



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## COUNCIL POLICY

**TITLE: PUBLIC ART POLICY**

**NO. ADMIN- 74**

**POLICY STATEMENT:**

The Township of Esquimalt recognizes Public Art as a valuable asset that enhances quality of life for its citizens, strengthens community pride, improves the aesthetic of the public environment and contributes to the Township’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 Township’s Economic Development strategies and Council’s strategic objectives.

**PURPOSE:**

The purpose of this Public Art Policy is to:

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

**DEFINITIONS:**

**Acquisition** refers to the process of accepting artistic work for the Township’s collection of Public Art.

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

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

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

**De-accession** refers to the process of removing an artistic work from the Township’s collection of Public Art.

**Owned Public Art** refers to an artistic work that is owned by the Township for the benefit of current and future generations.

**Public Art** refers to artistic works that are created by Artists and acquired by the Township with the specific intention of being sited on or staged in Public Space. Such artistic works may be Owned, Rented, 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

**EFFECTIVE DATE:**

July 11, 2016

**APPROVED BY:**

Council

**REF:**

P&R-16-005

**Rescinds No.**

ADMIN - 30

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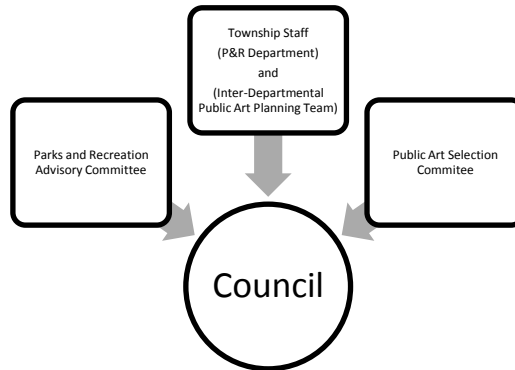
record of their creation are considered temporary art, and are not subject to this Policy. Furnishings, such as benches, light standards, and signage, are not subject to this Policy unless a design component is commissioned. Museum, library and archival collections, commemorative plaques and memorials are not subject to this Policy.

**Public Art Operational Plan** refers to a plan led by the Parks and Recreation Department and developed and managed jointly by staff of the Parks and Recreation Department, Public Works and Engineering Department and the Development Services Department to parallel this Policy and to recommend a practical implementation strategy for Public Art. In addition to identifying and prioritizing locations throughout the Township 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 plan.

**Public Art Selection Committee** refers to the committee described in this Policy.

**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 Township.

**ROLES AND RESPONSIBILITIES:**



**Role of Township Council:**

- Act as an advocate for art in Public Spaces in the Township;
- Approve the Public Art Policy;
- Approve any changes to the Public Art Policy, as needed;
- Authorize expenditures from the Public Art Reserve Fund;
- Approve Public Art Reserve Fund contributions through the annual budget process;
- Appoint members to the Public Art Selection Committee; and
- Approve the Terms of Reference for the work of the Public Art Selection Committee.

**Role of Public Art Selection Committee:**

A Public Art Selection Committee may be established and appointed by Council on an as needed basis for a specific project(s) with defined timelines.

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The Public Art Selection Committee will:

- Review proposed project scope and terms of reference for each new Public Art project;
- Ensure application of established procedures and guidelines for each selection process;
- Advise and promote communication and outreach of the defined project to the community;
- Advise and recommend on proposed gifts, donations and bequests to the Township in accordance with established guidelines.

The Public Art Selection Committee will consist of up to 7 voting members which shall include the following:

- Jury Artists (up to two);
- One Art Professional, for example a curator of an Art Gallery or an accredited Educator of Art;
- One Architect, Landscape Architect or Urban Design Professional
- One member of the Parks and Recreation Advisory Committee
- One member of Council (non-voting)
- One Township staff liaison (non-voting)
- Resident of Esquimalt (up to two).

The Public Art Selection Committee shall make a written recommendation to Council advising of their chosen art work and how the art work complies with the Project's Terms of Reference. Council shall make the final decision. The Public Art Selection Committee may recommend that none of the submissions fit the Project's Terms of Reference.

**Role of Parks and Recreation Advisory Committee:**

- Provide Council with recommendations on candidates for the Public Art Selection Committee;
- Advise on the development and implementation of selection, acquisition, maintenance and de-accession of artistic works to which this Policy applies;
- Advise on communication and outreach of the program and policies to the community; and
- Review and advise on the Public Art Operational Plan.

**Role of Township Staff:**

- Recommend a budget through the Township's annual budget process;
- Establish and maintain a Public Art Inventory;
- Develop a multi-year Public Art Operational Plan which will be reflective of Council's Operational Strategies and incorporated into the Township's Financial Plan;
- Establish a Scope of Work and Terms of Reference for individual projects;
- Facilitate and support Committee meetings as required, circulating information, providing guidance and arranging for the recording of minutes;
- Coordinate the acquisition of artistic works in accordance with this Policy and other Township policies and practices;  
Develop and promote communication and outreach of the program and policies to the community;
- Coordinate conservation of the Township's Public Art as required; and
- Investigate Federal, Provincial, or other sources of funding to promote and support the development of Public Art in the Township.

The implementation of this Policy will be coordinated by the Township's Parks and Recreation Services Department. A Township Inter-Departmental Public Art Planning Team will work in conjunction with the Public Art Selection Committee for selection of artistic works and ongoing, long-term Public Art planning, including site selection, restorations, conservation and maintenance. This planning team may include staff representatives from such areas as: Corporate Administration, Parks and Recreation, Finance, Public Works and Engineering, Development Services, and Community Safety Services.

Parks and Recreation staff will receive recommendations from the Public Art Selection Committee, and advice from the Parks and Recreation Advisory Committee related to the selection, acquisition, or de-accession of Public Art. Final decisions regarding the selection, acquisition or de-accession of artistic work will be made by Council.

**FUNDING:**

Funding to support this Policy will be provided through the establishment of a Public Art Reserve Fund.

An annual contribution of at least 1% of the current year contributions to the Capital Project Reserve Fund will be established. Township contributions to the Public Art Reserve Fund will also be used to leverage funding from other governmental and private sources.

A minimum of 75% of all funds collected must be used for the design, fabrication, installation and documentation of Public 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, consulting services, legal requirements, de-accession of artistic works, and ongoing maintenance and conservation of Owned Public Art.

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

**SELECTION:**

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 planning, design, and execution of selected Township development projects.

Proposals for providing or acquiring Public Art may be achieved through:

- Open competition;
- Invited competition;
- Direct award, where permitted by the Township's Purchasing Bylaw;
- Other process approved by Council.

Public Art will be selected through a process informed by expertise and input through the Public Art Selection Committee. The selection will employ a jurying process coordinated by the Committee, with guidance from the Township’s inter-departmental Public Art planning team. Final decisions regarding the selection and acquisition of artistic works will be made by Council.

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 may 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;
- Durability and maintenance requirements;
- No duplication of other Owned Public Art or aspects thereof;
- Relevance to the Township’s natural and built environment, cultural heritage, and/or history;
- Original Art;
- Ethical and legal considerations regarding ownership and copyright.

All offers of gifts, donations and bequests of artistic works will be reviewed by the Public Art Selection Committee with guidance from the Township’s 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. Final decisions will be made by Council.

**BORROWING AND RENTING OF PUBLIC ART:**

All artistic works to be considered for selection as Borrowed Public Art may 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 Township’s ability to safely display the artistic work;
- Exposure provided for Greater Victoria artists.

Proposals for Borrowed Public Art will be reviewed by the Public Art Selection Committee. Sites for Borrowed Public Art will be identified through the Public Art Operational Plan.

**ACQUISITION AND SECURING:**

The Township may acquire Owned Public Art through procurement 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 ownership 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 Township's Finance Department staff.

The Township may decline to consider or accept any gift, bequest, or donation of art in its sole discretion. Final decision to purchase Public Art will be made by council.

The Township may secure Borrowed Public Art for display on a temporary basis.

Following the approval of a proposal, an appropriate agreement between the Artist and/or sponsoring organization and the Township will be executed. The Artist and/or sponsoring organization may be responsible for funding, installation, maintenance and timely removal of the artistic work, and restoration of the site.

**AGREEMENTS:**

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

- Scope of work;
- Materials;
- Timelines;
- Installation;
- Maintenance and repair;
- Warranty;
- Copyright and moral rights;
- Payments to sub-contractors.

This agreement would also set out the Township'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.

**INSTALLATION:**

The Township 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 evaluated upon receipt, and any problems found will be referred to the Artist for resolution, prior to installation.

**INSURANCE:**

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

For all Borrowed Public Art, the Artist will submit proof, satisfactory to the Township, of insurance coverage for the artistic work, and/or a waiver freeing the Township 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, weight, medium/media, and if applicable, appraised value(s).

**MAINTENANCE:**

The Artist is responsible for developing a maintenance plan on a form supplied by the Township for each Public Art artistic work. The maintenance plan must be submitted to the Township 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 the appropriate Township Departmental staff. Maintenance plans will include, but are not limited to, maintenance specifications, budget implications, manufacturer lists, and key contacts, including Artist.

The Township is responsible for the care and maintenance of the artistic work, in accordance with the approved maintenance plan. Parks and Recreation staff will monitor the maintenance plan. The appropriate Township 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 and maintenance work.

**STORAGE:**

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

**DE-ACCESSION OF PUBLIC ART:**

The Township may de-accession Public Art when necessary. All reasonable efforts will first be made to resolve problems or relocate 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;
- Site redevelopment.

In the event of theft, vandalism or accidental loss, the Township 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 Selection Committee. Recommendations of the Public Art Selection Committee regarding the need for and method of de-accession will be made to Parks and Recreation 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. Final decisions will be made by Council.

**PRIVATE ART:**

Township staff 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, gateways, parks and open spaces), and related requirements for urban environments and streetscapes (e.g. requirements for light standards). Private sector developers should consider the integration of private artistic works into the design 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.

**MONITORING AND EVALUATION OF THIS POLICY:**

Parks and Recreation staff, in consultation with the Parks and Recreation Advisory Committee 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 amendments will be submitted to Council for consideration and approval. The Township will regularly monitor the effectiveness of the Policy.