

CORPORATE POLICY AND PROCEDURE



POLICY **Public Art Policy**
REVISION DATE **July 9, 2014**

POLICY STATEMENT

The City of Guelph recognizes that art in Public Spaces is a valuable asset that enhances the quality of life for its citizens, strengthens community pride, improves the aesthetic of the public environment, and contributes to the City's cultural aspirations, social well-being and economic vitality. Through Public Art we celebrate our culture and heritage, reflect our diversity, express shared values and define our unique identity. Public Art advances the City's strategic goal to build a well-designed and appealing City that supports the four pillars of sustainability and engages the community.

PURPOSE

The purpose of this Public Art Policy is to:

- i. Establish, for the City, a standardized and transparent process for the selection, acquisition, maintenance and de-accession of Public Art; and
- ii. Provide, for the City, a sustainable funding model for the management of Public Art.

DEFINITIONS

Acquisition refers to the process of accepting an artistic work into the City's collection of Public Art.

Artist refers to the designer/creator of an artistic work and can include, but is not limited to, a professional artist, graphic designer, collaborative team, architect, or landscape designer.

Borrowed refers to an artistic work that is borrowed by the City, through a loan agreement, for a defined period of time from a lender who owns and retains ownership of the artistic work.

Community Art refers to an artistic work created collaboratively between an artist and an identified community. Community members actively participate in the creation of the artistic work. The artistic process is of equal importance to the artistic product.

De-accession refers to the process of removing an artistic work from the City's collection of Public Art.

Owned refers to an artistic work that is owned by the City for the benefit of this and future generations.

Public Art refers to artistic works that are created by Artists and acquired by the City with the specific intention of being sited on or staged in Public Space. Such artistic works may be Owned or Borrowed, and may be characterized as aesthetic, functional, interactive, or any combination thereof, and created using any material or any combination of media, including but not limited to sculptures, water features, paintings, drawings, textiles, furnishings, installations, and kinetic works.

Murals and other artistic works that do not leave a lasting record of their creation are considered temporary art, and are not subject to this Policy. Furnishings, such as benches, light standards, and signage, are not subject to this policy unless a design component is commissioned. Museum, library and archival collections, commemorative plaques and memorials fall under other City policies, and are therefore not subject to this Policy.

Public Art Committee refers to the committee described in Section 1.1 of this Policy.

Public Art Operational Plan refers to a plan developed and managed jointly by staff of the Community & Social Services and Planning, Building, Engineering & Environmental Services and Finance & Enterprise Service Areas to parallel this Policy and to recommend a practical implementation strategy for Public Art. In addition to identifying and prioritizing locations throughout the City where Public Art may be situated, the Plan will make recommendations regarding themes and materials based on an assessment of the current inventory of Public Art and will serve as the first stage in the development of a more detailed and longer-term Public Art master plan.

Public Space refers to space available for use by the public, and can include, but is not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges, gateways, street spaces, civic squares and exterior and interior public areas associated with buildings or structures owned, operated, occupied or used by or for the City.

PROCEDURE

1. Roles

The management of Public Art is a consultative process involving multiple participants, including community representatives, City staff and City Council.

1.1 Role of Public Art Committee

A Public Art Committee will be established as a standing subcommittee of the City's Cultural Advisory Committee. The Public Art Committee will:

- i. advise on the implementation of this Policy through the Cultural Advisory Committee;
- ii. review proposed project scope and terms of reference for each new Public Art project;
- iii. ensure application of established procedures and guidelines for each selection process;
- iv. advise and promote communication and outreach of this Policy to the community;

- v. advise and recommend to City staff through the Cultural Advisory Committee on proposed gifts, donations and bequests to the City in accordance with established guidelines;
- vi. advise on the development and implementation of selection, acquisition, maintenance and de-accession of artistic works to which this Policy applies; and
- vii. review the Public Art Operational Plan.

The Public Art Committee will consist of seven (7) members selected by the Cultural Advisory Committee from the community. Three (3) members will be from the Cultural Advisory Committee itself. Four (4) members will not be members of the Cultural Advisory Committee, but will have professional experience related to at least one of the following disciplines: urban planning or developing, landscape architecture, architecture, visual, literary or performing arts, art history, art administration or education, curating, visual arts consulting, civil engineering, art reviewing/writing, or heritage research and planning. All members of the Public Art Committee will be residents of Guelph and will demonstrate a significant knowledge of arts and culture.

The Public Art Committee will be subject to the City's Code of Conduct policies to ensure a fair and equitable treatment of all participants in the process and to ensure that their recommendations are without bias.

1.2 Role of City Staff

City staff will:

- i. facilitate regular Public Art Committee meetings, circulating information, providing guidance and arranging for the recording of minutes;
- ii. recommend a budget through the City's annual budget process;
- iii. establish and maintain a Public Art Inventory;
- iv. coordinate the acquisition of artistic works in accordance with this Policy;
- v. coordinate conservation of the City's Public Art as required; and
- vi. investigate Federal, Provincial, or other sources of funding to promote and support the development of Public Art in the City.

The implementation of this Policy will be coordinated by the City's Arts and Culture Program Officer.

An inter-departmental Public Art planning team will be established to work in conjunction with the Public Art Committee for selection of artistic works and ongoing, long-term Public Art planning, including site selection, restorations, conservation and maintenance. This planning team will include staff representatives from such Service Areas as Corporate Administration, Community & Social Services, Operations & Transit, Economic Development, Financial Services, and Planning & Building, Engineering and Environment.

Community & Social Services staff will receive recommendations from the Public Art Committee, through the Cultural Advisory Committee, related to the selection,

acquisition or de-accession of Public Art. Final decisions regarding the selection, acquisition or de-accession of artistic works will be made by Community & Social Services staff with the appropriate approval authority.

1.3 Role of City Council

Council will:

- i. act as an advocate for art in Public Spaces in the City;
- ii. approve the Public Art Policy;
- iii. approve any changes to the Public Art Policy, as needed;
- iv. authorize expenditures from the Public Art Reserve Fund; and
- v. approve the annual Public Art budget through the budget process.

2. **Funding**

2.1 Public Art Reserve Fund

Funding to support this Policy will be provided through the establishment of a Public Art Reserve Fund. For the years 2012 – 2014, funding to this reserve will come from the allocation of \$100,000 of the previous year's operating surplus, if there is a surplus available. This funding model will be re-evaluated at the end of the initial three year period.

A minimum of 75% of all funds collected must be used for the design, fabrication, installation and documentation of Public Art or Community Art projects chosen through an objective jurying selection process.

Funds ranging up to 25% will be apportioned to the governance and administration of the selection process, collection, inventory, insurance, staffing, legal requirements, de-accession of artistic works and the overall policy review.

Funding may also be provided through the Public Art Reserve Fund for Community Art projects. A jury, consisting of Public Art Committee members and members of the inter-departmental Public Art planning team, will determine whether or not a Community Art project should proceed and/or be funded. The goal of these Community Art projects is to engage citizens and may or may not include the use of professional Artists.

Development contributions to the Public Art Reserve Fund will be encouraged through Section 37 of the *Planning Act*. City contributions to the Public Art Reserve Fund will also be used to leverage funding from other governmental and private sources.

2.2 Public Art Maintenance Budget

Maintenance costs for Public Art associated with a specific City site will be incorporated into the annual operating budget for such site.

A Public Art Maintenance budget line will be established and an annual allocation will be made as part of the regular City operating budget process to address costs related to the ongoing maintenance and conservation of Owned Public Art.

3. Selection

3.1 Owned Public Art

The process for soliciting proposals for providing Public Art should:

- attract Artists from a variety of artistic disciplines
- be meaningful, fair and equitable
- encourage opportunities for learning, participation, and experimentation in arts and culture
- incorporate and integrate Public Art into the planning, design, and execution of selected civic development projects

Proposals for providing Public Art may be solicited through:

- open competition
- invited competition
- direct award, where permitted by the City's Purchasing By-law

Public Art will be selected on merit through a process informed by expertise and community input through the Public Art Committee. The selection will employ a jurying process coordinated by the Public Art Committee, with guidance from the inter-departmental Public Art planning team. Final decisions regarding the selection, acquisition of artistic works will be made by Community & Social Services staff with the appropriate approval authority.

Sites for Owned Public Art will be identified through the Public Art Operational Plan.

Each artistic work that is being considered for selection as Owned Public Art will be evaluated according to the following criteria:

- quality of work
- condition of work
- monetary and/or appraised value
- artistic reputation of the artist
- suitability of the artistic work for display in a Public Space
- no duplication of other Owned Public Art or aspects thereof
- relevance to the City's natural and built environment, cultural heritage, and/or history
- authenticity of the artistic work
- ethical and legal considerations regarding ownership

All offers of gifts, donations and bequests of artistic works will be reviewed by the Public Art Committee with guidance from the inter-departmental Public Art planning team to assess artistic merit, site suitability and context, durability and maintenance requirements, financial implications and public safety prior to any acquisition, designation or installation as Public Art.

3.2 Borrowed Public Art

All artistic works to be considered for selection as Borrowed Public Art will be evaluated against the following criteria:

- quality of the artistic work
- artistic reputation of the Artist
- suitability of the artistic work for display in a Public Space (e.g. size, subject matter)
- condition of the artistic work
- the City's ability to safely display and conserve the artistic work
- exposure provided for Guelph artists

Proposals for Borrowed Public Art will be reviewed by an inter-departmental Borrowed Public Art panel led by Community & Social Services staff. Sites for Borrowed Public Art will be identified through the Public Art Operational Plan.

4. Acquisition and Securing

4.1 Owned Public Art

The City may acquire Owned Public Art through purchase, commission, or donation.

Each acquisition will be accompanied by a maintenance plan that is supplied by the Artist or donor.

All donations must be unencumbered and the locations for donated artistic works will be subject to the Public Art Operational Plan. The donor of the artistic work must have legal title to the artistic work and will be responsible for meeting the Canada Revenue Agency criteria if the donor wishes to receive an Official Receipt for Income Tax Purposes for the donation.

This process, which includes an appraisal of the artistic work at the donor's expense, to determine its fair market value, requires pre-approval of the City's Finance Department staff.

The City may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

4.2 Borrowed Public Art

The City may secure Borrowed Public Art for display on a temporary basis. Temporary installations may last from one day to one year, typically remaining on view for three to six months.

Following the approval of a proposal, an appropriate agreement between the Artist and/or sponsoring organization and the City will be executed.

The Artist and/or sponsoring organization will be responsible for funding, installation, maintenance and timely removal of the artistic work, and restoration of the site.

4.3 Agreements

Following the approval of the acquisition of an artistic work, the Artist will enter into a written agreement with the City. This agreement will address the Artist's obligations, which may include, but are not limited to:

- scope of work
- materials
- timelines
- installation
- maintenance
- warranty
- copyright and moral rights
- payments to sub-contractors

This agreement would also set out the City's obligations that may include, but are not limited to:

- payment
- adherence to the approved maintenance plan
- insurance of the artistic work
- community notification
- Artist recognition

4.4 Installation

The City is responsible for coordinating the installation of all Owned or Borrowed Public Art. The installation process will be identified, in advance, through the purchase, commission, donation, or exhibition agreement and may involve participation of the Artist and/or a contracted professional installer. The condition of all acquired artistic works will be reported upon receipt, and any problems found will be referred to the Artist/lender for resolution, prior to installation.

4.5 Insurance

All artistic works owned by the City through purchase, commission and/or donation, are the property of the City and are insured under the City's Insurance Policies.

For all Borrowed Public Art, the Artist will submit proof, satisfactory to the City, of insurance coverage for the artistic work, and a waiver freeing the City from liability in case of accidental loss, theft, damage or vandalism. In addition, the Artist will submit a complete list of the displayed artistic work(s) which will include the title(s), dimensions, medium/media and appraised value(s).

5. Maintenance

The Artist is responsible for developing a maintenance plan for each Public Art artistic work. The maintenance plan must be submitted for review and consideration along with the proposal to select the artistic work for acquisition. The complexity of the maintenance plan may vary based on the size, nature and material of the artistic work. Therefore maintenance plans must also meet the satisfaction of Operations & Transit staff. Maintenance plans will include, but are not limited to, maintenance specifications, budget implications, manufacturer lists, and key contacts, including the Artist.

The City is responsible for the care and maintenance of the artistic work, in accordance with the approved maintenance plan. Community & Social Services staff will monitor the maintenance plan. The appropriate City staff will undertake an inspection of the artistic work according to a pre-determined schedule. Staff may, if deemed necessary, retain a qualified art restorer to undertake the inspection.

6. Storage

When storage of Public Art, whether short-term or long-term, is required, the City will ensure that such storage meets appropriate museum standards. Whenever possible, existing City and community resources will be used for the storage and management of the City's Owned Public Art.

7. De-accession of Public Art

The City may de-accession Public Art when necessary. All reasonable efforts will first be made to resolve problems or re-site the Public Art, in consultation with the Artist and/or donor, where appropriate. Reasons for de-accession include, but are not limited to:

- endangerment of public safety
- excessive repair or maintenance
- irreparable damage
- inaccessibility
- site redevelopment

In the event of theft, vandalism or accidental loss, the City may determine whether replacement or de-accession of the artistic work is appropriate.

No artistic work will be de-accessioned and disposed of without consultation with the Public Art Committee. Recommendations of the Public Art Committee regarding the need for and method of de-accession will be made to Community & Social Services staff. The de-accessioned artistic work may be moved, sold, returned to the Artist or destroyed, with any monies received through a sale allocated to the Public Art Reserve Fund.

8. Private Art

Staff of Planning, Building, Engineering & Environmental Services, Downtown Renewal, and Economic Development will work with new and established businesses, agencies and other levels of government, architects, builders, contractors, and developers to identify opportunities for incorporating private artistic works into architecture, building and/or landscape designs of private infrastructure, or the layout of private open spaces, including private connections to adjacent public features (e.g. streets, bridges, road infrastructures, interchanges, gateways, parks and open spaces), and related requirements for urban environments and streetscapes (e.g. requirements for light standards). Private sector developers will be encouraged to integrate private artistic works into the design of private sites, buildings and/or landscaping, especially in publicly accessible and visible areas of private sites, including, but not limited to building facades, floors, ceilings, courtyards, or entrances and could include functional and

decorative elements including, but not limited to benches, water features, and light standards.

9. Monitoring and Evaluation of this Policy

Community & Social Services staff will undertake an evaluation of this Policy within one year after it is fully implemented to assess its effectiveness and to identify amendments if required. Following this initial review, this Policy will be re-evaluated at least every five years.

Any proposed substantive amendments will be submitted to Council for consideration and approval. The City will regularly monitor the effectiveness of the Policy.