

Leesburg Public Art Guidelines

Public art enhances Leesburg's identity as a community. It can build our sense of Town pride, enrich the quality of our lives, and publicly demonstrate that Leesburg values art and creativity in the community. Public art fulfills these purposes in a myriad of ways: by improving our experience of public spaces through excellent and harmonious design; by sensitively preserving or highlighting vistas; by introducing surprising, enlivening, or mirthful elements into otherwise ordinary spaces; and by engaging us with insightful interpretations of our community's activities, aspirations, and history; by giving individuals, families, and children a shared cultural experience; and finally by making us smile about, reflect on, or appreciate some aspect of our lives or world.

In sum, public art has the capacity to humanize our urban and suburban environments. In recognition of the importance of integrating public art into the daily lives of the residents of the Town of Leesburg, Virginia, the Town Council supports a strong public art program. To this end the Town Council hereby establishes the Town of Leesburg Public Art Guidelines ("Guidelines") with the following goals in mind:

- To create exciting, appealing, and harmonious public spaces and buildings by integrating art into architecture, urban design and the planning of infrastructure at the earliest design stage;
- To celebrate our community's heritage, ethnic diversity, commonality, and civic pride. To build a public art collection that contributes to the pride and enjoyment of citizens, visitors and workers and creates a positive emotional connection to the community as a special place;

- To enhance Town of Leesburg's image locally, regionally and nationally by insuring the creation of the highest quality public art;
- To foster the public's understanding and enjoyment of public art;
- To stimulate collaboration between artists and the citizens of Leesburg; and
- To encourage federal, state and private support for Town of Leesburg's public art program.

Through these Guidelines the Town Council seeks to promote opportunities for creating exciting and attractive public spaces that are used and enjoyed by Town residents, workers and visitors. A Leesburg Town Council Member may serve as a liaison to the Council for public art in all areas outlined in said document, Leesburg Public Art Guidelines V.1, dated February 25, 2008.

I. Definitions

1. **Acquisition** – the addition of a work of art for Leesburg, Virginia’s permanent art collection, whether by commission, purchase, gift, or other means.
2. **Art Advisory Panel**- the panel convened by the Commission on Public Art to review a specific project, select an artist to be commissioned and/or an artwork to be purchased. A list of qualified art professionals/practioners is compiled by the Commission on Public Art and referred to when panelists are required.
3. **Artist** – Students of art; professional or academic in nature.
4. **Public Art Commission**- shall mean the Leesburg Commission on Public Art.
5. **Town Council**- the elected Town Council members of the Town of Leesburg.
6. **Capital Improvements Program (CIP)** - all capital projects of the Town.
7. **Work of Art** - means any work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects which involve no structure,

"Work of Art" may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture). Except as provided herein, the term "Work of Art" does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above.

8. **Public Art**- Original or limited multiple edition works of art that are accessible on public property and which may possess functional as well as aesthetic qualities (see Work of Art for further clarification.)
9. **Public Art Program**- the entity and the activities including the Public Arts Commission and appropriate Town Staff, which develop and implement the purpose and goals of the Public Art Policy, following Town policies and procedures.
10. **Public Art Collection**- means the entirety of Works of Art in municipal places which have been acquired by the Town of Leesburg.
11. **Guidelines**- is the term used to describe these regulations adopted by the Town Council to establish procedures necessary to carry out the purpose of the ordinance (pursuant to Town Code Article XII, Sec. 2-100). These guidelines shall include but not be limited to criteria for the selection of artists and art works, maintenance of a file of interested artists, payment practices, procedures for artistic competitions, and requirements for the maintenance of art works.
12. **Town Facility** - for the purposes of the Public Art Program refers to publicly-accessible facilities owned and operated by the Town of Leesburg; this may include buildings, parks, public spaces or public works which are physically or visually accessible to the general public.
13. **Privately Owned- Property**- refers to facilities or grounds which are not the property of the Town of Leesburg or Loudoun County but on which Town of Leesburg art projects may be sited.
14. **Special Exception Projects**- the Town's Zoning Ordinance distinguishes between uses permitted "by right" and uses allowed by "special exception". Site plan approval and use permits are two forms of special exception that require a public review process and include specific conditions of approval imposed by the Town Council.
15. **Work of Art**- all forms of art conceived in any discipline or medium.

II. Goals for the Public Art Program

In developing the Public Art Collection of the Town of Leesburg, the Leesburg Public Art Commission and the Town Council have established these goals to guide the Public Art Program:

- To create exciting, appealing, and harmonious public spaces by integrating architecture, design and the planning of infrastructure at the earliest design stage.
- To celebrate our community’s heritage, ethnicity, commonality and civic pride by stimulating collaboration and understanding between artists and Leesburg’s diverse community.
- To enhance Leesburg’s image locally, regionally and nationally by insuring the creation of the highest quality of public art.
- To foster the public’s understanding and enjoyment of public art.
- To encourage federal, state and private support for Leesburg’s public art program.

III. Eligible Public Art

All public art commissioned or acquired under the Public Art Policy shall be designed, or the process facilitated by an artist or if by a team, an artist is on the team. Public art may include, but is not limited to:

A. Design work provided by an artist to be incorporated into a public construction project, including but not limited to:

- Interior or exterior surfaces, fixtures and functional elements.
- Outdoor design elements in areas such as plazas, arcades, vehicular or pedestrian passageways, landscape architecture and landscape design elements.
- Artistic design of transportation depots–related features, recreation trails, transit system improvements, public works facilities or other infrastructure.

B. Forms of visual art such as, but not limited to:

- Any of the following forms or types: bas-relief, mobiles, fountains, environmental, kinetic, electronic, etc., in any material or combination of materials;
- Painting in all media, including portable and permanently affixed works such as murals and frescoes;
- Printing and drawing, including media such as photography, film, graphic arts, any print media (e.g. lithography, etching, etc), drawing, and calligraphy;

- Ceramic, fiber and textiles, wood, metal, plastics, glass, stone, mosaics and other materials.
- Technological media that may develop through artistic pursuit or adaptation of digital, audio, video or graphic media; use of lighting, or the internet.
- Mixed media that is any combination of forms and media.

IV. Guidelines For Funding Sources

Various funding methods will be initiated and evaluated by the Leesburg Commission on Public Art. The funding recommendation is the responsibility of the Commission and will be included in any plans for Works of Art presented to the Town Council.

Gifts and Donations

Contributions for public art received in conjunction with a rezoning project may include funding for a specific art project in a proposed development, funds for a project included in the Public Art Master Plan, or a contribution to support the Town's public art program.

Donations/Private Entity

The Town may negotiate for the inclusion of an art amenity as part of the rezoning process. If public art is a component of a rezoning, then the Public Art Commission shall review the public art proposal subsequent to the rezoning application.

Community Initiated Projects

As currently exists through other Town funding sources, a Town of Leesburg community group or neighborhood association may propose a public art project for a site that may or may not be on the Public Art Master Plan.

Percentage for Art Fund

With the goal of public art in our community, innovative solutions to provide funding and integrating art into capital projects throughout the Town of Leesburg are being sought. It is the Leesburg Public Art Commission's goal to be given the opportunity as part of the Town Budget approval process to make recommendations to the Town Council regarding funding opportunities for public art.

Program projects may be considered by the Council for reservation of funding for public art. However, the base from which the art fund is calculated shall exclude grant funds for which the Town provides a local match, bond funds which do not allow such a use, and any other funds whose source would prevent their use for public art.

Other Funding Sources

The Commission will be active in applying for non-Town public, private funds, and grants to support public art projects as appropriate. Individuals, businesses and organizations will also be encouraged to make contributions to the Town for public art projects.

VI. Procedures for Selection and Acquisition of Works of Art

Town Initiated Projects

In general, Town Initiated Projects will be located on sites identified as part of a Town planning document such as but not limited to the Town Plan, Business Development Strategy, Transportation Plan, Parks and Recreation Master Plan, the Urban Forestry Master Plan and the Public Art Master Plan. The plan may also be revised at such other times as a proposal for inclusion of a project on a site not identified in the Plan is received by the Town, if the Town finds such proposal to be consistent with laws and regulations and the Town's general policies on public art.

The Public Art Commission, working with Town staff, will identify the highest priority projects and recommend those projects for implementation as funding allows. As much as possible, these projects should correspond with new construction or renovation projects planned by the Town for that year.

V. Criteria for Selection of Artists, or Artworks

Eligibility requirements for each project will be established by the Art Advisory Panel and consideration and collaboration with staff and other relevant commissions.

Artist or extant works of art will be selected on the basis of qualifications or quality as demonstrated by past work, appropriateness of the proposal to the particular project, and probability of successful completion. Selection will be based on the criteria set in the guidelines below.

Criteria for selection of artist or existing works of art:

- Quality / originality: demonstrated capabilities of the artist and merit of the proposed works of art;
- Suitability: appropriate in scale, material, form, and content for community and physical environment;
- Durability: demonstrates structural and surface integrity, reasonable maintenance cost and requirements;
- Safety / Public Liability: Work of art should not present issues in these areas. Work of art should be reviewed by appropriate departments or offices to ensure that the work of art does not present safety hazards.

Methods of selecting artists, existing work of art or artist proposals:

- Open Competition / request for Qualification or Proposals: Any artist may apply, subject to any limitations established by the panel;
- Limited competition: Artist invited by the panel to submit proposals;
- Hybrid selection: Artist selected through a combination of the above.

Non-Discrimination Clause: Neither the Town of Leesburg nor the Public Art Commission shall discriminate against any artists on the basis of race, color, religion, national origin or ancestry, disability, age, or gender

Proposals for Works of Art that include inappropriate subject matter, in the sole opinion of the Town Council, shall not be approved.

The Art Advisory Panel shall not approve the selection of any Artist or Work of Art which has not been developed according to the procedures described in these Guidelines.

The Leesburg Town council has the final authority for Work of Art approval.

The Composition of the Art Advisory Panel

The Art Advisory Panel is an ad hoc group of a minimum of three [3] that may be convened by the Commission on Public Art to review a specific project, or recommend an artist to be commissioned and/or an artwork to be purchased. The Panel is populated from “The List of Qualified Art Professionals / Practioners” which is compiled by the Commission on Public Art and referred to when panelists are required.

The List of Qualified Art Professionals / Practioners shall consist of a minimum of twelve [12] volunteer representatives each qualified as an artist with appropriate technical background to evaluate relevant artists and proposals. The Public Art Commission will maintain and update this List of volunteers to be called upon during the process of developing / creating Works of Public Art.

The Commission on Public Art can populate The List through a call for artists, recommendations and / or volunteers. The Commission is responsible for reviewing The List members at least annually; maintaining communication with The List members; educating The List members on guidelines and responsibilities; and selecting the members of The List and the Art Advisory Panel.

List members can be added at any time and will serve a two-year term. There is no limit to the number of terms a List member can serve.

VI. The Process of Creating the Work of Art

Upon determining the need, funding and/or requirement for a specific public art installation, The Commission for Public Art will convene an Art Advisory Panel. The Art Advisory Panel will develop a recommendation through either an RFP process or commission.

Preliminary recommendations, concepts and designs shall be reviewed by the Art Advisory Panel, prior to fabrication, for safety concerns, structural or engineering requirements, durability, longevity, routine maintenance and conservation of all materials and components.

That recommendation, including a complete design and budget, will be presented to the Commission on Public Art for their consideration.

During C.O.P.A. meetings called for the consideration of the recommendation of the Art Advisory Panel, members from the BAR, Engineering and Public Works, Capital Projects Management, and Economic Development Commission will be asked to attend to provide their feedback and recommendations on a project.

The Commission on Public Art will determine if a project is acceptable and will present it to Council for their consideration. Once a project has been approved by both the Commission on Public Art and the Council a contract for the required services of the Artist(s) shall be developed by the Town Staff and the Public Art Commission.

An Artist may create/fabricate a selected Work of Art independently, collaboratively, or with subcontractors and may install the Work at the site, or may create the Work on site. The Program may acquire a selected design from an Artist and execute the Work of Art under a separate contract with a consultant or contractor other than the Artist.

If the initial design, created under contract, for the Work of Art is not acceptable, the Artist shall have two additional opportunities to satisfy the Public Art Commission and the Town Council. If not approved, another artist may be selected (and the artists will be paid for their time in accordance with their contract terms.

1. Need, opportunity, funding for public art identified
2. Art Advisory panel convened
3. Art Advisory Panel recommends artist, design and budget to Commission
4. Commission reviews recommendation with input from other Commission and staff members
5. Commission votes to endorse Panel recommendation
6. Council presentation – Council endorses proposed Public Art
7. Artist is contracted
8. Work created / installed

COPA = Commission on Public Art

VII. Collection Maintenance and Conservation

A. The Town of Leesburg shall have responsibility to document, maintain, conserve, and when appropriate, restore Works of Art in the Public Art Collection. When Notice of Acceptance is issued and ownership of the Work of Art is transferred to the Town, the Town shall protect the value, integrity and authenticity of the Work of Art, and shall comply with the Visual Artists Rights Act of 1990, Title 17, United States Code, as amended.

In general, for Town-initiated and community-initiated permanent works of public art, the Town should own the physical work and copyrights should be retained by the artist, with reproduction rights allowed the Town for appropriate promotional and educational purposes. Legal title and copyrights in any Work of Art funded in whole or in part by direct Town funding and/or the Public Art Fund, or donations or loans of Work of Art that are accepted by the Town, shall be spelled out in a mutually agreeable contract

between the Town and the artist and the owner. Ownership of art obtained through special exception projects will be negotiated on a case by case basis. Insurance for value and liability for Works of Art will be considered on a case-by-case basis. The details of the insurance recommendation will be included in any plans for Works of Art presented to the Town Council.

B. Maintenance and conservation are to be carried out by qualified consultants, who may also review proposals by Artists. During planning for a public art project, maintenance issues will be identified and addressed regarding the use of materials, fabrication techniques, structural engineering, foundation and site design, and any other considerations related to longevity and durability. The conservation effort includes condition assessment reports of every Work of Art in the Collection, integrated with the Program data base and updated periodically.

C. Deaccession of a Work of Art - Deaccession is the complete removal of a Work of Art from the Collection and from public display. A Work of Art may require deaccessioning for the following reasons:

- Destruction, either by deterioration, vandalism, or accident, to such an extent that repairs or restoration are impractical or unfeasible.
- On-going maintenance has become impossible or is prohibitively expensive.
- Required changes by the Town the site, will destroy the integrity of the Work because of its relationship to the site.

D. The procedures to deaccession a Work of Art will entail the following:

- Assessment to identify the problems and determine possible solutions. Review by the Public Art Commission with a recommendation as to the action to be taken and subsequent approval by appropriate administration officials.
- Prior to the deaccessioning of a Work of Art, appropriate public notification will be made.

VIII. Effective Date and Filing.

These Public Art Policy Guidelines shall become effective on: September 23, 2008.