

Corporate Policy And Procedure



Policy	Public Art Policy
Category	Corporate
Authority	Culture and Recreation
Related Policies	None
Approved By	Council
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Policy Statement

The City of Guelph recognizes that Public Art enhances quality of life for citizens, fosters inclusion and belonging, strengthens community pride, improves the aesthetic of the public environment, and contributes to social well-being and economic vitality. Through the practice of artmaking and creative expressions in Public Spaces, Artists and the artistic community contribute significantly to the commemoration and celebration of our culture and heritage, reflection of our diversity, expression of shared values, and definition of our unique identity. Public Art advances Guelph’s City Building objective to grow and care for our community spaces and places.

Purpose

The purpose of this Public Art Policy is to:

- Establish, for the City, a standardized and transparent process for the selection, acquisition, maintenance, and de-accession of Public Art in keeping with professional standards, and
- Provide, for the City, a sustainable funding model for the growth and 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 murals, sculptures, water features, paintings, drawings, textiles, furnishings, installations, and kinetic works.

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 by staff of Culture and Recreation, in partnership with other City departments as need arises, 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 Advisory Committee

The Public Art Advisory Committee is a Council-appointed committee which:

- a) advises on the implementation of this Policy
- b) reviews proposed project scope and terms of reference for each new Public Art project
- c) ensures application of established procedures and guidelines for each selection process
- d) advises and promotes communication and outreach of this Policy to the community
- e) advises and recommends to City staff on proposed gifts, donations and bequests to the City in accordance with established guidelines
- f) advises on the development and implementation of selection, acquisition, maintenance and de-accession of artistic works to which this Policy applies
- g) reviews the Public Art Operational Plan

The Public Art Advisory Committee will consist of seven (7) members with professional experience related to at least one of the following disciplines: urban planning or development, placemaking and community building, architecture, landscape architecture, visual art, literary arts, performing arts, art history, art administration, art education, curation, arts consulting, civil engineering, art reviewing/writing, or heritage research and planning. All members of the Public Art Advisory Committee will be residents of Guelph and will demonstrate a significant knowledge of arts and culture.

The Public Art Advisory Committee is 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:

- a) facilitate regular Public Art Advisory Committee meetings, circulating information, providing guidance, and arranging for the recording of minutes
- b) cultivate relationships with the artistic community
- c) recommend a budget through the City's multi-year budget process

- d) establish and maintain a Public Art inventory
- e) coordinate the acquisition of artistic works in accordance with this Policy
- f) coordinate conservation of the City's Public Art as required
- g) 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 supported by the City's Cultural Programs & Events Coordinator.

An inter-departmental Public Art planning team will be established to work in conjunction with the Public Art Advisory Committee for selection of artistic works and ongoing, long-term Public Art planning, including site selection, restorations, conservation, and maintenance. This planning team could include staff representatives from such Service Areas as Culture and Recreation, Planning and Building Services, Engineering and Transportation Services, Parks, Economic Development and Tourism, Finance, and Operations.

Culture and Recreation staff will receive recommendations from the Public Art 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 Culture and Recreation staff with the appropriate approval authority.

1.3. Role of City Council

Council will:

- a) act as an advocate for art in Public Spaces in the City
- b) approve the Public Art Policy
- c) approve any changes to the Public Art Policy, as needed
- d) authorize expenditures from the Public Art Reserve Fund
- e) 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 City's annual capital budget to the Public Art Reserve Fund. 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 juried 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 Advisory Committee members and members

of the inter-departmental Public Art planning team, will determine whether a Community Art project should proceed and/or be funded. The goal of Community Art projects is to engage citizens, and they 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 and conservation costs for Owned Public Art will be included in the City's annual operating budget.

3. Selection

3.1. Owned Public Art

The process for soliciting proposals for providing Public Art should:

- a) attract Artists from a variety of artistic disciplines
- b) be meaningful, fair, inclusive, and equitable
- c) encourage opportunities for learning, participation, and experimentation in arts and culture
- d) 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:

- a) open competition
- b) invited competition
- c) 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 Advisory Committee. The selection will employ a jurying process coordinated by the Public Art Advisory Committee, with guidance from the inter-departmental Public Art planning team. Final decisions regarding the selection and acquisition of artistic works will be made by the Deputy Chief Administrative Officer or designate 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:

- a) quality of work
- b) condition of work
- c) monetary and/or appraised value

- d) artistic reputation of the artist
- e) suitability of the artistic work for display in a Public Space
- f) accessibility and AODA compliance
- g) no duplication of other Owned Public Art or aspects thereof
- h) relevance to the City's natural and built environment, cultural heritage, and/or history
- i) representation of diversity within the community
- j) authenticity of the artistic work
- k) ethical and legal considerations regarding ownership

All offers of gifts, donations and bequests of artistic works will be reviewed by the Public Art Advisory 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:

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

Proposals for Borrowed Public Art will be reviewed by an inter-departmental Public Art planning team. 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.

Appraisals for income tax purposes are conducted by a qualified appraiser acting at arm's length from the City and the donor.

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 up 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, detailing responsibilities for funding, installation, maintenance, and 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:

- a) scope of work
- b) materials
- c) timelines
- d) installation
- e) maintenance
- f) warranty
- g) copyright and moral rights
- h) payments to sub-contractors

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

- a) payment
- b) adherence to the approved maintenance plan
- c) insurance of the artistic work
- d) community notification
- e) 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. 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. Culture and Recreation 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. Deaccession of Public Art

The City may deaccession 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:

- a) endangerment of public safety
- b) excessive repair or maintenance
- c) irreparable damage

- d) inaccessibility
- e) site redevelopment

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

No artistic work will be deaccessioned and disposed of without consultation with the Public Art Advisory Committee. Recommendations of the Public Art Advisory Committee regarding the need for and method of deaccession will be made to Culture and Recreation staff with final approval by the Deputy Chief Administrative Officer of Public Services. The deaccessioned artistic work may be transferred internally, gifted, or exchanged with another institution, sold, or offered back to the Artist notwithstanding any Canada Revenue Agency restrictions. Any monies received through a sale will be allocated to the Public Art Reserve Fund.

8. Private Art

Staff of Planning and Building Services, and Economic Development and Tourism, will support 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

Culture and Recreation staff will undertake an evaluation of this Policy 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.