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I. GOALS

The Town of Superior Public Art Management Handbook/Plan will set standards for the acquisition, maintenance and selection of public art, including:

- A. The selection of locations for the placement of public art,
- B. The selection of public art to be purchased or commissioned by the Town,
- C. The selection of the artists for public art projects, and
- D. The long-term care of art assets.

II. GUIDING PRINCIPLES FOR THE ACQUISITION OF PUBLIC ART

Prioritize the installation of public art across Superior to:

- Contribute to building the Town’s identity while also creating more vibrant and attractive spaces for residents to gather and connect.
- Increase Superior’s contribution to Colorado’s arts and culture assets.
- Boost Superior’s economic growth by attracting and retaining more visitors and residents.

III. SCOPE

The Handbook extends to artworks owned and managed by the Town of Superior and does not extend to artworks on display within Town offices or buildings that have restricted public access or regulated access or artworks acquired for the sole purpose of office adornment and not for overall public experience. The policy does not extend to temporary exhibitions of artworks (such as gallery displays, booth displays at art festivals, individual artworks or museum exhibits) displayed on Town-owned or –managed property where the owner of such artwork has or intends to: 1) retain ownership of the work and 2) remove it after an agreed upon duration has concluded.

This Policy does not address art displayed on privately owned property and owned by entities other than the Town, such as murals on private businesses unless it qualifies for review under Section X. Art Before You Dig.



IV. DEFINITIONS

Public Art: For the purposes of this document, public art is defined as artwork that is funded wholly or in part by the Town of Superior for the express purpose of ownership, selected by a public art selection process and is either located on public property or located on private property if an agreement has been signed by the private property owner.

Public art and work of art are interchangeable and include the following media:

- A. Sculpture
- B. Monuments
- C. Murals, paintings
- D. Mosaics, ceramics
- E. Fiber art
- F. Time-based: film/video, digital, web-based, projections, performance
- G. Light installations
- H. Photography
- I. Stained glass
- J. Architecture or landscape integrated (environmental art)
- K. Text-based
- L. Sound art
- M. Mixed-media

The definition does not include the following:

- A. Reproductions of unlimited editions of original work;
- B. Objects that are mass produced;
- C. Architectural rehabilitation or historic preservation;
- D. Wayfinding, signage (except where these elements are an integral part of the artwork)
- E. 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.

Memorial Donation: For the purpose of section VII. *Donation Review Procedures* below, a memorial is defined as an artwork to be donated to the Town in order to honor and commemorate a deceased person or persons and/or events.



Request for Qualifications vs. Request for Proposals

The first step for soliciting artists for a public art project shall be a Request for Qualifications (RFQ), a method in which the agency distributes a call for entries that requires the submittal of an interest letter, the artist's resume and examples of past projects. The artists are evaluated based on their background experience, the quality of their work, their use of materials and their ability to design art for a specified site. In the RFQ process, semi-finalists are selected (generally no more than three) and offered a stipend to develop design concepts. In the public art industry, design stipends ranges from 1-5% of a project budget for each semi-finalist. The design concepts are presented to the selection committee, the committee evaluates the proposals and selects the proposal that best meets the project criteria.

The RFQ method is contrasted by the Request for Proposal (RFP) process in which artists are asked for design ideas as part of their application and is not offered a design stipend. While this method may be appropriate for smaller-scale projects (less than \$5,000) and appealing to younger less experienced artists, it is not a general practice if an agency is looking for high quality, professional artists.

V. PROCEDURES FOR THE ACQUISITION OF PUBLIC ART

A. Public Art Project Initiation and Procedures

1. Budget is identified and allocated by the Town Board of Trustees.
2. CAPS establishes project criteria through a Project Implementation Plan:
 - a. Site, address and location within the site
 - b. Type of art, e.g. murals, sculpture, etc.
 - c. Theme, e.g. nature or history, etc.
 - d. Artist eligibility, geographic or experience level, etc.
 - e. Art selection method (see below)
3. Town staff implements the Project Implementation Plan (see Administration below).
4. A CAPS subcommittee is convened, i.e. Project Art Selection Committee (described below), to review applications and select semi-finalists.
5. CAPS reviews Project Art Selection Committee recommendation.
6. Projects under \$25,000: CAPS to submit recommendation to the Town Manager for final purchasing approval (see Approval Process below, which conforms with Town Purchasing Policy).



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7. Projects over \$25,000: CAPS to submit recommendation to Board of Trustees for final purchasing approval (see Approval Process below, which conforms with Town Purchasing Policy).
8. Town staff executes contract and oversees project (see Administration below).

B. Project Art Selection Committee

CAPS shall appoint a subcommittee for each public art project to take on the role of reviewing applications, narrowing down qualified applicants and forwarding the top applications to CAPS for review and approval. The Public Art Project Subcommittee would be convened outside of CAPS regular monthly meeting in order for CAPS to continue working on regular agenda items at regular meetings. CAPS may choose to shape the Subcommittee with CAPS members and other community members as CAPS deems necessary, such as individuals who represent the key interests of the location of the project, e.g. Town staff relevant to a project (i.e. Parks staff for parks, Public Works staff for streets), nearby neighbors and/or nearby business representatives. CAPS encourages the Board of Trustees to appoint a member to join the Public Art Project Subcommittees. There shall be no less than five Public Art Project Subcommittee members, which constitutes the majority of CAPS membership, and no more than 11 total members. The majority of the subcommittee members shall be comprised of CAPS members.

CAPS shall set the project criteria prior to the Subcommittees first meeting, including but not limited to: budget, site, location within the site, artwork theme, artwork type and artist eligibility (see below Project Implementation Plan). The Public Art Project Subcommittee shall be responsible for the following:

1. Reviewing the applications;
2. Narrowing down the applicants to a reasonable number of semi-finalists;
3. Reviewing design concepts; and
4. Forwarding a short-list of applicants to be reviewed by CAPS at a regular meeting.

After the Subcommittee forwards a short-list to CAPS, CAPS would then evaluate the recommendation based on established criteria and vote on approval. If the budget is over \$25,000, CAPS would forward the contract to the Board of Trustees for review and final approval (see below Approval Process).

C. Art Selection Methods



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The CAPS Advisory Committee shall determine the selection method on a project-by-project basis. The following methods may be used to select public art for the Town:

Open competition: A call for entry is distributed and artist eligibility is subject to established criteria, e.g. geographic, level of experience, etc.

Invitational competition: One or more artists are invited to submit qualifications or proposals based on established eligibility criteria. If proposal method is used, design stipend is offered (see below RFQ vs. RFP).

Open invitational competition: A combination of the open call and the invitational methods are combined and artists are eligible to apply subject to established criteria. A CAPS subcommittee, Town staff or other may be asked to reduce the number of applicants to a reasonable number based on established criteria. The short-list is reviewed and a selection is made from the short-list.

Artist roster: A list of pre-approved artists is developed by CAPS, Town staff or other as designated by CAPS and the selection is made from the list based on established eligibility criteria.

Guest curator selection: A guest curator is chosen to select an artist or work of art based on established criteria.

Direct purchase: A list of artworks available for purchase is developed by CAPS, Town staff or other and a selection is made based on established criteria.

D. Artist Selection Criteria

The following criteria shall be used in the evaluation of artists who are eligible to create works of art for the Town.

1. Artist experience and qualifications relevant to the scale of the project.
2. Probability of successful completion of the project.
3. Other factors deemed by CAPS to be important.



E. Site and System Criteria

The following criteria shall be used in the selection of locations for artwork:

1. The site is owned by the Town of Superior or an agreement can be made with the property owner.
2. The site is visible and accessible during open public hours.
3. The project helps to fulfill Town goals.
4. There is an opportunity to incorporate permanent artworks during new construction or renovation that will result in a strong artistic outcome.
5. The artist can included in the design process.
6. There is an opportunity to collaborate with a Town Department, Committee or Commission that could bring additional resources and/or result in an expanded art project.
7. The opportunity supports the vision of the Creative Placemaking Master Plan.
8. There is appropriate budget, staff resources and time available for the project to be successful.
9. Consideration given to ADA compliance.

F. Art Selection Criteria

The following criteria shall be used in the selection of works of art:

1. Artistic merit, high quality and unique design.
2. Compatibility with the site, e.g. function of site, size and materials.
3. Compliance with all safety requirements.
4. Requires low maintenance and low-cost repairs and replacement.
5. Stands up to Colorado weather.
6. Other criteria that CAPS deems necessary.

Artistic and Creative Selection Criteria

1. The work has artistic merit, unique design and enduring value.
2. The work enhances community identity and sense of place.
3. Celebrate the value of arts, culture and creativity in Superior.
4. The work is compatible with the site and enriches the public environment for residents and visitors
5. The work supports social connection and relationships among residents, businesses and Town entities.
6. Encourage participation among a diversity of residents.



7. Requires low maintenance, enables low-cost repairs and stands up to Colorado weather.

G. Approval Process

The acquisition of public art for the Town shall follow the Town’s *Purchasing Level Approval Requirement* outlined below:

Dollar Limit	Bids/Proposals	Approvals
Up to \$1,000	None required	Cultural Arts Staff
\$1,001 - \$2,000	None required	Department Head
\$2,001 - \$5,000	Minimum 3	Department Head
\$5,001 – 15,000	Minimum 3	Department Head/Town Manager
\$15,001 - \$25,000	Formal bid or proposal required	Department Head/Town Manager
Over \$25,000	Formal bid or proposal required	Department Head/Town Manager/Town Board

H. Conflict of Interest

As stated in the 2019 Advisory Committee Guidebook, the objective of the Town is that appointed advisory members avoid ANY conflicts of interest. A member should carefully consider for himself or herself avoiding even the appearance of impropriety. Where a conflict exists, and even in situations where the member is unsure an actual conflict exists, but there is seeming impropriety present, the Town requires the following procedures to be followed:

- Immediately and publicly disclose the nature and extent of the conflict.
- Do not participate in any discussion or decision regarding the action before the advisory group.
- Leave the room.

In addition:

- Do not participate in discussions with other members of the advisory group or Town staff regarding the matter.



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- Do not attempt to influence the matter publicly or privately.
- These rules apply whether interest is direct or related to the interest of an immediate relation of the member.

What is considered a conflict? Key terms in answering this are whether there is an “interest.” The definition of “interest” is a pecuniary, property or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss. Your interest extends to relatives and any business in which you are an officer, director or employee or own more than 1% of outstanding shares.

Occasionally, gifts are offered to advisory members. Members may not solicit or accept a present or future gift, favor, discount, service or other thing of value from a party to a Town contract, or from a person seeking to influence your official action. There is an exception for “occasional non-pecuniary gift” of \$15 or less, unless the gift, no matter how small, may be associated with the member’s official action, whether concerning a contract or some other matter.

Additional rules to keep in mind:

- Members may not use non-public information for personal or private gain.
- Members may not use any Town employee’s time for personal or private reasons.
- Members may not use Town vehicles or equipment, except in the same manner as available to any other person.

If you are unsure of your legal responsibilities on any matter regarding your role as an advisory group member, please seek the advice of the staff liaison as soon as possible, particularly before a meeting where you may have a conflict of interest respecting a matter before the advisory group you are serving.

VI. DUTIES AND RESPONSIBILITIES

Cultural Arts and Public Spaces (CAPS) Advisory Committee

As established by Town of Superior Resolution No. 79 Series 2016, Section 2:

The purpose of CAPS is to envision and create engaging arts and cultural experiences, inspired public spaces, opportunities for community building and to advise the Board of Trustees on such matters.

CAPS is charged with the following duties:



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1. *To advise the Board of Trustees on the selection of art installations and artistic and cultural development within Superior;*
2. *To envision, create and inspire active opportunities in fine and cultural arts within Superior;*
3. *To develop, energize and activate public spaces that reflect the spirit, culture and heritage of Superior;*
4. *To cultivate opportunities to gather and create community in Superior;*
5. *To assist in the preparation of applications for grants or other sources of funding for its suggested proposals; and*
6. *To perform such other functions associated with CAPS' purpose as the Board of Trustees may direct.*
7. *As necessary and appropriate, CAPS shall make reports and recommendations to the Board related to its purpose and duties.*

A. Administration

The Town's Cultural Arts staff shall be responsible for oversight, facilitation and coordination of the acquisition process by the Town and may offer expertise to CAPS in the development of technical reviews of artworks under consideration, selection processes, acquisition methods, budget allocations and other essentials needed to acquire works of art. It is Town staff's sole responsibility to communicate with artists under consideration for a contract and for communicating with artists once a contract has been awarded to monitor the contract, including the fabrication, transportation, site preparation and installation of the artwork.

Staff shall oversee the maintenance of public art owned by the Town and procure goods and services to accomplish goals to that end. Town staff shall follow the Town's Purchasing Policy in an effort to provide for the most efficient use of tax payers' dollars, provide for timely purchase and follow common sense and good business practices.

VII. DONATION AND MEMORIAL REVIEW PROCEDURES

CAPS shall be responsible for reviewing all proposed donations of art whether for memorial or other, and for making a recommendation to the Board of Trustees on whether the Town should accept or deny the proposed donation. The following evaluation criteria shall be used in determining if a proposed donation will be accepted:

- A. Authenticity and quality of the artwork and artist.
- B. Compatibility with the Town's public art goals.
- C. Appraised value of the artwork and potential investment value.



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- D. If the proposed donation includes a cash donation to maintain the artwork in perpetuity.
- E. Rights and ownership.
- F. Maintenance and conservation plan.
- G. Other criteria may be used on a case-by-case basis.

Staff shall gather and prepare the following documents shall be submitted to CAPS at a regular meeting to used in the evaluation process:

- A. Cover letter from the donor describing the artwork to be donated, including the artist's name, whether the artist is living or deceased and any historical, cultural and/or financial significance of the artwork or artist, the purpose of the donation, the name and or event to be memorialized (if any), the provenance of the artwork if known, if the donor is offering an additional cash donation to assist in the long-term care of the artwork and the proposed site for the artwork to be located in Superior.
- B. A letter from a fine art appraiser stating the value of the artwork and current condition.
- C. Photographs of the artwork from various angles if three-dimensional.
- D. If donation is a memorial, a biographical description of the event or person to be memorialized, including any outstanding achievements or circumstances on which the memorial is based.

VIII. DEACCESSION, DISPOSAL OR RELOCATION PROCEDURES

The Town may choose to consider removing a public artwork from the asset inventory or relocate a public artwork from its original location. In either case, the procedure shall follow public art industry best practices and adhere to any contractual agreements with the artist of record. CAPS shall conduct the deaccession, disposal or relocation evaluation process and make a recommendation to the Board of Trustees on the disposition of artwork under consideration for deaccession, disposal or relocation. CAPS shall not review any artwork for deaccession, disposal or relocation within three years of its original installation unless the artwork has been deemed a safety hazard.

A work of art may be considered for deaccession, disposal or relocation for one or more of the following reasons:

- A. Public safety is at risk.
- B. The work of art is damaged beyond repair or damaged beyond its insurance value and its cultural significance is not compromised.
- C. A suitable site for display is no longer available.



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- D. The quality, authenticity or provenance is called into question or cannot be validated.
- E. The Town decides to replace the work of art with one of more significance by the same artist.
- F. Other factors that CAPS deems necessary.

The deaccession, disposal or relocation review process may be initiated by the Board of Trustees, Town Manager or CAPS. Town staff will gather the following information for a review by CAPS, after which CAPS shall make a recommendation to the Board of Trustees on the recommended disposition.

- A. Estimated insurance value should the artwork be of excellent condition;
- B. Original cost;
- C. Contract with the artist;
- D. Photographs of original and current conditions;
- E. Cost estimate for deaccession, disposal or relocation;
- F. Written opinion of at least one independent professional qualified to make recommendations, such as art conservator, architect, engineer, art historian, etc.; and
- G. Public comment.

IX. MAINTENANCE PROCEDURES

As public art collections grow and age, maintenance can become a significant expense. Artwork that is not maintained properly can face an even greater expense when conservation is necessary. The following procedures will ensure the best possible outcome for maintaining the integrity of Superior's public art collection.

- A. In year one of the Creative Placemaking Master Plan, 2020, staff shall conduct a Condition Assessment of the public artworks owned by the Town, which shall include a description of needed repairs, cleanings and/or conservation, the recommended treatment, a cost estimate and a five-year treatment timeline.
- B. Town staff will share the Condition Assessment report with CAPS for informational purposes.
- C. Town staff will secure goods and services to complete the needed treatments and keep CAPS apprised of the progress.
- D. Going forward, Town staff shall conduct a Condition Assessment every other year, share the report with CAPS and secure the goods and services needed to complete treatments.



- E. The cost to complete the needed treatments shall be funded by the Cultural Arts and Events budget.

X. ART BEFORE YOU DIG GUIDELINES

The purpose of this section is to encourage the integration of public art into all projects in Superior to integrate public art into private development projects in Superior, and to provide guidelines for the procurement and management of art in these developments. By preparing for public art integration before construction takes place, developers are on the road to increase the value of a development by creating a unique identity while giving back a cultural amenity to the community. By following the step-by-step guidelines below, a developer project is committing to will improving the aesthetic character of Superior’s public places.

A. Step-by-Step Guide

1. The developer reviews the Art Before You Dig Guidelines and contacts the CAPS staff liaison for questions and to schedule a meeting with CAPS.
2. A representative from the developer’s team shall attend a CAPS meeting to go over the preliminary concepts, including potential public art site(s), theme, budget, schedule and other design-related issues.
3. The developer shall prepare a Public Art Implementation Plan (PAIP) to be submitted to CAPS for review and comment (see below section B). The developer or representative shall present the PAIP in person to CAPS at a regularly scheduled meeting.
4. After feedback from CAPS, the developer shall begin implementation of the PAIP. The Plan shall be completed before the issuance of the first Certificate of Occupancy (C.O.) unless, through prior arrangement, Town staff gives written consent to issue the first C.O.
5. At the completion of the project, the developer shall submit the project closing documents to the CAPS staff liaison (see section H below).
6. The developer shall provide public access to the public art and maintain the artwork in good condition for the duration of the life of the asset.

B. Public Art Implementation Plan Timeline and Components

After the artist(s) is selected and before the artist contract is signed by the developer, the PAIP shall be submitted to CAPS for review and comment.

The PAIP shall include:

1. Narrative description of public art project.



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2. The public art budget, including an itemized list of expenses to be paid for by the artist and developer (see section E below).
3. Fabrication, site preparation and installation schedules.
4. Artist renderings, plans and other media reflecting the project design and site.
5. Artist resume and biography, including contact information.
6. Maintenance plan.
7. Unsigned copy of artist contract

C. Eligible Types of Art

Unique or limited-edition artworks created by a professional artist, including:

1. Functional elements such as gates, benches, fountains or shade structures.
2. Landscape integrated enhancements such as passageways, bridges, street lighting elements or garden features.
3. Mosaics or terrazzo walls and flooring.
4. Sculpture such as freestanding, wall-supported, suspended or kinetic.
5. Neon, LED, glass, photographs, prints, and any combination of media including sound, film, video or other interdisciplinary artwork.
6. Other types of art as CAPS deems necessary.

D. Ineligible Types of Art

1. Reproductions or unlimited editions of original work.
2. Art objects that are mass-produced.
3. Artworks that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned by a professional artist.
4. Architectural rehabilitation or historical preservation.
5. Directional elements such as super-graphics, signage or graphics that would already be a part of the project.
6. Fountains or playground equipment that is mass-produced.
7. Designs that are created by the project architect or landscape architect firms.
8. Business logo.

E. Eligible Public Art Expenses

The costs below must be associated with the creation and installation of artwork for the project.

1. Artist solicitation costs including call for entries printing and mailing.



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2. Artist proposal fees and final design fees.
3. Materials to build, secure and install artwork.
4. Assistants' labor costs.
5. Structural engineering.
6. Business insurance Building permits for artwork purposes.
7. Applicable local and taxes.
8. Business and legal expenses needed in the creation and installation of artwork.
9. Operating costs.
10. Art dealer fees.
11. Site preparation.
12. Fabrication.
13. Installation.
14. Photo of the work.
15. ID plaque.
16. Artwork lighting.
17. Long-term maintenance of the artwork, up to 10 % of the public art budget.

F. Recommended Artist Selection Process

The developer and/or its assigns shall be responsible for selecting the artwork. There are three processes to choose among or a combination of the three can be utilized:

1. CAPS or staff may provide the developer with a list of qualified artists to be considered.
2. Open Competition
 - The developer prepares a Request for Qualifications to be advertised.
 - The developer reviews the artist application packets, including images of past work, letter of interest and resume.
 - The developer selects semi-finalists to prepare design concepts (proposal) for the site and pays a proposal fee.
 - The developer selects the finalist and negotiates contract terms.
 - The developer submits an update to the CAPS at a regularly scheduled meeting for review and comment. The update shall include: the list of applicants, the final artist's application and selected design concept.
3. Invitational Competition



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- The developer creates a list of artists to be considered for the project and the artists are asked to submit an application packet for consideration, including images of past work, letter of interest and resume.
- The developer selects semi-finalists who prepare design concepts (proposals) for the site and are paid a proposal fee.
- The developer selects the finalist and negotiates contract terms.
- The developer submits an update to the CAPS at a regularly scheduled meeting for review and comment. The update shall include: the list of applicants, the final artist's application and selected design concept.

4. Direct Purchase

- The developer researches artworks available for purchase at galleries, artist studios, exhibitions, etc. and selects an artwork for purchase from the results.
- The developer submits an update to the CAPS at a regularly scheduled meeting for review and comment. The update shall include: the list of artworks considered and selected artwork details.

G. Professional Artist Qualifications

Artists who are being considered for a public art project in private developments in Superior shall meet at least one of the following criteria. The criteria below are based on art industry standards of who qualifies as a professional artist. The more criteria an artist fulfills, the higher the quality of the final public art project.

1. Bachelor of Fine Art and/or Master of Fine Art from an accredited college or university.
2. Exhibition experience in a professional context, e.g., galleries, museum, art centers or other exhibit venues.
3. Is recognized by his/her peers as such by way of honorable mentions, awards, prizes, scholarships, appointments and/or grants.
4. Is pursuing his/her work as a means of livelihood and/or a way to achieve the highest level of professional recognition.
5. Has had his/her artwork publicly written about or discussed.
6. Has his/her artwork held in public or private collections.
7. Is commissioned or employed on the basis of his/her art skills.

H. Project Close-Out



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After the public art is installed, the developer shall submit the following closing documents to the CAPS staff liaison:

1. Final Report form to be provided by Town staff and completed by the artist;
2. Itemized list of expenses paid for by public art budget;
3. Sample copies of all printed and promotional materials;
4. Copy of signage identifying artwork; and
5. Documentation: photos, slides and digital images.

XI. EXAMPLE MUNICIPAL PUBLIC ART POLICIES AND PROCEDURES REVIEW

In order to develop the draft document, staff provided the CAPS with five municipal examples of public art policies and procedures from the following municipalities: City of Aurora, City of Louisville, City of Boulder, City of Wheat Ridge and City of Golden. CAPS also reviewed the public art industry best practices developed by the Americans for the Arts, the foremost national organization on the advancement of the arts. These examples intended to help the subcommittee understand the scope of the task to develop a document to guide public art acquisition, maintenance and other topics related to public art.