

Art in Public Places Policy

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After 17 years, Council directed the Parks, Recreation and Culture Department to “review and expand the public art policy”. The revised Policy, adopted by Council in 2010, included a direction to commit \$150,000 annually to public art, of which 10% is dedicated to maintenance of existing works and the remaining may be used or held in a reserve fund to support larger projects.

Additionally, the new Policy directed that with exceptional, significant civic construction projects the City may allocate up to 1% of their overall construction budget for the creation of public art.

The 2010 Policy also outlined the inclusion of an inter-departmental public art staff team who will determine the sites for artwork in consultation with a five member Art in Public Places Committee. Revised terms of reference for a more robust committee and selection panels were put in place. In addition, the Policy included direction to review and revise the Policy every five years in an effort to ensure that the policy remains in step with best practice.

Currently the Art in Public Places program takes direction from many City Plans and Policies to help guide strategic priorities and is managed by the Arts, Culture and Events Department. City policies are also considered when evaluating art projects and proposals.



Plan Linkages

The program will often utilize the Local Area Plans (Neighbourhood Plans) to help guide project development at a neighbourhood level. These updated Neighbourhood Plans provide extensive feedback from in-depth community engagement.

1.0 Purpose

This policy is established to direct the integration of artwork into public spaces and capital projects in the City of Victoria, through a well-administered transparent process and appropriately-funded public art program. Public art reflects the identity of a city, gives voice to community and builds relationships

3.1.1 Role of City Staff

The implementation of this policy will be coordinated by Arts, Culture and Event Department staff who are responsible for coordinating the public art program in collaboration with the Interdepartmental Public Art Team (IPAT). For large scale or technically complex projects, staff may contract a public art consultant to coordinate the process. He/she shall be contracted early in the process to assure that all issues are considered before decisions are made.

Public Art Program staff will:

- a) Recommend project budgets through the City's annual budget process.
- b) Develop scope and terms of reference for each new proposed public art project.
- c) Prepare the Call to Artists and submit to the Art in Public Places Committee for approval.
- d) Coordinate the acquisition or de-accession of artistic works in accordance with this policy.
- e) Coordinate the review and selection process for a given project.
- f) Administer project budgets.
- g) Establish and maintain a public art inventory.
- h) Coordinate conservation of the City's public art as required.
- i) Coordinate the animation of the City's public art as required.
- j) Liaise with artists, arts professionals and arts organizations as required.
- k) Coordinate regular Art in Public Places Committee (AIPP) meetings, circulating information, providing guidance and arranging for the recording of minutes.
- l) Coordinate and Chair regular IPAT meetings, circulating information, providing guidance and arranging for the recording of minutes.
- m) And other duties that may be required to manage the program.

The Interdepartmental Public Art Staff Team (IPAT) is comprised of representatives from City Departments: Parks, Engineering, Transportation and Public Works, Planning and Development, Engagement and the City's Insurance Specialist.

Members of the Interdepartmental Public Art Staff Team will:

- a) Assist in the identification and annual review of public art opportunities.
- b) Determine sites for Art in Public Places.
- c) Assess risk management issues (re: safety and maintenance) of proposed projects that have been short-listed in competitions, and will provide feedback to the Selection Panel on any safety/risk management concerns.
- d) Considered City policies and planning documents when evaluating art projects and proposals.

For a more detailed descriptions of the staff duties please see the Art in Public Places Guidelines which outline the operational procedures that are designed to ensure that the principles of the Policy are incorporated into the implementation process. Not all projects require the same amount of time, financial support, staff support or degree of detailed attention.

3.1.2 Role of Art in Public Places Committee

The Committee's purposes are to:

- a) Provide advice and act as a resource to City Council and staff on the City's Art in Public Places Policy;

annual financial plan the Arts, Culture and Events staff submits an annual budget for the Department. This annual budget includes requests to access funding from the Art in Public Places Reserve Fund and also operating budget requests including funding for the following annual programs:

- The Artist In Residence (a two year term position)
- Commercial Alley Art Gallery
- An Art Symposium

In addition, any departments may request an allocation of up to one per cent of the City's contribution to total capital project costs towards funding an art component to a capital project.

4.2 Art in Public Places Reserve Fund

The Art in Public Places Reserve Fund provides a funding source for the planning, design, fabrication, acquisition, installation and maintenance of art in public places.

4.3 Civic Capital Projects

Through the annual budgeting and approval of the annual financial plan, City departments may allocate up to one per cent of total project costs towards funding art in public places for a capital project. For these public art projects total costs exclude: equipment, land acquisition, design, and administrative (soft) costs. For these projects, funds can be used to incorporate public art into a project's design, to create a stand-alone piece onsite, or for public art at another location. Qualification under this additional funding will be determined by City of Victoria Directors as informed by the project staff and the Art in Public Places Committee.

4.4 Alternative Funding Opportunities

Create Victoria Arts and Culture Master Plan proposes that the Arts, Culture, and Events Department be repositioned as a Cultural Hub to 'roll out the red carpet', instead of red tape, and continue to build its collaborative community partnerships. There is a need for both private sector and individual philanthropic support to champion artistic excellence and support our growing creative scene.

The City of Victoria will encourage other funding opportunities for Art in Public Places through a series of actions to foster opportunities for both public and private sector support, through direct-funding, match-making and partnerships.

5.0 Acquisition

The acquisition of art will follow City of Victoria's procurement procedures. All artworks owned by the City are the property of the City and are insured under the City's insurance policies.

5.1. Public Art

The City may purchase, commission or receive donations of public art. Each acquisition will follow the procedures outlined within this policy and related guidelines. Each acquisition will be accompanied by a maintenance and deaccession plan that is supplied by the artist or donor. The City of Victoria retains the ownership of all artwork purchased through the Art in Public Places Policy.

5.1.1 Donations

The City of Victoria may consider the offer of artwork donation for placement in a public space. It is the responsibility of the Art in Public Places Committee to assess each proposal using established criteria.

7.0 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. If a work is scheduled to be de-accessioned the City will make every effort to inform the artist or artist's family. In all cases, the rights of the artist must be upheld in accordance with the Canadian Copyright Act. The de-accessioned artwork may be moved, sold, returned to the artist or destroyed, with any monies received through a sale allocated to the Public Art Reserve Fund.

Please see the current Art in Public Places Guidelines for more detail on the process for de-accessioning an artwork.

8.0 Education and Animation

The City will create opportunities for the public to engage with and learn about works of art in public places. The City will also endeavour to provide learning and professional development opportunities for those interested in the field of public art.

The City hosts an Annual Arts Forum (meeting/exchange) held with representatives of major arts organizations in the City of Victoria, Arts, Culture and Events Department, the Art in Public Places Committee, and artists to discuss Art in Public Places issues and trends.

9.0 Collection Management

The City, through the Arts, Culture and Event Department, shall maintain the integrity and security of works of art through:

- Professional standards for art documentation.
- Instructions on maintenance and deaccessioning from the artist as a part of the acquisition process.
- Instituting management systems for cleaning, maintenance, repair, and de-accessioning.
- Maintaining a database of artworks through the VicMaps GIS system.

Please see the Art in Public Places Guidelines for operational details on Collection Management.

10.0 Private Developments

Although outside the definition of Public Art, staff recognizes that the private sector plays a significant role in the provision of art on private lands throughout the City. The City encourages developers to provide artwork, located on private property. The Art, Culture and Events Department is available to liaise with and provide resources to Private Developers who are interested in exploring a public art project.

Private artworks may be incorporated into architecture and landscape designs of private infrastructure, or the layout of private open spaces, including private connections to adjacent public features such as parks and open spaces.

Considerations for integration of art into projects on private-held land that is subject to Development Permit Area and, Heritage Conservation Area requirements should also be discussed with City staff to ensure proposals are sited and integrated in a manner that is consistent with established form and character guidelines.

Artwork on Loan: 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.

Best Practice: A method or technique that has consistently shown results superior to those achieved with other means, and that is used as a benchmark. In addition, a best practice can evolve to become better as improvements are discovered. Applying best practice combines the ability to balance the unique qualities of an organization with the practices that it has in common with others.

City: the Corporation of the City of Victoria.

Community Art: 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 product. 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.

Conservation: The broad concept of care of the collection, encompassing examination of the condition of the-art, preservation of the art to avoid deterioration or damage, and restoration.

Copyright: Grants the author of an artwork the sole right to reproduce, distribute, display, and alter their artworks. It expires 50 years after the artist's death. It may be assigned or licensed to another individual or institution and/or it may be assigned exclusively or jointly. Copyright also extends to the use of images of an artwork for promotional or educational purposes.

- **Moral Rights** include the right to the integrity of the artwork in regard to associations or modifications. They include the right to be associated with the artwork as its author by name, pseudonym or the right to remain anonymous. Moral Rights are non-transferable and endure even after copyright has been assigned. The rights may be waived by the artist agreeing to not exercise them in whole or in part.

Examples of violation of Moral Rights may include:

- An act or omission performed on the artwork that affects the honour or reputation of the artist; and
- Changing the colour of the artwork or adorning it with additional elements taking steps to restore or preserve the artwork would not be included as long as this work is performed in good faith. Also, changing the location of the work does not generally constitute a violation, but in the case of works of public art, the exact siting may be considered part of the work.

Culture: the ideas, customs, language, beliefs, history, traditions and social behaviours of a particular people or society, including artistic expression and natural and human heritage. Culture comprises Cultural Industries and Cultural Resources.

Curator: A recognized practicing professional in the visual arts who is knowledgeable about art history, contemporary art practices and artists, and who works to organize exhibitions and analyze artwork and the relationship of artwork to the larger field of practice, history and place.

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

Urban Design: The process of applying desired functional and aesthetic parameters to the design of the City and its parts.

Appendix

B. Art in Public Places Committee Terms of Reference

**CITY OF VICTORIA
ART IN PUBLIC PLACES COMMITTEE
TERMS OF REFERENCE**

1. INTENT

These terms of reference apply to the City of Victoria Art in Public Places Committee.

2. PURPOSE

The Committee's purposes are to:

- a) Provide advice and act as a resource to City Council and staff on the City's Art in Public Places Policy;
- b) Propose and support activities, initiatives and events that benefit and advance art in the City;
- c) Raise awareness and understanding of the importance of public art in the City;
- d) Advise on strategies, policies and programs to achieve excellence in art in the public realm;

3. FUNCTIONS

The Art in Public Places Committee has 4 functions:

- a) To advise the City on public art issues and trends relevant to public art initiatives in the City.
- b) To advise and consult on specific issues, such as donations and commissions of work.
- c) To nominate one of their members and other artists in the community to serve on the selection panel for specific art projects.
- d) To determine the type of competition to be held for a particular art project, review the criteria for selection of the artist and/or artwork, the call to artists and the competition brief.

4. COMPOSITION

Appointments of Members:

- a) The Committee consists of five applicants from the public, appointed by Council who:
 - i. Must have experience and/or be trained in aspects of visual art.
 - ii. Must not be City employees.
- b) A minimum of two committee members must be visual artists. Other members should represent a variety of professions with expertise in public art, including the following:
 - i. Artists
 - ii. Arts Administrators
 - iii. Art Historians
 - iv. Art Conservators and Curators
 - v. Architects
 - vi. Landscape Architects
 - vii. Design Professionals
 - viii. Indigenous Knowledge Keepers

- c) The Committee will choose from among its members one Chair and one Vice-Chair, on an annual basis. A quorum will be a minimum of three (3) members.
- d) Council may appoint annually one Council liaison to the Committee.
- e) The Arts, Culture and Events Department will appoint a staff liaison to the Committee.

5. TERM

- a) Membership on the Committee will be limited to two terms of 18 months.
- b) Every member is eligible for re-appointment but in no event will a member serve for more than 2 consecutive terms, except for one committee member that will serve 3 terms. This is in order to have overlap in expertise & processes.
- c) Appointments are served at the pleasure of Council.
- d) The Committee will hold regular meetings (minimum of 3 per year).

6. CODE OF CONDUCT

- a) The Committee members are expected to be respectful and work cooperatively to achieve the common goals of the APPC.
- b) The Committee is drawn from a spectrum of visual arts interests. The expectation is that each member will conduct himself or herself in the best interest of the community and the APPC.
- c) Conflict of Interest - an APP Committee member who is nominated to sit on a selection panel for specific art projects, must ensure there is no potential conflict of interest; (i.e.: there is no personal gain or personal relationship with artists selected for commissions or shortlisted for artist calls).
- d) Committee members that serve on the APPC committee that are visual artists, are not allowed to enter any City of Victoria public art competitions during their tenure on the committee.