly related to design or construction are specifically excluded. If a question arises as to whether a capital improvement project is subject to the 1% surcharge for the Percent for Public Art program, the City Manager, or designee, shall make the final determination.

PUBLIC ART SITES

The Percent for Public Art program 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 acquisition process and installation of artwork can begin at any time following the allocation of funds for the art.

PUBLIC ART SELECTION AND APPROVAL WITH FEE-IN-LIEU FUNDS

The Public Art Subcommittee of the ACB shall be the primary selection panel for the acquisition of public art with percent for public art fee-in-lieu funds.

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.

PUBLIC ART INCORPORATED WITHIN CAPITAL PROJECTS

The designated Project Manager for the applicable City project shall have primary responsibility for ensuring the successful integration of public art into City capital projects. The Project Manager's leadership is critical to:

Coordination of Installation: Provide technical insight into construction schedules, phasing, and site conditions to ensure that the public art component can be installed efficiently and safely within the overall project delivery.

Design Integration: Identify and communicate project-specific requirements—such as structural, electrical, utility, and safety considerations—that may affect the design, placement, or durability of proposed artworks.

Feasibility and Constructability: Evaluating proposals for feasibility within the approved project budget and schedule, while supporting artistic intent.

Ongoing Communication: Serve as the primary liaison between the design consultants, contractors, and City staff to confirm that selected artworks are fully integrated into project plans and specifications.

By supporting the Project Manager in this process, the City ensures that artistic excellence is balanced with technical feasibility, resulting in installations that are both impactful and sustainable as part of the public realm.

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 Public Art Subcommittee meets to review the remaining applications. Typically, the Public Art Subcommittee 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 Public Art Subcommittee.

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 Public Art Subcommittee convenes to interview finalists and evaluate their proposals. The Public Art Subcommittee strives for consensus and hopes for a unanimous selection. However, if the Public Art Subcommittee is divided, a majority vote of Public Art Subcommittee 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 Public Art Subcommittee, 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 Public Art Subcommittee; 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 Public Art Subcommittee chose an artist and affirms the recommendations made by the Public Art Subcommittee.

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, may then affirm 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. The contract will be written in accordance with the city's established procurement and legal processes. 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.