

[Comment: The guidelines offered below have not exhausted all aspects of an official City ordinance, but are meant to guide discussion and identify key decision factors. They have been adapted from the San Jose Public Art Ordinance (2%) August, 2010 as published by the Americans for the Arts ([hyperlink](#))]

Purpose

The purpose of the Percent for Arts program is to integrate art into city properties and to make our public spaces attractive and inviting for both citizens and visitors alike. Art reflects the vitality of our community and our times, and is not just ornamentation. The City will help lead the community in creating and managing public art. Funding will be both private and public, identified below.

Funding

Funds from Private Developments: When working with city-supported private projects, the City will gain agreements from developers to set aside 1% of the development budget for art. Future financing districts will include a requirement that 1% of the costs of the capital improvements financed by the district be expended for the acquisition and installation of public art. This shall include all projects where TIF funding or a development agreement is required with the City. Funds for public artwork shall be a requested project element in all requests for proposals for capital construction or remodeling issued by the City. The artwork can be installed on the site of the private project or in a public place owned or leased by the City.

Funds from Public Projects by City of La Crosse beginning in 2018: Acquisition of art will be funded, in part, by 1% of the City of La Crosse capital improvement projects budgeted each year. The calculation will be made for projects that include construction or renovation of publically accessible buildings and gathering spaces. The calculation is based on projects that will be funded in whole or part by the city or financing district and will include the City's land acquisition costs. Appropriations for public art will only be expended if consistent with specific requirement for each funding source. Excluded expenses are itemized later in this document.

1% of the CIP funds will be set aside and identified for art acquisition for the construction project. Funds can be pooled by more than one project for the purpose of a larger scale installation or be redirected to a different location from the budgeted facility. Public art expenses may include up to 20% of total costs for the process of selecting, installing, documenting the artwork. Artwork acquired through this program should be installed in public places that are owned or leased by the City.

Management of Public Art Projects

Management of public art includes establishing design goals, art selection, installation, documentation and a maintenance plan. Final responsibility for the selected artwork will be the developing entity. If the development entity has utilized project support (City of La Crosse Arts Board, Planning Dept. and/or an art acquisition team) then the support team will make a recommendation to be approved by the developer and the City Planner. The City Arts board shall propose a specific process to be approved by the Common Council.

The art acquisition will keep a high standard for the artwork. Appropriations are not to be made in the following situations:

- For artwork that is mass-produced or of common design. However, limited editions signed by the artist; original prints; cast sculpture or photographs may be purchased.
- For decorative or ornamental elements designed by the architect
- For expenses related to the ongoing operation of the art, such as electrical, water or mechanical service required to operate the artwork.

Disputes within or between departments regarding eligible expenditures on public art, the Planning Department will forward the question to the City Attorney's office for final resolution.

The following expenses are excluded from the 1% capital improvement budget requirement for public art:

- Costs of non-construction activities such as studies, reports, leases and easements, and activities designated as "non-construction."
- Costs of environmental reviews
- Projects that are designated as "maintenance"; retrofits such as for Americans with Disabilities Act; site remediation; acquisition or installation of furniture, fixtures and equipment; affordable housing projects.

This ordinance does not preclude additional expenditures by the City on public art.