

PUBLIC ART POLICY

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GLOSSARY

Archives, as they relate to this Policy, means public records which are the property of the Township of Esquimalt.

Artist means a painter, sculptor, designer, fabricator, performer, technician, or craftsman who creates Art Work.

Art Work may be permanent, semi-permanent, functional or temporary, and includes all forms of art conceived in any medium, material, performance, media or combination thereof, including but not limited to: civic infrastructure and furnishings [such as gates, streetlights, or signage], sculpture, kinetic works, landscaping, murals, paintings, drawings, fibreworks, neon, glass, photography, prints, parades, and tableaux, vignettes, or creative displays of an artistic/informational nature which interpret the heritage significance of a building or site. Art Work or Public Art does not include illegal practices and their destructive results [i.e. tagging and uncontrolled graffiti].

Collection in the context of this policy refers to products of the arts and crafts [including but not limited to, sculpture, in any material or combination of material whether in the round, bas-relief, high-relief, mobile, fountain, kinetic or electronic; painting, drawing, print, photograph, film and videotape, crafts, in any material or combination of materials such as clay, fibre, textiles, wood, metal, plastic or any combination of the above forms or media; and/or architectural embellishments such as ornamental surface treatment, special lighting, etc.] plus antiques, monuments, memorials, and objects of historical interest to the Township of Esquimalt, which are owned by the municipality.

CPTED [Crime Prevention Through Environmental Design] means an assessment by qualified CPTED practitioners of the advisability of placing a particular piece of Art Work in an identified outdoor location and/or how it could be situated to address issues of public safety and vandalism.

Cultural Workers means anyone employed in the promotion or production of Art Work or cultural events.

De-Accessioning is the process whereby the municipality, with the advice of the Public Art Advisory Committee (PAAC), will determine whether to remove a piece from the municipal art Collection. [See Section D.4]

Public Art Advisory Committee (PAAC) is established by council to advise on all aspects of Public Art policy, planning, education and promotion for the municipality of Esquimalt.

Public Art means original works of art [in any medium or discipline, permanent or temporary, placed, incorporated or performed in indoor or outdoor public places] designed for a specific site or integrated into their surroundings for the enjoyment or enrichment of the public and are available to the public without a direct cost. [see Art Work] For the purposes of this Policy, Public Art also includes civic monuments and memorials.

Public Realm includes the places and things, such as building facades, parks, public open spaces and streets, that provide for unrestricted or visual access by the public.

Sustainable in relation to Public Art or Art Work means works capable of lasting in good condition for the intended duration of their display for temporary pieces and capable of enduring indefinitely, with proper maintenance and restoration, for permanent pieces.

Public Art Policy For Esquimalt

MISSION STATEMENT:

To cultivate a more vibrant community full of visually exciting and identifiable spaces where art in all its forms is incorporated into everyday life.

INTRODUCTION:

In May 2001, Esquimalt Council directed staff to initiate the development of a Public Art Policy based on input from the Esquimalt residents, community organizations, local Artists, arts promoters and regional arts staff.

The first step was to identify those persons with experience in the arts and community representatives who would be willing to participate in the development of a Public Art Policy. The second step was to bring those people together in a series of workshops aimed at developing a Public Art Policy with goals and objectives specific to Esquimalt.

The first public workshop was held October 20, 2001 with ten community members, including two councillors, and five staff in attendance. From this workshop the framework of a draft policy was created as well as the beginning of an inventory of existing Public Art in Esquimalt. Subsequent workshops on January 19th, February 28th, and March 6th, 2002 developed and completed a draft Policy.

Initially the Policy was intended to deal primarily with the acquisition and management of Art Work in municipally-owned public spaces. However, workshop participants expressed a desire to broaden the Policy to include all forms of art in any spaces used by or visible to the public, and to develop an arts policy to include regional art initiatives and promotion of the arts.

At the present time, the municipality does not provide the range of educational, or cultural programs, including art instruction and art appreciation, that some larger municipalities do. The Esquimalt Parks and Recreation Department's mandate does not include 'culture'. However, in the future, should the role of the Parks and Recreation department be expanded to include 'culture', consideration would be given to the formation of a comprehensive Arts Policy.

Following the workshops, the draft Policy was presented to the community at Open Houses held on April 20, 2002 and June 25, 2002. The draft Policy was circulated to five professional Artists in the Greater Victoria area and their comments were taken into consideration.

Esquimalt's Public Art Policy was adopted by Council on July 15, 2002.

Section A - PURPOSE, BENEFITS, PRINCIPLES AND GOALS

A1 Purpose

A Public Art Policy will enrich Esquimalt both physically and intellectually by ensuring that a diversity of Art Work and art forms are integrated into the design of public spaces. It will also ensure that art is valued as an integral part of society.

An inclusive Public Art policy will enable community participation in the building and embellishing of public spaces and allow residents to take pride in the public cultural expressions within Esquimalt.

The effects of the Policy will be a more vibrant urban environment, an increase in community understanding and acceptance of the arts, promotion of the arts in general and increased community pride.

By ensuring a fair and consistent selection process, local and visiting Artists and members of the Esquimalt community will be able to participate in the cultural, economic and social development opportunities associated with Public Art.

The purpose of this policy is to guide the placement of all Art Work [including monuments and memorials] which are to be located in parks, municipal facilities, municipal open spaces and streets.

A2 Benefits of Public Art

Identifiable benefits of including Art Works in Esquimalt's public places and spaces visibly accessible to the public include the following:

- increases the livability and attractiveness of the urban environment
- increases public appreciation and awareness of the arts
- stimulates the creation of new artworks by inviting and encouraging Artists and the public to participate in diverse arts activities
- provides opportunities for local Artists to be recognized by their community
- provides a mechanism for residents to be involved in the design of their public environment
- creates a sense of community pride and identity
- serves as a catalyst to economic development and tourism

- inspires new ways of looking at the community
- provides opportunities to reveal community legacies, i.e. culture and heritage, and creates bridges between different social groups
- identifies a vibrant, progressive community that is a leader in the arts
- the arts come to be valued as an integral part of society.

A3 Guiding Principles

- A.3.1 Ensure that Art Work selected for placement in public facilities, particularly permanent works, exhibit excellence in design and execution and are an enhancement to the community.
- A.3.2 Acquire a Collection of Art Work that as a whole is inclusive of the broad spectrum of the community, although individual art pieces may reflect the styles and preferences of particular segments of the community.
- A.3.3 Ensure that the process for selecting Public Art Works is meaningful and equitable and in keeping with the community's aspirations.
- A.3.4 Embrace good design principles in all aspects of the urban environment.
- A.3.5. Encourage adequate resources for the creation of Public Art Work.
- A.3.6 Ensure the maintenance of permanent pieces of Public Art in their proper condition.
- A.3.7 Ensure that public s are safe, sustainable and enduring.
- A.3.8 Encourage excellence, quality and innovation in the selection of Public Art pieces while being open to new ideas and accepting of a variety of artistic expressions.

A4 Goals

The goals of the Public Art Policy are:

- A.4.1 To incorporate Public Art into the planning, design, and execution of selected civic and private development projects.

- A.4.2 To demonstrate that Public Art can act as a catalyst to enhance the municipality as a location for diversified economic development.
- A.4.3 To ensure that Artists have the opportunity to provide a variety of art works and cultural expressions in public places.
- A.4.4. To ensure that Artists are respected and given a dignified role in shaping the cultural evolution of the community.
- A.4.5 To encourage community members to participate in developing the resources of Public Art to reflect the multi-cultural nature of the Township of Esquimalt.

What are we guiding:

SELECTION AND PLACEMENT OF ART WORK IN PUBLIC SPACES

What are we looking for:

ENHANCEMENT OF THE MUNICIPALITY AND EXPOSURE TO QUALITY ART WORK

Qualities we want to see:

EXCELLENCE IN DESIGN, INNOVATION AND CREATIVITY,
HONESTY OF EXPRESSION

Section B - GOVERNANCE

B1 Establishment of the Public Art Advisory Committee [PAAC]

- B.1.1 A Public Art Advisory Committee is established by council to advise on all aspects of Public Art policy, planning, education and promotion, including the allocation of funds from designated municipal sources.
- B.1.2 PAAC will be an appointed committee composed of volunteers representing the Esquimalt community as well as Artists and Cultural Workers (for example, art historians, gallery/museum staff). Ideally, members of PAAC should encompass the following: be active in some field of art or arts promotion, a member of the Esquimalt community, be knowledgeable about Esquimalt, and an advocate for Public Art.
- B.1.3 The PAAC will consist of seven [7] members selected as follows:
- Two [2] members from the Community at large;
 - Two [2] members from the arts field [i.e. Artists, Cultural Workers]
 - Two [2] members from other Esquimalt committees/community groups
 - One [1] Councillor
- Encouragement will be given to youth, representatives of First Nations or members of the Esquimalt community. In the event that representatives cannot be appointed pursuant to B.1.3, additional citizens at large are appointed.
- B.1.4 PAAC reports to Council and advises Council principally through the Council member.
- B.1.5 Council provides the PAAC with clerical support. Staff assistance is provided primarily from the Planning and Engineering Department and with additional assistance from the Parks and Recreation Department as required.
- B.1.6 Members of PAAC are appointed for a two-year term. The first terms of appointment are staggered so that some members will sit on the Committee for one year and other members for two years to accommodate the future rotation of members. Members of PAAC may not serve for more than three consecutive two-year terms. However, after at least two years out of office, the member may be reappointed.

- B.1.7 PAAC will hold meetings on a quarterly basis. PAAC may meet on a more frequent basis if required for jury selection or to supervise individual projects as they emerge.
- B.1.8 Members of PAAC shall not receive compensation for services other than reimbursement for actual expenses incurred in the discharge of official duties of the Committee.
- B.1.9 PAAC will appoint a Chair to call and preside at the meetings, and to set an agenda. Meetings are to be set in advance and project deadlines are to be established. In the event the Chair is unable to attend, PAAC is to appoint a Deputy Chair as an alternate.
- B.1.10 Five [5] members of PAAC shall constitute a quorum for the transaction of business.

B2 Duties and Responsibilities of the Public Art Advisory Committee

Key responsibilities of PAAC:

- B.2.1 Review and make recommendations to Council on all proposed Public Art projects, and ensure the application of established procedures and guidelines on a project-by-project basis in consultation with appropriate municipal departments.
- B.2.2 Initiate, promote and be actively engaged in the establishment of a Public Art component at all potential Public Art sites.
- B.2.3 Advise Council on communication, education and outreach to the community regarding Public Art; this includes education about individual pieces of Public Art as well as promoting the importance of Public Art to the community.
- B.2.4 Ensure, with the cooperation of municipal staff, that proper Art Work maintenance and conservation programs are in place and practiced.
- B.2.5 Council may request advice from PAAC on other matters related to art as the need arises.
- B.2.6 Establish and maintain, in cooperation with Esquimalt Archives, a Public Art Inventory including Public Art Works currently on

display plus Art Works and Collections held in the Esquimalt Archives.

- B.2.7 Advise Council on the De-accessioning of individual Public Art Works.
- B.2.8 Advise Council on proposed gifts, bequests and donations of artwork according to established municipal policies and procedures.
- B.2.9 Liaise with related arts and cultural organizations with the Capital region.
- B.2.10 Select juries for Public Art competitions in accordance with established guidelines and set the Terms of Reference for projects, and ensure policy is followed.
- B.2.11 Initiate the development of a comprehensive arts policy regarding Esquimalt's future cultural development.
- B.2.12 Provide opportunities for public involvement and feedback on the selection of Public Art Work to ensure that the selection of Art Works reflects the values of the community.
- B.2.13 Promote the inclusion of art in private developments.
- B.2.14 Ensure that federal laws regarding censorship and obscenity are complied with.
- B.2.15 Administer and oversee the budget assigned by Council to cover administrative expenses.

B3 Competitions and Jury Selection

- B.3.1 PAAC operates juried art competitions as the main art selection process.
- B.3.2 PAAC will decide on the criteria and terms of reference for each competition.
- B.3.3 For competitions having more than one submission stage as determined by the PAAC, consideration will be given to Artists' compensation.

- B.3.4 Members of the jury are selected by PAAC for individual art projects, and art acquisitions. The jury will consist of 5 members and will include the following:
- Artists [at least two]
 - Cultural Workers [at least one]
 - Community members [at least one]
 - One PAAC member
- B.3.5 Responsibilities of the jury include:
- Reading the competition guidelines or terms of reference for each project;
 - Review and vote on art submissions for the project;
 - Participate in interviews;
 - Inform the PAAC in writing of the decision of the jury;
 - Keep all information confidential including names and details of submissions.
- B.3.6 A jury selects the successful Artist who will be required to complete the project according to the Project Terms of Reference.
- B.3.7 The vote will be by a majority of one; each jury member has one vote.
- B.3.8 Jury may recommend that none of the submissions fit the terms of reference or judging criteria.

B4 Code of Conduct

- B.4.1 Member of PAAC shall not use their influence or personal position for private gain or favour; this constitutes conflict of interest.
- B.4.2 Any participant in the Esquimalt public art process including municipal staff, PAAC members and their advisors or representatives must declare any direct or indirect benefit to themselves, or their respective employers, partners, families or associations which may arise from the Municipality's acquisition or de-accession of any public artwork.

B.4.3 The Public Art Advisory Committee will follow the Municipal Code of Conduct as follows:

- (1) Any member who deems they may have a conflict of interest shall, pursuant to Section 225(4) of the *Municipal Act*, apprise the Chair prior to the commencement of the Committee discussion on the matter and shall state in general terms why the member is not entitled to participate in the discussion on the matter or to vote on the question in respect of the matter.
- (2) After making the declaration required in Section 23(1) the member shall not take part in the discussion of the matter and is not entitled to vote on any question on the matter and shall immediately leave the meeting and shall not attempt in any way to influence the voting on any question in respect of the matter.
- (3) When a declaration required under 23(1) is made, the person recording the minutes of the meeting shall record the member's declaration, the general reasons given for it and the time of the member's departure and return to the meeting room.

Section C FUNDING STRATEGY

C1 Goal

- C.1.1 The goal of the funding strategy is to establish a mechanism that provides:
- the costs of designing and/or purchasing Public Art Work at the time new public buildings or facilities are developed;
 - funds for the acquisition and installation of additional Art Work in existing public spaces;
 - funds to properly maintain and conserve existing and future acquisitions.

C2 Guidelines

- C.2.1 The funding Strategy for the Public Art Policy shall be a 'Percentage of Construction' allocation.
- C.2.2 The 'Percentage of Construction' is a flat rate of 1.25% of the total construction/renovation costs of selected municipal capital projects, with the .25% specifically allocated for ongoing maintenance costs for Public Art Work. The Art Works will be displayed in public areas and/or the Artist's designs or concepts will be incorporated into the design of the building or structure.
- C.2.3 Selected capital construction projects will be those with high visibility and public impact such as:
 - new buildings
 - major additions or renovations of existing buildings
 - park projects
 - engineering structures
- C.2.4 'Percentage of Construction' funds may not be used for:
- a) reproductions or unlimited editions of original works;
 - b) commercially mass-produced art objects*;
 - c) architectural restoration or rehabilitation;
 - d) administrative costs such as salaries of support staff, however, direct competition costs are included.
- * Objects designed and produced in limited numbers specifically for Esquimalt, [banners, sewer covers, mailboxes, street furnishings] may be paid out of the fund.

- C.2.5 In the years in which there are no capital construction projects to which the percent of construction formula would apply, a percent of the annual budget should be allocated to Public Art.
- C.2.6 'Percentage of Construction' is calculated on the total construction/renovation costs of public buildings or facilities, including the landscaping but excluding the cost of land purchase, design fees, furnishings and equipment.
- C.2.7 Funds arising from the Percentage of Construction program are to be used to pay the cost of designing, fabricating, and installing Public Art Work plus costs associated with the art selection process.
- C.2.8 Funds arising from the 'Percentage for Construction' allocations that total less than \$10,000 and are determined too small to provide for a specific project, can be 'pooled' with funds from similar sized projects. These pooled resources may be used for either a single project or another Public Art initiative.
- C.2.9 The percent for Public Art policy shall be implemented through open and publicly-accountable processes.
- C.2.10 Acquisitions may be made through:
a) the purchase of an existing Art Work;
b) awarding a commission to produce a new work;
c) holding a competition; or
d) through a donation or bequest.
- C.2.11 Consideration of funding for special purposes may be requested of Council as particular situations arise.
- C.2.12 Should public fundraising be contemplated, such projects must be approved by the PAAC.

Section D - MANAGEMENT

D1 Maintenance and Inventory

- D.1.1 Care and maintenance is the responsibility of the Municipality.
- D.1.2 Maintenance procedures and schedules are initially developed with the Artist, the Municipality and PAAC.
- D.1.3 PAAC will work with individual Municipal departments to review maintenance procedures and schedules and to develop budgets.
- D.1.4 Priority is given to the Artist to complete any major repairs or restorations.
- D.1.5 PAAC maintains a Public Art Inventory.
- D.1.6 Inventory includes the Artist's name, description of the piece, photo of the Art Work and estimated value.

D2 Gifts and Donations

- D.2.1 Gifts and donations of artwork are accepted according to municipal donation policies and procedures.
- D.2.2 Each donation will be reviewed by the PAAC to assess artistic merit, site suitability, maintenance requirements and liability.
- D.2.3 No gift will be accepted if it binds the actions of the municipality.
- D.2.4 PAAC recommends to Council on the acceptance of a gift or donation.

D3 Copyright

- D.3.1 The copyright remains with the Artist unless the municipality has an agreement in writing for limited usage of the copyright or has purchased the copyright outright.

D4 De-accessioning of Artwork

- D.4.1 The Township of Esquimalt reserves the right to de-accession Art Work.
- D.4.2 No Art Work is to be disposed of without consultation with PAAC.
- D.4.3 PAAC will review the Collection regularly to see if De-accessioning is needed.
- D.4.4 All reasonable efforts must be made to rectify any of the following problems or to re-site the Art Work before De-accessioning is considered.

Reasons for de-accession of Art Work include:

- endangers public safety;
 - requires excessive maintenance or repairs;
 - bears no relation to the community providence or community heritage;
 - faults in design or construction and repair is not feasible;
 - expiry of lifespan;
 - security cannot be reasonably guaranteed;
 - Quality or authenticity is in doubt and that doubt is subsequently justified;
 - public can no longer access the site or the physical setting is to be redeveloped;
 - overwhelming public objection;
 - extensive or unrepairable vandalism;
 - demolition of a structure which incorporated Art Work.
- D.4.5 PAAC will write a report to Council outlining the reasons for De-accessioning.
- D.4.6 PAAC makes a reasonable effort to notify the Artist, or their family in their absence, that the Art Work is to be de-accessioned. The Artist is given first option to purchase or trade artwork.
- D.4.7 PAAC recommends one of the following actions to de-accession Art Work:
- Donation to another Collection or non-profit organization
 - Placement in an art auction

- Sale or Trade. Any pre-existing contractual agreements between the Artist and the Municipality regarding resale shall be honored.
- Destruction of work deteriorated or damaged beyond repair and deemed to be of negligible value.

D.4.8 Proceeds from the sale of a work of art shall be returned to the Public Art Fund.

D5 Policy Review and Monitoring

D.5.1 The PAAC and the Township of Esquimalt will review the Public Art Policy every third year to ensure that the goals, policies and procedures accurately reflect the current needs of the community.

D.5.2 Any changes to the Policy are open to public input and review before they are forwarded to Council for approval.

D6 Encouraging Private Art Initiatives

D. 6. 1 The Public Art Policy encourages the private sector to support the integration of Public Art Works into the community. This may be achieved through the inclusion of Art Works in new and existing developments, gifts of artwork to the municipality, sponsorship of art production, and partnerships with Artists and community groups.

D.6.2 Planning for Art in Private Development

Private developers are encouraged to either provide Art Work within their projects using a formula similar to the 'percent for construction' the municipality uses.

Where large private development projects are being proposed, the developer is encouraged to include Art Work as a public amenity. The provision of a significant public amenity may in turn allow the developer to apply for density bonusing or other development considerations such as height, setback or parking relaxations.

Developers of large projects who intend to take advantage of these opportunities or want to incorporate Art Work into spaces accessible or visible to the public on a regular basis [e.g. court-yards and fountains] should discuss the possible inclusion of art with municipal staff early in the planning process.

Amendment
required to the
Esquimalt Official
Community Plan to
provide for Density
Bonusing.

D.6.3 Assistance to Developers

Developers will be given the Public Art Policy outlining the objectives and criteria used in selecting public art.

Major private proposals involving art installations should be referred to PAAC so that they may advise Council whether the art is appropriate to the location and is in the best interest of the community.

The PAAC may offer to conduct the jury process, at no cost to the developer, for major installations.

D.6.4 Implementation Costs

Implementation costs for Art Works associated with private development will be the responsibility of the developer.

D.6.5 Maintenance

Art Work on or within private property is to be maintained in good repair. The care and maintenance of private Art Work is the responsibility of the owner.

Inventory of Esquimalt's Public Art and Private Art which is visible or accessible to the public

- *Propeller at corner of Canteen and Esquimalt*
- *Mural of St. Paul's Church in Esquimalt Plaza PRIVATE PROPERTY*
- *Fishing Boat Mural on the side of the Esquimalt Trading Co. [corner of Head and Esquimalt] PRIVATE PROPERTY*
- *23 Rock Solid Murals [Maurine at Rock Solid is compiling a list]*
 - *Stores Building in the Town Square [1]*
 - *Lampson Street School [2]*
 - *Victor Brodeur School [5]*
 - *Dug-outs in Bullen Park*
 - *Bus Stop on Fraser Street*
 - *Little League Park*
 - *Anglers' Club - Fleming Beach*
 - *Utility boxes on West Song Walkway*
 - *Teahouse Murals at Kinsmen Gorge Park concession stand*
- *Trackside Gallery Murals [E & N Rail Right of Way] PRIVATE PROPERTY*
- *Watercolour paintings currently in Archives which were previously displayed in the Council Chambers.*
- *Proclamations, Historic Document, Photographs and Municipal Crests displayed in the Municipal Hall and stored in Archives.*
- *Ships' Plaques on West Wall of the Library/Sports Centre*
- *First Nations artwork in foyer of Sports Centre*
- *One Sun, One Earth, One Peace monument at Kinsmen Gorge Park [under construction]*
- *Pirates' House on Head Street, West Bay PRIVATE PROPERTY*
- *Town Hall Totem Pole*

It was suggested that the Art Inventory be separated into categories:

- *Monuments;*
- *Aboriginal Art;*
- *Archival Material;*
- *Fine Art;*
- *Others*