

Effective Date: 3/21/16

Approval: 

**CITY OF LEWISVILLE
POLICY STATEMENT**

TOPIC: 1.0 – ADMINISTRATION
REFERENCE: SECTION VII – PUBLIC ART

I. PUBLIC ART

A. Purpose

The purpose of this policy is to establish a Public Art Program that will help distinguish Lewisville among North Texas cities by communicating Lewisville's character and celebrating its heritage and its people.

B. Goals

The City's Public Art Program will create a better visual environment for the residents and visitors to Lewisville. By working to enhance the aesthetic qualities of the community and engaging artists and members of the community in these efforts, the Public Art Program will:

1. Use Public Art as a tool to strengthen economic development and tourism.
2. Engage residents and business stakeholders in the selection and commissioning of Artworks for all members of the public to enjoy.
3. Educate community members of all ages in appreciation of the arts by providing avenues for expressing our shared values and ideas about this place and its qualities as a community.
4. Involve artists in the overall planning and urban design of the community and its infrastructure.
5. Build a collection of high-quality Artworks that respond to the uniqueness of the community and its rich heritage.
6. Explore the relationship between art and architecture as expressed through the Public Art process.

7. Create opportunity and possibilities for interaction between artists and design professionals, planners, citizens and City officials in development of cultural infrastructure.
8. Integrate the design work of artists into the development of Lewisville's capital infrastructure improvements and to promote tourism and economic vitality in Lewisville through the artistic design of public spaces.

It is not the intent of this policy to use Public Art funding to acquire pieces that are mass-produced or of standard manufacture.

C. Definitions

For the purposes of this policy, the following terms, phrases, words and their derivation shall have the meaning given here:

Art or *Artwork* when used herein shall mean works in any permanent or semi-permanent medium or combination of media produced by a professional practitioner in the arts generally recognized as possessing serious intent and substantial ability. For the purposes of this policy, the terms *Art* and *Artwork* do not include landscaping or the performing or literary arts such as dance, music, drama, or poetry unless expressed in a manner defined above.

Public Art when used herein shall mean Art that is visually or physically accessible to the public and that is acquired by or donated to the City of Lewisville.

Public Art Collection when used herein shall mean all works of Art owned by the City of Lewisville, Texas.

Public Art Master Plan when used herein shall mean the Public Art Master Plan of the City of Lewisville, Texas, as it exists or may be amended.

Public Art Program when used herein shall mean the Public Art Program of the City of Lewisville, Texas, as established by this policy.

Public Art Project when used herein shall mean a project in the Capital Projects Fund into which funding designated for the purpose of obtaining and maintaining a Public Art Collection is allocated and from which the cost of such activity shall be paid.

II. PUBLIC ART MASTER PLAN

A Public Art Master Plan shall establish a long-range plan for the acquisition and distribution of Public Art throughout the City. This plan shall contain recommendations on the sorts of Public Art Projects that ought to be eligible for inclusion in the Public Art Collection, criteria for selection of works for the Collection, and preferred locations for

placement of Public Art. It is the intent of City Council that public input be part of the development of the Public Art Master Plan.

III. PUBLIC ART COLLECTION

Any piece of Public Art obtained by the City, either through purchase or by donation, shall be considered a part of the City's Public Art Collection and property of the City of Lewisville. The City shall own the physical work, with unlimited reproduction rights allowed the City for appropriate promotional and educational purposes. Other than those rights of fair use ceded to the City of Lewisville, the artist may retain copyright and other intellectual property rights in and to the final design and the final artistic work itself. In those cases where the artist retains the copyright, he/she shall grant to the City a perpetual, irrevocable license to graphically reproduce, depict or display the final artistic work for any non-commercial or promotional purpose.

While the emphasis is on permanent pieces, Public Art Projects may, with City Council approval include installations, artist-in-residence programs and other short-term projects that result in the creation of temporary Public Art (not less than 90 days on display) not intended for long-term acquisition by the City.

When a work of visual art is incorporated into or made part of a City-owned facility in such a way that removing the work from the facility will cause the destruction, distortion, mutilation, or other modification of the work, the City shall have absolute unrestricted rights incidental to its full ownership of the final artistic work to alter, change, modify, destroy, move, remove, replace, transport or transfer, in whole or in part, the final artistic work when the City deems it necessary within its discretion in order to exercise the City's powers and responsibilities in regard to public works and improvements, in furtherance of the City's operations or for any other good cause.

Public Art Collection pieces of a portable nature may be loaned to other agencies or entities with City Council approval, upon recommendation from City Staff and the Arts Advisory Board.

City funds will not be expended to place or maintain Public Art on property not owned by the City unless specifically authorized by the City Council.

The inclusion of Art will be encouraged as part of any large private development project. Art should be considered as an integral part of the design of space in and around a large development.

IV. FUNDING

The City of Lewisville shall establish and maintain a Public Art Project within the Capital Projects Fund from which Public Art projects in the City may be funded.

Funding from Capital Projects can equal up to two (2) percent of the budgeted construction cost (excluding all costs for demolition and real property acquisition) for a Council-designated project and be used for the acquisition or creation of Public Art incorporated into the designated project. Public Art allocations for a bond-funded project will remain with the designated Capital Project and will not be transferred to any other fund or project. Allocations authorized by this paragraph shall not be made for capital improvement projects located outside Lewisville city limits or in areas not commonly open to the general public.

Other funding sources can be identified by the City Manager through the budget process.

If a Public Art project (excluding bond-funded projects) is completed without spending the entire amount allocated by City Council, any remaining money will be returned to the Public Art Project. If voter-approved bond funds are used for Public Art, the Artwork must be permanently incorporated into the design of the capital project.

As part of the acquisition process for any piece of Public Art, a maintenance plan shall be developed that includes anticipated future expenses and identifies a funding source to cover those expenses.

IV. GENERAL PROVISIONS

The City of Lewisville reserves the right to change, modify, amend, revoke or rescind all or part of this policy in the future.