



## **Committee of the Whole Report** **For the Meeting of December 7, 2023**

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**To:** Committee of the Whole **Date:** November 24, 2023  
**From:** Kerri Moore, Director of Business and Community Relations  
**Subject:** Yates Artwork Donations

### **RECOMMENDATION**

That Council:

1. Approve the donation of two paintings, Enerspace and Landscape 241 (the "Artworks") into the City's Public Art Collection.
2. Authorize the City to enter into Donation Agreements with the Art Gallery of Greater Victoria and David Babiuk (the "Donors"), and Copyright License and Moral Rights Waiver Agreements for the Artworks with the Estate of Norman Yates (the "Artist"), on terms to the satisfaction of the Director of Business and Community Relations and in a form to the satisfaction of the City Solicitor, and authorize the Director of Business & Community Relations to execute the donor agreements and all documents necessary to complete the donation.

### **EXECUTIVE SUMMARY**

The Art Gallery of Greater Victoria (AGGV) and Mr. David Babiuk have each generously proposed donating a painting by the late local artist Norman Yates to the City. Staff have reviewed both proposals for donation as per the City's Art in Public Places Policy (2018), which provides guidelines for public art donations. The Art in Public Places Committee reviewed the donations at the May 31, 2022, meeting, and recommended accepting the paintings into the City's Public Art Collection. The donation process was on hold until the AGGV deaccessioned the Yates painting from their collection which was ratified by the AGGV's Board of Directors on September 29, 2023. The two agreements would ensure transfer of title and ownership, lay out the conditions for displaying and maintaining the Artworks with the Donors and secure a copyright license and moral rights waiver with the Estate of Norman Yates.

Donations to the civic collection greatly improve the public realm at key civic facilities. The two Artworks if accepted by Council, will be exhibited at the Victoria Conference Centre (VCC), where they will be accessible and visible to the public. The VCC provides a safe, secure, and accessible venue for these Artworks, and is a great venue to showcase local artists to locals and visitors. The painting Enerspace will be displayed on Level Two of the VCC (Pre-Function 2B). Landscape 241 is currently on display on Level Two of the VCC (Pre-function 2A) along with 2 other paintings by Yates, which are part of the City's Public Art Collection.

## **PURPOSE**

To seek Council approval to accept two Artworks into the Public Art Collection, and to seek Council authorization for the City to enter into Donation Agreements and Copyright License and Moral Rights Waiver Agreements with the Donors and the Artist's estate for the two Artworks.

## **BACKGROUND**

Two Artworks (further described in Appendix A) by the late local artist Norman Yates have been proposed for donation to the City, by the Art Gallery of Greater Victoria and Mr. David Babiuk. The City's Public Art Collection includes four paintings by Norman Yates, which are on display at the VCC. On display in Level One of the VCC (Pre-function 1A) Landspace 55 (Series C) Landspace 66 (Series C), on Level Two of the VCC (Pre-function 2A) Inside Passage Landspace 89, Inside Passage Landspace 90.

Norman Yates was born in Calgary in 1923 and passed away in 2014. He worked as a radio technician during the Second World War and graduated from the Ontario College of Art in 1950. He taught at the University of Alberta for 33 years before moving to Victoria in 1987 with his wife, Whynona. During his 27 years in Victoria, he has had a lasting impact on local artists as a teacher, mentor and colleague. Although his earlier work was evocative of the prairie landscape, through his move to the west coast the distinct landscapes of this region emerge in his work from the 90s onward.

The Canadian Artists' Representation / Le Front des Artistes Canadiens (CARFAC) honoured Yates with a lifetime achievement award in 2003. Yates was a member of the Royal Canadian Academy of Arts. His work is held at the Art Gallery of Alberta and at the University of Alberta Art Collection, Edmonton; at the National Gallery and at the Canada Council Art Bank, Ottawa; at the Vancouver Art Gallery; the Simon Fraser University Centre of the Arts, and the City of Victoria collection.

## **ISSUES & ANALYSIS**

Council approval is required to accept donations into the City's Public Art Collection. Council authorization is required for the City to enter into agreements with Donors outlining the terms and conditions of artwork donations.

## **OPTIONS & IMPACTS**

### **Option 1 – Accept donations and enter into agreements with Donors (Recommended):**

The donated artworks will add to the City's collection of local artists and provide an enriched cultural experience for visitors to the conference centre. This is a very cost-effective way of achieving goals within the Create Victoria Master Plan and acquiring artwork into the collection.

### **Option 2:**

Decline the donations and provide staff with alternative direction.

Will require additional staff time to work with donors and VCC staff on this file.

### *Accessibility Impact Statement*

The two proposed Artworks for donation, if accepted, will be exhibited in highly visible and prominent spaces within the VCC, where they will be accessible to the public to enjoy.

#### *Impacts to Financial Plan*

No impacts to the Financial Plan. The Artworks will be donated at no cost to the City.

#### *Official Community Plan Consistency Statement*

16.12 Secure and maintain art in public places through:

16.12.1 Civic funding;

16.12.2 Voluntary provision by private sector; and,

16.12.3 Community initiatives.

16.13 Encourage and enable community-led public art programs with support from City staff and professional artists.

### **CONCLUSIONS**

The two Artworks would enhance the City's Public Art Collection and provide visitors to the VCC with opportunities to engage with the artwork of Norman Yates, a celebrated local artist. The donations will not require any financial resources from the City and the agreements would ensure the Artworks are secured unencumbered, as per the Art in Public Places Policy (2018).

Respectfully submitted,

Nicole Stanbridge  
Arts, Culture and Events Liaison

Kerri Moore  
Director, Business and Community Relations

**Report accepted and recommended by the City Manager**

### **List of Appendices**

Appendix 1\_Photos and Details of Artworks