

SUBJECT: **ORDINANCE NO. 1871, SERIES 2024 – AN ORDINANCE
AMENDING CHAPTER 14.20 OF THE LOUISVILLE MUNICIPAL
CODE REGARDING PUBLIC ART – 1ST READING, SET PUBLIC
HEARING 4/16/24**

DATE: **APRIL 2, 2024**

PRESENTED BY: **SHARON NEMECHEK, DIRECTOR OF CULTURAL SERVICES**

SUMMARY: City staff is recommending amendments to Chapter 14.20 of the Louisville Municipal Code, which addresses the City’s acquisition and installation of public art. The amendments clarify the roles of the Louisville Cultural Advisory Board (“Cultural Board”) and the Arts and Events Program Manager (“Program Manager”) with respect to public art and expedite the formerly lengthy process. Changes include the following:

- Updates the definition of “work of art” to add additional types and mediums of art.
- Authorizes the Program Manager to assemble and consult with juries of community members on proposed art.
- The Cultural Board is responsible for recommending whether to approve public art for installation and display.
- The Project Manager issues a final written decision on whether to approve a work of art for installation and display in the public place. A copy of the decision will be published on the City’s website and forwarded to City Council.

The following provisions in Chapter 14.20 are not being amended and will stay the same:

- Prior to the installation of art in a public place, notice shall be posted at the proposed location.
- The Cultural Board will hold a public meeting at which it will receive public comment and make a recommendation on the proposed work.
- City Council has 45 days to “call-up” and review the Program Manager’s decision, which review will occur at a subsequent Council meeting.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends approval of Ordinance No. 1871, Series 2024 on first reading and setting the public hearing for April 16, 2024.

ATTACHMENT(S):

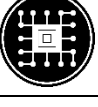
1. Ordinance No. 1871, Series 2024, An Ordinance Amending Chapter 14.20 of the Louisville Municipal Code Regarding Public Art

STRATEGIC PLAN IMPACT:

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DATE: APRIL 2, 2024

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☐	 Financial Stewardship & Asset Management	☒	 Reliable Core Services
☐	 Vibrant Economic Climate	☒	 Quality Programs & Amenities
☒	 Engaged Community	☐	 Healthy Workforce
☐	 Supportive Technology	☐	 Collaborative Regional Partner

CITY COUNCIL COMMUNICATION

**ORDINANCE NO. 1871
SERIES 2024**

AN ORDINANCE AMENDING CHAPTER 14.20 OF THE LOUISVILLE MUNICIPAL CODE REGARDING PUBLIC ART

WHEREAS, City Council previously adopted Chapter 14.20 of the Louisville Municipal Code, which establishes factors to guide the City's acquisition of art and its placement on public property and in public buildings within the City; and

WHEREAS, City Council has determined that certain changes to the acquisition process are appropriate.

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

Section 1. Sections 14.20.020 through 14.20.080 of the Louisville Municipal Code are hereby amended as follows (words to be added are underlined; words deleted are ~~stricken~~):

Sec. 14.20.020. Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

Cultural Board ~~council~~ means the Louisville Cultural Advisory Board.

Program Manager means the City's Arts and Events Program Manager or designee.

Work of art means and includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, mosaic, ceramic, weaving, carving, and graphic arts, photography, mixed media, earth works, light or luminal art, sound art, portable art, and works in clay, fiber, textiles, wood, metal, plastics, stained glass and other materials.

Sec. 14.20.030. Administration.

The Program Manager ~~Cultural Council~~ shall administer the provisions of this Chapter relating to the acquisition, placement and display of works of art.

Sec. 14.20.040. Public art policy ~~Guidelines~~.

The Cultural Board ~~Council~~ shall adopt a public art policy ~~guidelines~~:

- A. To prescribe procedures for the selection, acquisition or loan and display of works of art in public places;
- B. To select public sites suitable for the display of works of art;
- C. To facilitate the preservation, maintenance and conservation of works of art that may be displayed in public places;
- D. To prescribe procedures for the removal, relocation and de-accession of works of art previously acquired; and
- E. To set forth any other matter appropriate for the administration of this Chapter.

Sec. 14.20.050. Approval process.

A. Prior to referring a work of art to the Cultural Board, the Program Manager ~~Cultural Council~~ shall evaluate works of art proposed for donation or purchase in accordance with the selection and display factors set forth in section 14.20.060 this chapter. As part of the evaluation process, the Program Manager may assemble a jury of community members to evaluate the work.

B. Prior to proceeding with the installation of a work of art proposed for display in a public place, the Program Manager ~~Cultural Council~~ shall post notice at the proposed location in accordance with section 14.20.080 of this chapter.

C. The Cultural Board ~~Council~~ shall ~~vote~~ advise on whether to approve the work of art for installation and display in the public place. The Program Manager shall issue a final written decision on whether to approve a work of art for installation and display in the public place. All decisions by the Program Manager ~~Cultural Council~~ as to placement of works of art shall be considered final unless the City Council within 45 days of the decision chooses to review the decision, which review shall occur at a subsequent City Council meeting.

D. Once the placement of a work of art has been approved, and the decision of approval considered final, the Program Manager ~~Cultural Council~~ may proceed with the purchase or acceptance of the work of art in accordance with the public art policy guidelines adopted pursuant to section 14.20.040 of this chapter.

Sec. 14.20.060. Selection and display factors.

The ~~Cultural Board Council~~ and Program Manager shall consider the following factors, as applicable, in evaluating and selecting works of art for display in public places:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site;
- C. Compatibility of the design and location with a unified design character or historical character of the site;
- D. Preservation and integration of natural features for the project;
- E. Appropriateness of the materials, textures, colors and design to the expression of the design concept;
- F. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to ensure a diversity of thought and expression and a variety of subjects, styles, designs and media throughout the community;
- G. Appropriateness of the work of art for observation by people all ages; and
- H. Other selection matters and values as established by the ~~Cultural Council's public art policy adopted pursuant to section 14.20.040 of this chapter.~~ written guidelines.

Sec. 14.20.070. Display of art in public places.

A. Works of art selected pursuant to the provisions of this Chapter may be placed in, on or about any public place. Works of art owned by the City may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed appropriate by the Program Manager ~~Cultural Council~~. Works of art that are privately owned or owned by other public entities may be loaned to the City for display upon such terms and conditions as deemed appropriate by the Program Manager ~~Cultural Council~~.

B. All works of art in public places shall receive the prior review and approval of the Program Manager ~~Cultural Council~~, unless otherwise provided in this chapter. None shall be removed, altered or changed without the prior review and approval of the Program Manager ~~Cultural Council~~, except for works of art on loan to the City, which shall be removed at the end of the loan period and returned to the owner, and except where

removal, alteration or change is necessary to alleviate a public safety concern.

C. Installation, maintenance, alteration, refinishing and moving of works of art in public places shall be done in consultation with the artist whenever feasible, and in accordance with the guidelines established by the Cultural ~~Board~~ Council.

D. The City Manager or the City Manager's designee shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists, and the names of architects whenever feasible. The City Manager or the City Manager's designee shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places.

Sec. 14.20.080. Public notice - ~~cultural council~~ program manager action - city council review.

A. Prior to proceeding with the installation of a work of art proposed for display in a public place, the Program Manager ~~Cultural Council~~ shall post notice at the proposed location, which notice shall contain the following information:

1. The date of posting;
2. A description, photograph or drawing of the work of art to be installed, including but not limited to its size and subject matter;
3. A description, photograph or drawing of the proposed display site;
4. A statement that members of the public may submit written comments, and contact information for delivery of the written comments; and
5. The date, time and location of the Cultural ~~Board~~ Council meeting at which the Cultural ~~Board~~ Council will receive public comment and make a recommendation ~~take action~~ on the proposed installation.
6. The Program Manager shall issue a final written decision on whether to approve a work of art for installation and display in the public place. A copy of the decision shall be published on the City's website and shall be forwarded to City Council.

B. All decisions by the Program Manager ~~Cultural Council~~ as to placement of works of art shall be considered final unless the City Council within 45 days of the decision chooses to review the decision, which review shall occur at a subsequent City Council meeting.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of April, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this _____ day of _____, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk