



## **ART IN PUBLIC PLACES PROGRAM POLICIES & PROCEDURES**

### **I. PURPOSE**

The purpose of this document is to establish policies and procedures to operate a public art program for the City of Aurora, Aurora City Code Chapter 34, Article IV. Division 1 and 2 Art in Public Places (See Attachment A).

### **II. PROGRAM INTENT**

The intent of the City's public art program is to expand the opportunities for Aurora residents to experience art in public places, thereby creating more visually pleasing environments. The arts represent an opportunity for Aurora to establish a unique image and character and to contribute to the civic pride of Aurora's community.

The public art program reinforces and expands the City's commitment to improving the aesthetic character of its public places by integrating high quality urban design into its capital projects. It is the expressed desire of the City to promote:

- A. Acquisition of artwork for the City that is of the highest quality, that is culturally diverse, and that represents a wide range of artistic tastes;
- B. Enhancement of new and existing public places for public enjoyment;
- C. Distribution of works of art throughout the City;
- D. Integration of the work and thinking among artists, architects, landscape architects, engineers, graphic artists, and other design professionals;
- E. Increased public access to works of art and promotion of understanding and awareness of the visual arts in the public environment; and,
- F. Inventory and maintenance of the City's public art collection.

### **III. COMPOSITION AND RESPONSIBILITIES OF THE ART IN PUBLIC PLACES COMMISSION (AIPPC)**

- A. AIPPC Appointments  
See Attachment B- Resolution No. R95-14
- B. AIPP Commissioner Responsibilities  
See Attachment C



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### **C. Cultural Affairs Commission Representative**

The AIPPC will recommend one member to City Council to be appointed as the AIPPC representative on the Cultural Affairs Commission (CAC). The terms and requirements of this member are outlined in Chapter 8 of the Aurora City Code.

The representative shall be responsible for maintaining communication between the AIPPC and the CAC.

### **D. Orientation**

Public art staff shall hold an orientation for all new AIPPC members.

### **E. Election of Officers**

The Chair and Vice Chair shall be elected at the Annual Meeting for the following calendar year. These two officers constitute the Executive Committee.

Terms shall be for one year and a member may serve no more than two consecutive terms in the same office.

In the event the Chair position is vacated before the end of the term, the Vice Chair shall assume the responsibilities of the Chair. If the Vice Chair vacated his or her position, the commission shall elect a new Vice Chair.

### **F. Officers' Responsibilities**

#### **1. Chair**

- a. Call and preside at all meetings of the AIPPC
- b. Review the Agenda for the meetings of the AIPPC
- c. Speak on behalf of the AIPPC
- d. Be an ex-officio member of all subcommittees of the AIPPC
- e. Have the power, in consultation with the Vice Chair, to act on behalf of the AIPPC on urgent matters
- f. Sign all correspondence of the AIPPC
- g. May vote only to break a tie
- h. Attend the Boards and Commission Chairs meeting held by the Director of Library & Cultural Services Department



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2. Vice Chair
  - a. In the absence of the Chair, perform the duties of that office
  - b. Act on behalf of the AIPPC, in consultation with the Chair, on urgent matters

In the absence of public art staff and support from the Boards and Commissions Office for minutes, a Secretary and a Treasurer shall be elected and shall have the following duties:

3. Secretary  
Prepare minutes of the AIPPC and work with designated staff on all official correspondence of the AIPPC.
4. Treasurer  
Work with designated City staff to acquire appropriate and necessary budget information.

### G. Subcommittees

Ad hoc subcommittees may be created as necessary. The composition and responsibilities of any special committee shall be determined at the time of creation of the committee.

### H. Attendance Policy

Commissioners may not miss more than three of the scheduled meetings per calendar year. Failure to attend the required number of scheduled meetings may result in removal from the Commission. Missing a scheduled meeting beyond the three meetings requires approval from the Chair.

Commissioners shall give prior notice to the public art staff if they cannot attend a scheduled meeting. Except in extenuating circumstances, notice shall be given at least 48 hours prior to the meeting.

Commissioners shall attend and participate in City of Aurora events and festivals and in Art Selection Panels in accordance with the Art in Public Places Commission Responsibilities (Attachment D).

In accordance with City Council of the City of Aurora, Colorado Resolution 92-35 (Attachment B), it is the responsibility of the Chair of the Commission to notify a Commissioner that he/she has exceeded the allowable absences and/or is not fulfilling the responsibilities of a member of the Commission relative to participation in special events and Art Selection Panels. The Chair shall also notify the Commission. The Commission shall then meet with the Commissioner to discuss his/her attendance and/or participation to determine steps to correct the situation.



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If the Commission is unable to resolve the attendance and participation concerns with the Commissioner, the Chair, with the consent of the Commission, shall notify the appropriate City Council committee in accordance with Resolution 92-35 (Attachment B).

The attendance of a Commissioner and the fulfillment of Commissioner responsibilities shall be taken into account should a Commissioner seek reappointment to the Commission.

#### **IV. CONFLICT OF INTEREST**

Art in Public Places Commissioners are prohibited from submitting public art projects that will require approval of the Commission.

The Commission will not consider for purchase or display any artwork of a sitting Commissioner. Nothing in the conduct of business of the Commission or Art Selection Panels may result in a financial benefit to its members.

These provisions are designed to ensure there is neither conflict of interest nor a perception of a conflict of interest.

#### **V. FIVE-YEAR PUBLIC ART PLAN**

As per the AIPP Ordinance (See Attachment A), the AIPPC is responsible for the preparation of a five-year plan for arts development and improvement for review and approval by City Council. The process for accomplishing this task shall be a process in which public input is a main element.

The features in the five-year public art plan may include:

1. AIPP Program mission and vision
2. Description of AIPP Ordinance and funding
3. Description of AIPPC goals
4. Art and site selection criteria and process
5. Map of current artwork sites and proposed locations

One of the main tasks in developing a five-year public art plan is to select sites throughout Aurora for artwork. Selecting a site for art is as important as the selection of the art. An appropriate site selection ensures that the artist can create a quality design and that his/her work will be easily accessible and secure. In selecting a site for artwork, assessments are taken of site



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suitability, existing or planned, including accessibility, visibility, environmental impact, public safety, and the function of a site.

The AIPPC shall begin the site selection process following the steps below:

### Step One: Survey Possible Sites

Each AIPPC member surveys the City for potential sites for public art and forwards recommendations including photographs, address/intersection, and site description to the public art staff.

Concurrently, the public art staff will hold public meetings inviting the public to participate in the site selection process.

### Step Two: Evaluate Suggested Sites

Public art staff prepares a report from the input collected. The AIPPC reviews a map of current art locations and City-owned property and finalizes site recommendations.

### Step Three: Invite Input from City Staff and Boards & Commissions

Public art staff meets with other departments such as Parks, Recreation, and Open Space; Planning; Public Works; and Library and Cultural Services to learn of future modifications planned at the recommended sites and to gather staff recommendations for future sites.

It is the responsibility of the appropriate representatives in these departments to forward this information to relevant Boards and Commissions to acquire feedback. The public art staff may make presentations to relevant Boards and Commissions if requested.

### Step Four: Analyze Sites

At the conclusion of the public and staff input process, the AIPPC shall consider questions such as:

1. Is each site highly visible to either significant pedestrian or vehicular traffic?
2. Is there a placement within the site that lends itself to an art installation?
3. Is the site easily accessible?
4. Does the site “need” artwork to give it a sense of place?
5. Is the site well used by the public?
6. Each section of the City is analyzed for a comparable number of pieces, taking into account the recent areas of growth.
7. The risk of vandalism and artwork loss

After review of all the information, the AIPPC shall vote to select sites and tentative budgets, which are subject to change.



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### Step Five: Develop Plan

Public art staff drafts the five-year plan for review and approval by the AIPPC.

### Step Six: Forward Plan to City Council

Public art staff will present the plan to the City Council for review and approval.

## VI. ART SELECTION PROCESS

### A. Artist and Artwork Selection Methods

As per the AIPP Ordinance (See Attachment A), the AIPPC shall choose the procedure for selection of artists to provide artwork for the City, which shall consist of one of the following five methods:

1. Open competition (Any artist applies, subject to established limitations)
2. Invitation (One or more artists are invited to submit proposals or qualifications)  
The AIPPC may choose to maintain a pre-approved Artist Roster, which will be juried by the AIPPC or an Art Selection Panel. If juried by an Art Selection Panel, the AIPPC will give final approval of the list.
4. Commission (Commission a piece from one artist selected by a two-thirds majority of the AIPPC)
5. Guest curator selection (The curator is chosen by two-thirds majority of the AIPPC to make a selection of an artist or work of art)
6. Direct purchase (An existing work of art is selected)

### B. Art Selection Panel Composition

The AIPPC may invite people to participate on an Art Selection Panel through various advertising activities. Depending on the type of project, the Panel may be composed of one or more of the following representatives:

1. Art in Public Places Commission Representative
2. Facility Manager
3. Visual Artist
4. Arts Educator
5. Arts Patron
6. Interested Citizen
7. City Council Member
8. Project Architect or Landscape Architect

Public art staff will facilitate the Art Selection Panel meetings and act in an advisory capacity to the Art Selection Panel. Additional City staff as applicable may act in an advisory capacity.

### C. Request for Qualifications



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Request for Qualifications (also known as Calls for Artists or Call for Entries) shall include the following information:

1. Project Description
2. Site Description
3. Budget
4. Eligibility
5. Selection process
6. Deadline
7. Notification procedure
8. Materials to be submitted
9. Information about Aurora and the Art in Public Places Program

### **D. Artist Proposals**

Artists shall be paid a stipend for developing design proposals. This stipend may be used to create a public art proposal including, but not limited to, travel expenses, time, and materials. The stipend shall be determined per project and should be comparable to public art industry standards.

There are appropriate projects for which a Call for Proposals can be advertised. These include projects for which emerging artists are desirable and projects that have very small budgets (less than \$10,000). Allowing artists to submit a proposal instead of their qualifications can provide an opportunity for artists who have not previously created a public artwork to enter this very competitive field.

### **E. Evaluation Criteria**

Artist Submissions shall be evaluated based on the following criteria (unless otherwise clearly stated and justified in a proposal from the Art Selection Panel). Selection of art and artist under this method shall be based solely on artist merit and site suitability:

1. Artists shall be selected on the basis of qualifications as demonstrated by past work, appropriateness of the proposal to the particular project, and probability of successful completion of the project as determined by the Art Selection Panel.
2. In selecting artists and works of art, the Art Selection Panel shall select those artists and works of art of the highest aesthetic quality and those that fulfill the purposes of the AIPPC set forth above, subject to other guidelines, as appropriate.
3. In all cases, consideration shall be given to materials, construction, durability (long or short term, depending on the intended life of the piece), maintenance, public access, and safety.
4. The AIPPC is firmly committed to the City of Aurora's policy of Equal Opportunity. The City of Aurora is an equal opportunity employer. No applicant for employment or employee shall be discriminated against because of race, religion, color, sex, sexual orientation, age, disability, or national origin. The City shall develop and maintain a plan for diversity. Through its staff, the City shall periodically analyze its



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employment related practices and its plan for diversity to ensure compliance with this policy. Every City Council Appointee, Executive, Manager, and Supervisor of the City is expected to carry forward this policy of equal employment opportunity within his or her area of responsibility.

- F. Selection shall be made by a two-thirds majority vote of the Art Selection Panel or the Panel may reserve the option of making no selection. If no selection is made, the Panel has the right to re-open the competition or to utilize other methods of selection. Public art staff may vote to break a tie.

- G. Public Art Project Budgets less than \$50,000

Public art staff and the artist, when available, shall present the Art Selection Panel's recommendation to the AIPPC for review and approval. Upon approval by the AIPPC, the contract can be awarded.

- H. Public Art Project Budgets of \$50,000 or more

Public art staff shall present the AIPPC recommendation to the Cultural Affairs Commission and City Council for approval before the contract can be awarded.

### **VII. DEACCESSIONING**

The AIPPC is committed to ensure the on-going presence and integrity of public art and the sites for which public art is created, the preservation of the vision of the artists who create artwork, and the continued public access to the City's public art collection.

On rare occasions, circumstances warrant the removal of a work of art from the City's collection. The AIPPC follows set procedures for deaccessioning to ensure that the integrity of public art, artists, the public, and the program is respected. A request for deaccession involves careful consideration of public opinion, professional judgment, and legal advice.

- A. Effects

Any decision to deaccession can affect the AIPPC's ability to commission other works of art. Consideration should be given to the effects on the artist's career, other works in the collection by that artist, and AIPPC's working relationship with the artist.

Deaccessioning can affect the ability to raise money, future donations of artwork, and corporate cooperation.

- B. Eligible Artworks

All artworks owned by the City of Aurora.





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### C. Review of the City's Public Art Collection

#### 1. Request for Review

The artist, a host Department, and/or an outside party with an interest in the disposition of a piece of art may submit a request for review to the AIPPC. The AIPPC may also instigate a review of an artwork for deaccession.

#### 2. Requirements for Review to Deaccession

In reviewing a request to deaccession, the following information should be considered:

- a. The reason deaccession is requested
- b. The Fair Market Value of the artwork
- c. The acquisition method and cost
- d. A written evaluation of the artwork from an impartial and qualified professional such as an engineer, conservator, architect, safety expert, or art historian
- e. Photographs which indicate the status of the work
- f. Contract with the artist or any other relevant agreement
- g. Written recommendation of other concerned parties including the Cultural Affairs Commission, the host City of Aurora Department, the artist, and any outside party
- h. Additional support to be provided, when available, includes:
  - i. Any articles regarding the work or evidence of public debate
  - ii. Written correspondence concerning the work
- i. Length of time the artwork has been in place

### D. Procedure

#### 1. The AIPPC may consider deaccessioning artwork for one or more of the following reasons in the event that it cannot be relocated:

- a. A work is not, or is only rarely, on display because of lack of a suitable site
- b. The condition or security of the artwork cannot be reasonably guaranteed
- c. The artwork has been damaged and repair is impractical or unfeasible
- d. The artwork endangers public safety
- e. Significant changes in the use, character, or actual design of the site require a re-evaluation of the relationship of the artwork to the site
- f. The artwork is significantly inferior in quality, relative to the quality of other works in the collection
- g. The City wishes to replace the artwork with a work of more significance by the same artist
- h. The artwork requires excessive maintenance or has faults of design or workmanship
- i. There has been sustained and overwhelming public objection to the artwork

#### 2. Sequence of action to deaccession:

- a. The AIPPC determines that an artwork meets one of the criteria in Section B1
- b. The public art staff prepares a report that includes:



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- i. An interpretation from the City Attorney on any restrictions that may apply to this specific work
  - ii. An analysis of the reason(s) to deaccession and its impact on the program and the artist
  - iii. Options for disposition of the work
  - iv. Appraised value of the work by an impartial qualified appraiser, if obtainable
- c. The AIPPC reviews the report at a regularly scheduled meeting. The AIPPC may seek additional information regarding the work from the artists, art galleries, curators, appraisers, or other professionals before making a recommendation.
3. Review
- a. A recommendation of reasonable measures addressing the concerns that prompted the request for deaccession shall be formulated by AIPPC and forwarded to the Cultural Affairs Commission. The recommendation shall be made public. Public notice shall be made prior to the implementation of any action recommended by the Cultural Affairs Commission in accordance with policy established by the City Attorney.
  - b. Follow current procedures to forward a resolution to City Council pursuant to Article VI, Section 29-119 of City Code.

### **VIII. ASSET MANAGEMENT**

It is important to maintain the integrity of the City's public art collection, a valuable city asset. This policy ensures that any maintenance and/or repairs to the public artwork are made according to fine art maintenance, conservation and art handling practices.

#### **A. Physical Inventory**

1. A physical inventory of the public art collection will occur every two years at minimum to assess the condition of the artwork, lighting, plaque and landscaping.
2. The public art staff may conduct the inventory or hire a qualified consultant to conduct the inventory.
3. After the inventory is taken, public art staff shall prepare a maintenance and/or repair report to be reviewed by the AIPPC and Department Director. The report will include the recommended work plan, time line, and an estimate of costs.

#### **B. Maintenance and Repairs**

Public art staff is responsible for the tasks associated with repairing and/or cleaning public artwork. If the public art staff is unable to conduct the repairs and cleaning according to



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fine art maintenance and conservation practices, staff shall hire professional art handlers and/or conservation professionals.

- C. In the event that City staff from other departments discover damage to public artwork, public art staff shall be contacted at the earliest opportunity. If public art staff is not available, the reporting body shall contact the Director of Library and Cultural Services.
- D. If City staff other than the public art staff handle the artwork and damage occurs, the Department whose staff is responsible for damaging the artwork shall cover the costs to repair or replace the artwork; unless it falls under the insurance coverage criteria.

Handling of or contact with public artwork which results in damage, other than as a result of an \*accident, will not be covered by insurance or the City of Aurora's self-insured loss fund.

- E. Request for Temporary Removal of Public Artwork
  1. In the event that an artwork needs to be removed temporarily and the artwork is able to be moved easily, the AIPPC shall approve all requests for temporary removal of public artwork.
  2. If public artwork needs to be temporarily moved or otherwise handled, the request shall be made through the public art staff no later than thirty (30) days prior to the requested removal time line.
  3. The requesting Department shall be responsible for the costs incurred to move, provide art appropriate storage, and re-install the artwork.

\*As defined in the City insurance policy, an accident is an accidental happening, including continuous or repeated exposure to substantially the same general harmful conditions which result in Bodily Injury or Property Damage. All such exposure to substantially the same general conditions will be considered as arising out of one Occurrence.

### **IX. MEMORIAL AND TRIBUTE PUBLIC ART COMMISSIONS**

From time to time, there may be important community, regional or national leaders who made significant contributions to society and who deserve to be honored for their contributions. This policy sets standards for the use of AIPP funds or other city funds to commission an artist to create a memorial or tribute artwork. The intent of the policy is to ensure that the same standards of excellence applied to AIPP projects are also applied to memorials and tributes and to the siting of such on city property.



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- A. The Art Selection Process shall follow the process outlined in this policy document, VI Art Selection Process.
- B. If the City is offered a donation of a memorial artwork, the donation must follow the procedure established in this policy document, IX Donation of Artwork. If the artwork is accepted, it will be added to the AIPP collection.

### Definitions

**Memorial:** an item, object or monument established to preserve the memory of a deceased person(s) or an event that occurred in the past.

**Tribute:** an item, object or gift designed to acknowledge the contributions of living people to society.

### **X. DONATIONS OF ART**

The AIPPC seeks to protect the integrity of the public art collection by requiring the review of any proposed donations of artwork, funds for artwork, or gifts of art sites to the City of Aurora.

Proposed donations are referred first to the public art staff who shall meet with the potential donor and coordinate a review of the work by the AIPPC. If subsequently acquired, the work then becomes a part of the City of Aurora's collection.

- A. Potential donations are reviewed based on consistency with the AIPPC Master Plan including:
  - 1. Quality of the artwork
  - 2. Availability of an appropriate site for the work as determined by the AIPPC
  - 3. Conformance to structural and fabrication standards and applicable safety codes
  - 4. Availability of resources for current and future maintenance needs
  - 5. Public art staff research and feedback
- B. Other factors for AIPPC consideration include costs and funding for the following as applicable:
  - 1. Illumination
  - 2. Identification Plaque
  - 3. Pedestal/base/framing/mounting
  - 4. Site modification and repair/replacement of landscaping
- C. If the artwork is accepted, the following documentation shall be requested from the donor or artist:



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1. A completed Object Maintenance Form provided by public art staff
  2. Proof of ownership from the donor
  3. Copyright ownership information
  4. Resume or background information about the artist
- D. Occasionally, a group or individual may wish to propose an artwork that will eventually be a donation to the City as a permanent piece. In order to ensure the finished artwork is in line with the AIPPC Master Plan, the Commission shall review the proposal and may request the following information:
1. An artist resume
  2. Images of the artist's past work
  3. Proposal information, including a sketch or model
  4. Information on permanent or temporary location
  5. Presentation of the proposal by a project representative
  6. Funding source and budget/value

### **IX. GIFTS OF STATE**

City of Aurora Charter Article X- Legal Department, Section 10-13  
Bequests, gifts and donations.

Council, on behalf of the City, may receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes, and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with the power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.



City of Aurora  
Library & Cultural Services Department  
Cultural Services Division  
**Art in Public Places**

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### **ATTACHMENT A**

#### **Art in Public Places Program City Ordinance 93-63**

#### **ARTICLE IV. ART IN PUBLIC PLACES**

##### **DIVISION 1. GENERALLY**

##### **Sec. 34-126. 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: Art in public places means any work of art displayed in an open city-owned or leased area, on the exterior of any city-owned or leased facility, inside any city-owned or leased facility, or on non city property, if financed either wholly or in part with city funds or by grants procured by the city. City collection refers to works of art owned by the city.

*Commission* means the city art in public places commission, created and defined in section 34-166.

*Construction cost* means the budgeted cost of any construction project, including any contingency reserve, but excluding land acquisition costs, engineering and administrative costs, costs of fees and permits, interest during construction, advertising and legal fees.

*Construction project* means the construction, rehabilitation, renovation, remodeling, equipping or improvement of any public building, street, park, or other public improvement by or for the city, within the city limits, including without limitation all associated landscaping, parking areas and similar areas or facilities, but excluding utilities projects and any other improvements exempted by the city council.

*Reserve account* means the art in public places reserve account established for administering, acquiring, and maintaining works of art for the city collection.

*Work of art* includes but is not limited to sculpture, monument, mural, fresco, bas-relief, painting, fountain, mosaic, ceramic, weaving, carving, and stained glass.

(Code 1979, § 29-112; Ord. No. 98-35, § 1, 6-1-98)

Cross references: Definitions generally, § 1-2.

##### **Sec. 34-127. Purpose.**

The purpose of this article is to provide a means to fund the acquisition of works of art in public places owned or leased by the city, which works of art shall become part of a city collection; to



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establish procedures for the selection of works of art for the city collection; to provide for the display of works of art in the city collection; and to provide for the administration, collections management, maintenance and repair of art in the city collection.

(Code 1979, § 29-111)

Sec. 34-128. Funds for works of art.

Commencing with those construction projects included in the appropriation and budget process in 1994 for construction thereafter, there shall be included in all estimates of necessary expenditures and all requests for authorization of appropriations for construction, an amount for works of art equal to one percent of the construction costs. This shall apply to all construction projects within the city limits with a construction cost of \$100,000 or more. If any project is partially funded from any source which precludes art as an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. The one-percent funds shall be deposited into the art in public places reserve account except in the event of a specific requirement as set forth in section 34-129, in which case all funds not subject to the requirement shall be placed in the art in public places reserve account.

(Code 1979, § 29-113; Ord. No. 2000-36, § 1, 5-15-2000)

Sec. 34-129. Account established.

There is established a reserve account, to be known as the art in public places reserve account. The reserve account shall be credited with the funds set aside for works of art from construction projects and with all other funds for art in public places, whether earned, contributed, secured through grants or otherwise obtained. Seventy-five percent of the funds credited to the reserve account shall be expended for the acquisition of works of art. Twenty-five percent of the funds credited to the reserve account may be designated for administration, collection management, maintenance, and repair. For bond-financed capital improvement projects, 100 percent of the funds credited to the reserve account shall be expended for the acquisition of art. Separate accounts shall be established within the art in public places reserve account when necessary to comply with special requirements concerning but not limited to:

- (1) Geographic location;
- (2) Specific project limitations;
- (3) Separate accounting procedures;
- (4) Grant reporting or funding procedures;
- (5) Special improvement districts; or
- (6) City bond issues.

(Code 1979, § 29-114)

Sec. 34-130. Limited use of funds.

The art in public places fund shall not be used for:

- (1) Reproductions or unlimited editions of original work.
- (2) Art objects that are mass-produced.



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(3) Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist or as an integral aspect of the structure or site.

(4) Architectural rehabilitation or historical preservation, although works may be acquired in connection with such projects.

(Code 1979, § 29-115)

Sec. 34-131. Art and site selection standards.

The art in public places commission shall make annual recommendations through the cultural affairs commission to the city council, preparing an annual art plan, budget proposal and five-year plan for arts development and improvement for city council review and approval. The following shall be the general criteria for selection of sites for the public display of art in the city, whether such art is publicly or privately owned. When considering a specific site for artwork, the considerations listed in this section shall be weighed to ensure that a proposal contributes positively to the community. Public art projects costing \$50,000.00 or more shall be submitted individually through the cultural affairs commission to the city council for approval, even if included in the arts plan or budget, before the work is commissioned or purchased:

- (1) Visibility and accessibility of the site by the general public.
- (2) Distribution of works of art of a variety of styles, designs, and media throughout the city.
- (3) Appropriateness of the artwork to the character of the specific site, existing or planned, including:
  - a. The function of both the artwork and the location;
  - b. Preservation of natural features of the site;
  - c. The scale and dimension of the artwork in relationship to the site;
  - d. The material of which the artwork is composed, including durability;
  - e. The relationship of proposed artwork to existing artworks within the site vicinity;
  - f. Environmental impact, such as noise, sound, light, and odor; and
  - g. Public safety and liability.

(Code 1979, § 29-116)

Sec. 34-132. Artist selection.

(a) The procedure for selection of artists to provide artwork for the city shall consist of one of the following:

- (1) Open competition;
- (2) Invitation;
- (3) Commission;
- (4) Guest curator selection; or
- (5) Direct purchase.

(b) One procedure shall be chosen by the art in public places commission depending upon the proposed project.





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(Code 1979, § 29-117; Ord. No. 2000-36, § 2, 5-15-2000)

Sec. 34-133. Maintenance and repair policies.

(a) All works of art acquired pursuant to this article shall be acquired in the name of and title shall be held by the city. A detailed inventory of all publicly owned art shall be maintained by the art in public places commission.

(b) Installation, maintenance, alteration, refinishing, and moving of art in public places shall be done in consultation with the artist whenever feasible. So far as practical, if repair of any work is required, the city shall give the artist the opportunity to perform such repair work for a reasonable fee. If the artist refuses to make the repair for such a fee, the city may proceed to solicit bids in accordance with the city's competitive bidding procedures. When emergency repairs are necessary in order to prevent the loss of or further damage to the work, such repairs may be approved by the commission or its executive committee. Every effort shall be made to contact the artist, as described in this subsection, for emergency repairs. Repairs shall not be deemed to constitute an artistic alteration.

(c) Ongoing upkeep and maintenance of artworks shall be the responsibility of the art in public places staff, subject to commission review and approval. Costs for repair of artwork damaged by vandalism, weathering problems, etc., shall be funded in accordance with section 34-129.

(Code 1979, § 29-118; Ord. No. 2000-36, § 3, 5-15-2000)

Sec. 34-134. Relocation and removal of art.

Art within the city's art in public places program collection may be either relocated or removed pursuant to a resolution of the city council after receiving input from the art in public places commission.

(Code 1979, § 29-119)

Sec. 34-135. Display on private property.

No work of art financed or installed either wholly or in part with city funds or with grants procured by the city shall be loaned, displayed, or installed on privately owned property without a written agreement between the art in public places commission, acting on behalf of the city, and the owners, specifying the proprietary interests in the work of art and other provisions deemed necessary or desirable by the city attorney. In addition, such written agreements shall specify that the private property owner shall ensure that:

- (1) Installation of the work of art shall be done in a manner which will protect the work of art and the public;
- (2) The work of art shall be maintained in good condition; and
- (3) Insurance and indemnification shall be provided as appropriate.

(Code 1979, § 29-120)

Secs. 34-136--34-165. Reserved.



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### **DIVISION 2. ART IN PUBLIC PLACES COMMISSION\***

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\*Cross references: Boards, commissions, committees and authorities, § 2-766 et seq.

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#### **Sec. 34-166. Created; composition.**

There is created and established an art in public places commission, consisting of nine voting members who shall be registered electors, appointed pursuant to Charter section 9-1.

Commissioners shall be appointed so as to represent different interests in the community, and at least one member shall be from the visual arts field. The city's art in public places staff shall act as liaison to the commission and shall sit on the commission in a nonvoting advisory capacity. (Code 1979, § 8-390; Ord. No. 95-53, exhibit A (§ 8-390), 9-11-95; Ord. No. 2000-36, § 4, 5-15-2000)

#### **Sec. 34-167. Organization.**

Commissioners on the art in public places commission shall be appointed pursuant to Charter section 9-1, and Code sections 2-768 and 2-772. Subcommittees may be appointed by the art in public places commission as necessary to accomplish its purposes and objectives. (Code 1979, § 8-391; Ord. No. 95-53, exhibit A (§ 8-391), 9-11-95)

#### **Sec. 34-168. Compensation.**

Commissioners on the art in public places commission shall be compensated pursuant to Charter section 9-1. (Code 1979, § 8-392; Ord. No. 95-53, exhibit A (§ 8-392), 9-11-95)

#### **Sec. 34-169. Authority and purpose.**

The art in public places commission shall be directly responsible to the city council. It shall be the function and the duty of the commission to develop and administer a public art policy applicable to public areas in public buildings, outdoor areas, and parks within the city. (Code 1979, § 8-393)

#### **Sec. 34-170. Review.**

The art in public places commission shall have the authority to select artwork for display, remove artwork previously displayed, promulgate criteria for selection of artwork and artists, arrange for funding and take any other action necessary to carry out its purposes for projects under \$50,000.00 and shall serve as advisory for projects over \$50,000.00 pursuant to section 34-131. (Code 1979, § 8-394; Ord. No. 2000-36, § 5, 5-15-2000)

#### **Sec. 34-171. Implementation of city's public art policy.**

The art in public places commission shall continually review public art policies from other municipalities and governmental entities in the United States, shall consider the particular needs



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and interests of the city and its citizens, shall obtain input from interested organizations and individuals, and shall maintain a detailed public arts policy approved in accordance with the prevailing city policy. Such policy shall address funding mechanisms, art selection criteria, artist selection criteria, site selection criteria, display guidelines, maintenance and repair policies, and all other relevant issues. In addition, the commission shall include guidelines for the ongoing operation of the commission as primary resource for the development and arbiter for the selection of public art in the city.

(Code 1979, § 8-395; Ord. No. 2000-36, § 6, 5-15-2000)



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### ATTACHMENT B

#### CITY OF AURORA AURORA MUNICIPAL CODE Resolution No. R95-14

#### **ARTICLE VIII. BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES\***

\*Charter references: Boards and commissions, art. IX.

Cross references: Citizen's advisory budget committee, § 2-621 et seq.; visitor's promotion advisory board, § 2-876 et seq.; alcoholic beverage licensing authority, § 6-31 et seq.; building code and contractor's appeals and standards board, § 22-26 et seq.; business advisory board, § 26-26 et seq.; cultural affairs commission, § 34-26 et seq.; Aurora Fox Arts Center advisory committee, § 34-91 et seq.; art in public places commission, § 34-166 et seq.; housing authority, § 42-26 et seq.; judicial performance commission, § 50-101 et seq.; public defender commission, § 50-166 et seq.; historic preservation commission, § 78-26 et seq.; human relations commission, § 82-26 et seq.; parks and open space board, § 98-26 et seq.; golf course advisory committee, § 98-116 et seq.; career service commission, § 102-31 et seq.; civil service commission, § 102-66 et seq.; planning and zoning commission, § 106-26 et seq.; board of adjustment and appeals, § 106-91 et seq.; citizen's advisory utilities budget committee, § 138-61 et seq.

#### DIVISION 1. GENERALLY

Sec. 2-765. Enumeration.

The following table sets out the various authorities, boards, commissions, and committees for the city by their titles, and their location in the code:

TABLE INSET:

<u>Title</u>	<u>Location</u>
Citizen's advisory budget committee	Ch. 2, art. V, div. 2
Commission for seniors	Ch. 2, art. VIII, div. 2
Veterans' affairs commission	Ch. 2, art. VIII, div. 3
Visitor's promotion advisory board	Ch. 2, art. VIII, div. 4
Alcoholic beverage licencing authority	Ch. 6, art. II
Building code and contractor's appeals and standards board	Ch. 22, art. II
Business advisory board	Ch. 26, art. II
Cultural affairs commission	Ch. 34, art. II
Aurora Fox arts center advisory committee	Ch. 34, art. III, div. 2
<u>Art in public places commission</u>	<u>Ch. 34, art. IV, div. 2</u>
Housing authority	Ch. 42, art. II



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Judicial performance commission subdiv. II	Ch. 50, art. II, div. 2,
Public defender commission	Ch. 50, art. II, div. 4
Historic preservation commission	Ch. 78, art. II
Human relations commission	Ch. 82, art. II
Library board	Ch. 86, art. I
Parks and recreation board	Ch. 98, art. II
Golf course advisory committee	Ch. 98, art. IV, div. 2
Career service commission	Ch. 102, art. II
Civil service commission	Ch. 102, art. III
Planning and zoning commission	Ch. 106, art. II
Board of adjustment appeals	Ch. 106, art. III
Citizens advisory utilities budget committee	Ch. 138, art. III

### Sec. 2-766. Procedure for establishing.

Upon a determination by the city council that a board, commission, committee or authority should be established, the city council shall, as appropriate, establish such board, commission, committee or authority by ordinance or resolution. The ordinance or resolution shall set forth the purposes of the board, commission, committee or authority; the duties of the members thereof; and to whom the board, commission, committee or authority shall report.

(Code 1979, § 8-1)

### Sec. 2-767. Authority for abolition.

The city council, in its discretion, may abolish, by ordinance or resolution, as appropriate, boards, commissions, committees and authorities, except for those created by the Charter.

(Code 1979, § 8-2)

### Sec. 2-768. Record of proceedings.

Every board, commission or committee shall record and keep an accurate record of all proceedings of the board, commission or committee.

(Code 1979, § 8-3; Ord. No. 95-53, exhibit A (§ 8-3), 9-11-95)

### Sec. 2-769. Residency requirement.

All members of any city board, commission, committee or authority, established by either the Charter, ordinance or resolution, shall be residents of the city unless an exception is contained within the enabling legislation relating to a particular board, commission, committee or authority. This section shall not modify the provisions set out in the Charter requiring a one-year residency period for appointment to the board of adjustment and appeals, the career service commission and the planning and zoning commission. In determining whether or not a person is a resident of the city, reference shall be made to C.R.S. § 1-2-102 entitled, "Rules for determining residence," as amended. When the



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composition of a board, commission, committee or authority calls for a position to be filled by a city employee, such employee shall be exempt from the residency requirement of this section.

(Code 1979, § 8-4)

Sec. 2-770. Vacancies.

(a) Whenever a vacancy exists in the membership of a city board, commission, committee or authority, the city council shall appoint a member in accordance with the provisions of the city council's current resolution regarding appointments to boards and commissions.

(b) All vacancies shall be filled within 30 days of the effective date of the vacancy or as expeditiously as possible thereafter.

(Code 1979, § 8-5)

Sec. 2-771. Subpoena powers.

(a) The board of adjustment and appeals, local licensing authority, career service commission and civil service commission shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records reasonably relevant to the determination of any hearing which such boards and commissions are authorized to conduct.

(b) It shall be unlawful for any person to willfully fail to comply with a subpoena duly issued and served by such boards and commissions.

(Code 1979, § 8-6)

Sec. 2-772. Terms of appointment.

The term of appoint for each member of any board, commission, committee or authority shall be for a period of three years, except for those boards, commissions, committees or authorities provided for by the Charter or state law. An exception to this requirement shall be appointments to the citizen's advisory budget committee. Appointments to this committee shall be made by city council members as established in section 2-623 and shall be concomitant with the term of the appointing council member. Another exception to this requirement shall be appointments to the visitor's promotion advisory task force which shall be pursuant to section 2-876.

(Code 1979, § 8-7; Ord. No. 95-53, exhibit A (§ 8-7), 9-11-95)

Secs. 2-773--2-810. Reserved.

### **ARTICLE IX. BOARDS AND COMMISSIONS**

9-1. General provisions.

Unless otherwise provided by this Charter, all boards and commissions shall be appointed by the council, shall be advisory in character, shall serve without compensation but shall be



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paid their necessary expenses actually incurred in the discharge of their official duties, and shall have such powers and perform such duties as are provided by this Charter or by ordinance. Initial appointments by the council shall specify the term of office of each individual in order to achieve overlapping tenure and thereafter all appointments shall be for the full term specified. All members shall be subject to removal by the council at its pleasure and at any time without cause. The council shall make appointments to fill vacancies. Each board and commission shall choose its own chairperson and vice-chairperson from its citizens-at-large members and shall adopt its own rules of procedure for the proper conduct of its business.

(Ord. No. 87-202, § 33, 11-3-87)



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### **ATTACHMENT C**

#### **Art in Public Places Commissioner Responsibilities**

##### **The AIPPC members shall:**

1. At the Annual Meeting, develop goals for the upcoming year.
2. Talk to friends, neighbors, and the public about the AIPP program detailing upcoming projects, events, goals, challenges, and successes.
3. Communicate regularly to assigned City Council Member to inform them of program updates.
4. Visit community meetings to give presentations about the AIPP program.
5. Advocate for the arts in general and assist in broader cultural support.
6. Participate in a minimum of two events and festivals annually to promote the AIPP Program, including staffing an AIPP booth to publicize the AIPPC by talking to visitors, handing out literature, etc.
7. Attend City Council meetings when projects are presented to Council for their review and approval.
8. Attend dedication ceremonies.

##### **Art Selection Panel Participation**

1. Each Commissioner is responsible for serving on Art Selection Panels. The responsibility takes approximately four to five meetings per project spread over six to twelve months.
2. While participating on an Art Selection Panel for a particular project, each Commissioner is representing the AIPPC.
3. Commissioners serving on an Art Selection Panel may be asked to speak at the dedication ceremony on behalf of the AIPPC.