ORDINANCE NO. 788

AN ORDINANCE OF THE TOWN BOARD OF TRUSTEES OF THE TOWN OF DEL NORTE ADDING ARTICLE 10, PUBLIC ART COMMISSION, TO CHAPTER 2 (ADMINISTRATION) OF THE DEL NORTE MUNICIPAL CODE

WHEREAS, the Board of Trustees of the Town of Del Norte has been approached by various artists who are painters, sculptors, metal workers, wood carvers, acrylic artists, and other artistic endeavors, who desire to contribute their talents to the Town and promote artists, artistic endeavors, and works of art within the community;

NOW THEREFORE, be it ordained by the Town Board of Trustees of the Town of Del Norte that the Town of Del Norte Public Arts Commission is hereby created with the purpose of creating a climate and atmosphere in which the arts and culture can thrive and develop with reasonable rules and regulations concerning the display and placement of artistic creations and that Article 10, Public Arts Commission, be added to Chapter 2 (Administration) of the Del Norte Municipal Code as follows:

Article 10
Del Norte Public Arts Commission

The Del Norte Public Arts Commission is hereby created.

Sec. 2-10-10 Goals

(a) The goals of the Del Norte Public Arts Commission are:

(1) Complete, implement, and periodically revise a community strategic arts and cultural development plan;

(2) Encourage and facilitate cooperation, collaboration, and partnerships with and between the arts community, local government, education, and the business community;

(3) Provide information and education to local artists and arts agencies to enhance funding, management, and marketing skills;

(4) Provide advice to the Town of Del Norte Board of Trustees concerning the establishment of community arts priorities and criteria for expenditure of public resources;

(5) Increase both private and public resources for the arts.

Sec. 2-10-20 Commission

(a) The commission shall consist of no fewer than three (3) and no more than seven (7) members.

(b) Members shall reside in the town of Del Norte and/or the geographical area of the San Luis Valley (counties of Rio Grande, Alamosa, Costilla, Conejos, Mineral, and

Saguache). One (1) member of the Del Norte Town Board of Trustees shall serve as ex-officio member.

(c) Members shall serve without compensation, except for those expenses incurred in connection with the work of the commission as approved by the Town Administrator or his/her designee, subject to approval by the Board of Trustees.

(d) Members shall be selected without regard to race, color, religion, sex age, sexual orientation, national origin, marital status or physical handicap.

(e) Terms: Terms of the commission shall be three years and shall be staggered so that one third (1/3) of the commissioners shall be appointed each year – provided further that the initial appointments in 2026 (1st year of operation) shall be 2 members for a one-year term, two members for a 2-year term, and one or more members for a three-year term. Such initial members shall be increased by at least one (1) if initial membership exceeds at least six members. In the event of death, resignation, or removal of any member, his or her successor shall be appointed for the duration of the unexpired term.

(f) Removal.

(1) The commission, by majority vote, may request that the Town Board remove any commissioner who is failing to fulfill the duties and responsibilities of office, provided that such commissioner is given reasonable advance notice of such action and the opportunity to address the Board of Trustees prior to such vote.

(2) Unexcused failure to attend three regularly scheduled meetings of the commission within any twelve (12) month period shall constitute just cause for removal of the member.

Sec. 2-10-30 Officers

(a) Chairperson – the commission shall select one of its members to serve as chairperson each year. The chairperson shall preside at meetings of the commission, arrange for production and presentation of an annual report to the Board of Trustees and meet with the Town Administrator and/or Board of Trustees concerning implementation of commission recommendations.

(b) Vice Chairperson – the commission shall select one of its members as vice-chairperson, who shall assume the duties of the chairperson in his or her absence.

(c) Secretary – The commission shall select one of its members as secretary, who shall keep the minutes of commission meetings and make the same available for public inspection at Town Hall. The secretary shall assume such other duties as are assigned by the chairperson.

Sec. 2-10-40 Meetings

(a) The commission shall meet on an as needed basis, upon the call of the chairperson or a majority of the art commissioners or as provided in the commission's Rules of Procedure.

(b) Notice of each meeting of the commissioners shall be given no less than five (5) days prior to the date of the meeting to each commissioner – either personally, by mail or email. In addition, the Town Clerk shall post all meetings in a similar manner to posting Town Board meetings.

(c) Place – meetings shall be held at Town Hall, 140 Spruce St., Del Norte, Colorado, unless the subject of the meeting demands a different venue, in which case the notice shall contain such altered location.

(d) Quorum - A majority of commissioners of record shall constitute a quorum. In the absence of a quorum at any meeting, the commissioners may adjourn the meeting for a date certain, up to thirty (30) days without further notice. The commissioners present at a duly constituted meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough commissioners to leave less than a quorum.

(e) Voting – Each commissioner shall be entitled to vote. When a quorum is present at any meeting, the affirmative vote of a majority of those present shall decide any question brought before such meeting.

(f) Rules of Procedure – The commission is authorized to adopt its own rules of procedure not inconsistent with the provisions of this article. Any procedural matters not covered by such rules of procedure shall be in accordance with the most current version of Bob's Rules of Order.

(g) Applicability of CORA and COMA. – As an appointed board of local government, meetings and records of the commission are governed by the Colorado Open Records Act (CORA) and the Colorado Open Meetings ACT (COMA).

Sec. 2-10-50 Duties

(a) The commission is charged with the responsibility of developing a public arts and cultural development plan for the Town, subject to Board of Trustees approval, which shall include guidelines regarding selection, acquisition, placement, installation, and maintenance of such artistic works, as well as development of an educational program for Town residents and visitors regarding the Town's public arts program, conducting a periodic accounting and condition assessment of the public art collection to be submitted with said development plan and implementation of the public art plan as per the direction of the Town Board.

(b) Arts in Public Places – The commission shall have the general responsibility of administration of this subsection:

1. Definitions.

i. *Art in public places* means any work of art, including works of art acquired by the Town, temporary art and art on loan, displayed in an open Town-owned area, on the exterior of any Town-owned facility, inside any Town-owned

facility, in areas designated as public areas, or on non-Town property if the work of art is installed or financed, either wholly or in part, with Town funds or grants procured by the Town.

ii. *Art on loan* means any work of art that is not owned by the Town, but which is owned by another entity or individual, and is on public display by the Town according to the terms of a loan agreement with the owner.

iii. *Construction project* means the construction, rehabilitation, renovation, remodeling, equipping, or improvement of any building, street, park, utility line, or other public improvement by or for the Town, including all associated landscaping, parking, and the like, but excluding any improvements exempted by the Town Board from the requirements of this article.

iv. *Special fund* means the art in public places special revenue fund established by this article.

v. *Temporary art* means any work of art that has an intended life span of less than one year.

vi. *Work of art* means and includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving, or stained glass.

2. Fund established.

There may be established a special fund designated as the "Art in Public Places Special Revenue Fund." Said special fund shall be credited with such funds as are determined by the Board of Trustees of the Town of Del Norte and with all funds received by the Town from fees and donations for art in public places, whether contributed, earned, secured through grants, or otherwise obtained. Moneys credited to such an account shall be expended only for the acquisition of works of art, maintenance and repair of works of art owned by the Town, temporary art and art on loan, implementation of the master plan regarding Public Art Policy, and expenses of administration of this subsection.

3. Guidelines.

The commission shall adopt guidelines through its cultural development plan:

- To identify suitable works of art for public display in the Town, whether permanent and owned by the Town, temporary art, or art on loan;
- To select sites suitable for the display of works of art;
- To facilitate the preservation & maintenance of works of art that may be displayed in public places;
- To prescribe a method or methods for the competitive selection of works of art for display;
- To prescribe procedures for the selection, acquisition, or loan and display of art in public places; and
- To set forth any other matter appropriate to the administration of this article.

For selection and display standards:

- For display of art in public places consistent with CIRSA standards and guidelines as per Attachment Number One incorporated herein.

- **Upon approval of the Del Norte Public Arts Commission, the art display shall be removed or covered within thirty (30) days of notice given if: (1) the location no longer supports the condition or security of the artwork; (2) the artwork presents a risk to the safety of the public; (3) the artwork is damaged beyond repair; (4) significant changes in use, character or actual design of the site require a re-evaluation of the artwork's relationship to the site; or (5) the artwork requires excessive maintenance or has flaws in workmanship.**

Introduced, read in full, adopted, approved, and signed this 10th day of June 2026.

Shelly Burnette, Mayor

ATTEST:

Bernadette Martinez, Town Clerk

APPROVED AS TO FORM:

Eugene L. Farish, Town Attorney

Certification

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Town Board of the Town of Del Norte, Colorado on the 10th day of June 2026, and published in full in the June 17, 2026, a legal newspaper in the Town of Del Norte on SLV Journal.

Bernadette Martinez, Town Clerk