



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 an 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. Provide a framework for the implementation of the Public Art Plan (Appendix A)
2. Increase opportunities for Public Art within Township public spaces
3. Establish a standardized and transparent process for public art proposals
4. To facilitate the selection, acquisition, maintenance, and de-accession of Public Art
5. Provide a sustainable funding model for the management of Public Art

ROLES AND RESPONSIBILITIES:

The management of public art is a collaborative process involving many participants, including council, staff, and volunteers. Appendix B lays out the approval process for art projects and proposals.

Role of Township Council:

- Act as an advocate for art in Public Spaces in the Township;
- Approve the Public Art Policy;
- Approve 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 Parks and Recreation Committee;

Role of Township Staff:

The implementation of this policy will be coordinated by Parks and Recreation Department staff who are responsible for coordinating the public art policy in collaboration with the Interdepartmental Staff Working Group (ISWG). For large scale or technically complex projects, staff may contract a public art consultant to coordinate the process. They shall be contracted early in the process to assure that all issues are considered before decisions are made.

Arts and Culture Coordinator:

- Leads Public Art Plan implementation
- Recommend project budgets through the Township's annual budget process.
- Develop scope for each new proposed public art project.
- Prepare the Call to Artists
- Coordinate the acquisition or de-accession of artistic works in accordance with this policy.

EFFECTIVE DATE:

July 11, 2022

APPROVED BY:

Council

REFERENCE:

P&R-22-008
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- Coordinate the review and selection process for a given project.
- Administer project budgets and small neighborhood grants.
- Establish and maintain a public art inventory.
- Liaise with artists, arts professionals and arts organizations as required.
- Coordinate Art meetings, circulating information, providing guidance and arranging for the recording of minutes.
- Coordinate and chair (CPSV) meetings, circulating information, providing guidance and receiving feedback.
- Coordinate and chair regular (ISWG) meetings, circulating information, providing guidance, and arranging for the recording of minutes.

Interdepartmental Staff Working Group (ISWG)

This group is comprised of representatives from Parks and Recreation, Engineering and Public Works, Planning and Development, and Finance. Members of the Interdepartmental Staff Working Group will:

- Assist in the identification and annual review of public art opportunities.
- Determine sites for art in public places.
- Assess risk management issues (re: safety and maintenance) of proposed projects that have been identified and will provide feedback to the council on any safety/risk management concerns.
- Consider Township policies and planning documents when evaluating art projects and proposals. Not all projects require the same amount of time, financial support, staff support or degree of detailed attention.

Creative Placemaking Support Volunteers (CPSV)

The Committee's purpose is to:

- Provide advice and act as a resource to staff on public art proposals.
- Support activities, initiatives and events that benefit and advance art in the Township.
- Raise awareness and understanding of the importance of public art in the Township.
- Advise on strategies, policies, and programs to achieve excellence in art in the public realm.
- Make recommendations on temporary, permanent, and active art locations within the Township.

The CPSV may be assembled and consulted on an as needed basis for a specific project(s) with defined timelines. 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 CPSV may consist of up to 5 members which may 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 Township staff liaison
- Resident of Esquimalt

Role of Parks and Recreation Advisory Committee (PRAC):

- Provide Council with recommendations on public art proposals
- 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 Plan.

Parks and Recreation staff will receive recommendations from the CPSV , 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 annual operating funding, supplemental and capital requests, local community grants, and the Public Art Reserve Fund.

Public Art Reserve Fund

An annual contribution of at least 1% of the current year contributions to the Capital Project Reserve Fund will be made. 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 and disposal Bylaw;

- Other process approved by Council.

Public Art will be selected through a process informed by expertise and input through the CPSV. The selection will employ a jurying process coordinated by the Committee, with guidance from the ISWG. 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 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 CPSV with guidance from the Township’s ISWG 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 ISWG . Sites for Borrowed Public Art will be identified through the Public Art 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 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.

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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,

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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 through ISWG. Maintenance plans will include, but are not limited to, maintenance specifications, budget implications, manufacturer lists, and key contacts, including the 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 PRAC. RECOMMENDATIONS OF PRAC 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 (ISWG) 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.

DEFINITIONS:

Acquisition The process of accepting an artistic work whether by commissioning, purchase, gift, or other means, into the Township's collection of public art.

Administration Program Costs: The amount that is taken off the top of the total art allocation in order to administrate a project. This amount is used for, but not limited to, the following: advertising, printing of competition briefs, jury fees, artist's maquette fee, plaque, lighting of work, invitations for official openings, photo documentation of the finished work, contingencies, etc. Program costs vary according to type of competition and project.

Art in public spaces Art in Public Places: A visual artwork in any media created by a professional artist(s) that has been planned and executed with the specific intention of being sited or staged in public space, and is acquired in compliance with the Township of Esquimalt Public Art Policy:

- Integrated forms a physical part of a building, structure or landscape. If the site were to be redeveloped, the art would be as well.
- Stand-alone (non-integrated) is not a physical part of a building, structure or landscape.
- Short-term durational is an original work by a professional artist(s) that is created for a specific occasion, time frame or event and which is situated at a particular site on a short-term basis. The art may cover a range of forms including, but not limited to, visual art, digital art, sound art, and performance-based work.
- Site-specific, whether long-term or temporary, functional or aesthetic, standalone or integrated and in any media, is an original work that is created in response to the immediate context.
- This Policy includes murals and other artistic works that are considered temporary art. 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.

Artist The designer/creator of an artwork who has completed specialized training in his or her artistic field or is recognized by their peers as such; is committed to his/her artistic activity; and has a history of public presentation.

The Canada Council for the Arts defines a professional artist as someone who:

- has specialized training in the field, consistent with the standards of their practice.
- is recognized by other artists working in the same tradition as an artist of superior achievement or potential.

- is committed to their own artistic vision, retains creative control and is committed to the creation and/or promotion of original work.
- has a history of public presentation in a professional context, receives professional compensation for the public presentation of their work, and actively seeks to maximize their audience, regardless of purely commercial considerations.

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 Program An artwork created collaboratively between an artist and an identified community. Community members actively participate in the creation of the artwork. The art process is of equal importance to the art created. The goal of the community art process is to create artwork that is accessible to a large public not simply by virtue of its placement in a public space, or because of its content, but through the engagement of numerous people in the community.

Creative Placemaking Support Volunteers CPSV is an advisory group with representation from curators, working artists, creative entrepreneurs, cultural producers, community members, and staff liaison to provide direction for site selection process and suitable creative.

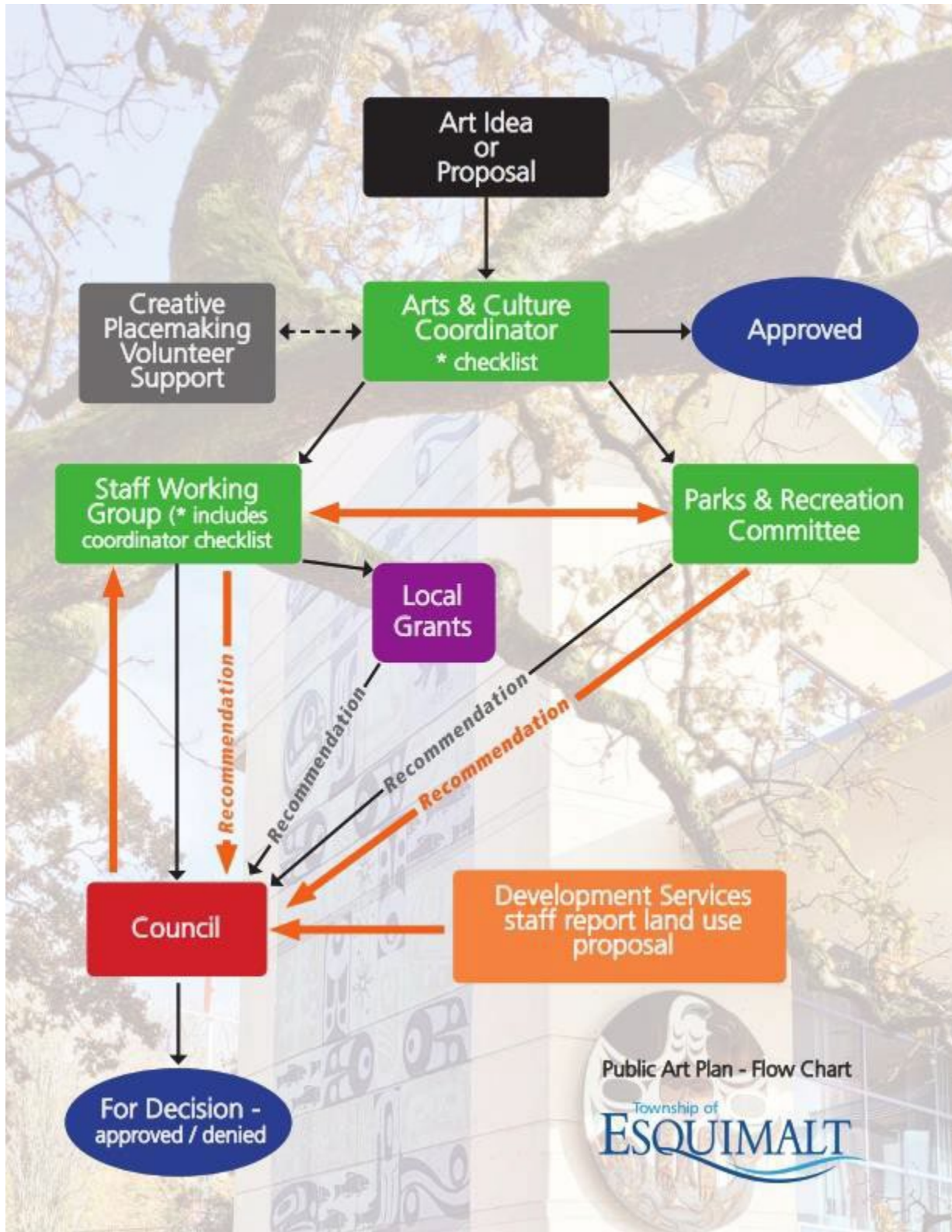
De-accession refers to the process of removing an artistic work from the Township’s collection of Public Art.

Local Grants Committee This committee operates under the Local Grant Policy-20 and is designed to financially assist community groups and not-for-profit societies and organizations in achieving their objectives. Local grant funding is intended to provide support to societies, organizations and committees with the expectation is that alternate sources of funding will be secured.

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

Public Art Plan (Appendix A) refers to the attached 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 guide this Policy and to recommend practical implementation strategy for Public Art. In addition to identifying and prioritizing locations throughout the Township where Public Art may be situated, the Plan provides recommendations regarding themes and materials based on public engagement 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 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.



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