

Council Policy No.:	CP2021-035
Council Policy Name:	Public Art Policy
Date Approved by Council:	August 10, 2021 CR2021-361
Date revision approved by Council:	August 10, 2021
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

The Corporation of the City of Kawartha Lakes (the City) recognizes that Public Art is a valuable cultural asset that improves the aesthetic of streetscapes and public space and expresses our cultural identity and heritage. It has been demonstrated internationally that Public Art is an effective tool for building economic vitality and tourism, contributing to unique public spaces for visitors and local residents that complement our natural and built cultural heritage.

Public Art is a mechanism for carrying out Priority Three: Improve Cultural Spaces & Places: A growing Public Art collection enlivens downtown and public spaces in the City in the 2020-2030 Cultural Master Plan and Strategic Direction 2 Create an Environment that Attracts Creative and Cultural Industries. Public Art supports two goals in the Corporate Strategic Plan Framework: A Vibrant Growing Economy and An Exceptional Quality of Life.

This policy establishes the framework and procedures for the procurement of Public Art that is City owned and installed on City owned public space, and expressed intent of the City to work with the broader public, development and business community to encourage public art. The goals of this policy are:

- a) To facilitate the municipal acquisition of Public Art with artistic merit and establish a

standardized and transparent process for the selection, acquisition, maintenance and de-accessioning of Public Art

- b) To provide Public Art guidelines that will guide involvement in creative place-making processes in order to encourage civic pride and celebrate the unique cultural identity of the City's diverse communities
- c) To increase understanding and enjoyment of Public Art and awareness and appreciation of diverse artistic environments
- d) To encourage contributions by business and private investors that will contribute to Public Art in our communities
- e) To enable artists to contribute to the design and development of the public domain through collaborations with planners, architects, landscape architects and urban designers in City capital works projects
- f) To nurture the City as a creative environment in which opportunities for artists and their role in the community can flourish and expand

Scope:

Public Art is defined as visual art that is installed in the public realm. Public Art can be functional as well as aesthetic, free standing or fully integrated into the structure of a site. This includes:

- permanent installations in all media including murals, two and three dimensional sculpture or art installations;
- artists' collaborations on architecture, landscaping or amenity design; and
- temporary installations in all media.

Public Art does not include:

- directional signs or elements;
- art objects that are stock items or mass-produced;
- art objects that are portable or easily moved;
- playground equipment, statuary monuments, heritage features or plaques, landscape architecture, landscape gardening or greening projects; and
- electronic art.

Definitions:

Acquisition - The process of accepting an artistic work into the City's collection of Public Art whether through purchase, commission or donation on a permanent basis.

Artist - The creator/ designer of an artistic work which could include, but is not limited to, a professional artist, graphic designer, collaborative artistic team, architect, or landscape designer.

Borrowed - Refers to when an artistic work that is borrowed by the City (City acquires possession), through a loan agreement, for a defined period of time from a lender who owns and retains ownership of the artistic work.

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes, including its entire geographic area, and includes its Officers, Directors, employees and agents;

Collection - Refers to a grouping of individual artistic works acquired for permanent display in public space through the Public Art process, directly owned by the City of Kawartha Lakes for the purpose of presentation to the public.

Community Art - An artistic work created collaboratively between an Artist and a community group. Community members actively participate in the creation of the artistic work.

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

Economic Development Officer – Arts and Culture means the person who holds that position or his or her designate(s) as appointed, or, in the event of organizational changes, another person designated by Council;

Owned - An artistic work in the Public Art collection that is owned and maintained by the City for the benefit of current and future generations.

Public Art - Artistic works that are created by Artists and acquired by the City that are sited or staged in City-owned public space. These artistic works may be Owned or Borrowed, and may have aesthetic, functional, interactive dimensions, or any combination thereof. It can be created using any material or any combination of media, including but not limited to sculptures, water features, paintings, drawings, textiles, furnishings, installations, and specialized lighting or kinetic works.

Furnishings, such as benches, light standards, and signage, are not subject to this

policy unless a design component is commissioned. Art Gallery, museum, library and archival collections, commemorative plaques and memorials are not subject to this Policy.

Public Art Technical Team – inter-departmental team to provide technical assessment and recommendation on applications through donation, purchase or gift.

Public Space - Space available for use by the public, and can include, but is not limited to, parks, boulevards, trail systems, open spaces, 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 City.

Policy:

1.0 Acquisition of Public Art

The City may acquire art through donation, commission, or purchase. Each acquisition will be accompanied by an Acquisition Agreement signed by both parties, and a maintenance plan supplied by the Artist or donor to the satisfaction of City staff.

a) Purchased or Commissioned Public Art.

Public Art purchases can be executed and administered by an external organization or business and then can be donated for installation in public space owned by the City. The City can purchase or commission Public Art provided the annual capital and operating budgetary allowance is available.

b) Donated Public Art

All donations must be unencumbered. If the donor requests an Official Receipt for Income Tax Purposes for the donation, they must have legal title to the artistic work and meet Canada Revenue Agency criteria. This process may require an appraisal of the artistic work at the donor's expense to determine its fair market value, which will require pre-approval of the City's Finance Department staff. The City may decline to consider or accept any gift, request or donation of art in its sole discretion.

Public Art that is to be donated or gifted to the City should be directed to the Economic Development Officer – Arts and Culture and the Public Art Technical Team (PATT) for review to ensure that it meets the City's Public Art Policy and selection criteria, the integrity of the donation process, the desired location of the artwork, any conditions accompanying the gift and a cash donation or provisions agreed upon towards future maintenance and conservation of the artwork.

Public Art projects can be established through agreements with a community organization or business who will assume responsibility for the acquisition, installation and maintenance costs for artistic works prior to the donation of the Public Art to the City for installation in City owned public space.

c) Borrowed Public Art

The City may acquire Borrowed Public Art for display on a temporary basis. Temporary installations may last from one day to an indefinite term. Following the approval of a proposal an agreement between the Artist and/or sponsoring organization and the City will be executed. The Artist and/or sponsoring organization will be responsible for funding, installation, maintenance and timely removal of the artistic work, and where necessary, for the restoration of the site.

2.0 Public Art Acquisition Agreements

Following the preliminary approval of a public art project for the purchase, commission, donation, or exhibition of public art, the Artist or donor will enter into a written

agreement with the City. This agreement will address the Artist's obligations, which may include, but are not limited to:

- a) scope of work
- b) materials
- c) timelines
- d) delivery of the art work and installation
- e) maintenance
- f) warranty
- g) copyright and moral rights payments to sub-contractors
- h) insurance (as applicable)

3.0 Public Art Locations

The selection of a location for any public art on public property will require approval from the City. Consultation will be undertaken with all relevant City departments regarding proposed public art locations early in the project development process to ensure agreement by all staff in terms of an appropriate site. Installation costs and

responsibilities will be guided by the terms of the Acquisition agreement.

All murals that are proposed for installation on exterior buildings surfaces or other exterior public walls must be created on removable panels that can be fastened to, and removed from the intended surface.

4.0 Installation of Public Art

The City is responsible for coordinating the installation of all purchased, commissioned donated or borrowed Public Art. The installation process and any associated costs will be identified, in advance, through the Acquisition Agreement and may involve participation of the Artist and/or a contracted professional installer. The artist will supply and deliver the completed art work according to the terms of the Acquisition Agreement. The condition of all acquired artistic works will be reported upon receipt, and any problems found will be referred to the Artist/lender for resolution, prior to installation.

5.0 Public Art Selection Panel and Procurement Process

For purchased or commissioned public art projects requiring procurement, a temporary panel of community representatives from arts organizations and the arts sector will be established to provide advice on the development of a new public art project, on the selection of artists, and details of a commission. The Economic Development Officer - Arts and Culture and the PATT will support, assist and advise the public art panel and will implement the final recommendations according to the City's Purchasing Policy.

6.0 Procedures:

The implementation of this Policy will be coordinated by the City's Economic Development Officer – Arts and Culture. Staff will:

- a) coordinate the acquisition of artistic works in accordance with this Policy;
- b) establish and oversee a public art panel for projects when necessary;
- c) establish and maintain a Public Art Inventory;
- d) coordinate conservation of the City's Public Art as required;
- e) coordinate approvals across City departments on locations for installation; and
- f) investigate Federal, Provincial, or other sources of funding to promote and support the development of Public Art in the City.

Inter-departmental consultation will be led by the City's Economic Development Officer – Arts and Culture for any Public Art projects that require input on site selection, installation, maintenance or de-accessioning of artistic works.

City Council will:

- a) approve the Public Art Policy;
- b) act as an advocate for art in public spaces in the City;
- c) approve any changes to the Public Art Policy; and
- d) approve the annual operating budget, which determines annual funding for acquisition and maintenance of art owned by the City

7.0 Public Art Inventory

An inventory of public art that is owned by the City has been created and will be maintained and made publicly accessible.

The Economic Development Officer – Arts and Culture will prepare and maintain at all times current an inventory of public art works owned by the City within the City's Cultural Assets Map and an internal inventory that includes provisions for periodic condition reports and a maintenance schedule. Maintenance guidelines will be provided by the artist / creator of each piece as a part of the acquisition process.

8.0 Public Art Selection Criteria

The following **selection criteria** will guide the selection of commission, purchase, donated or borrowed works for all public art projects:

- a) quality and authenticity of the work
- b) condition of work
- c) artistic merit and appropriate ethical content
- d) durability, safety and maintenance costs of the artistic work for display in a Public Space
- e) relevance to the City's natural and built environment or cultural heritage
- f) ethical and legal considerations regarding ownership and installation

Community organizations and private businesses that intend to acquire art for the purpose of locating it on public property should utilize the following procedures and guidelines in the acquisition process.

8.1 Commissioning of Public Art

The process by which an artist is selected for a commission or a donated art work is a significant impact on the project's success. Proposals for acquiring Public Art that are commissioned by the City may be solicited through open competition, invited

competition or direct award, where permitted by the City's Purchasing By-law and Policy.

The process for soliciting proposals for the provision of Public Art should:

- a) be meaningful, fair and equitable
- b) encourage opportunities for learning and participation in arts and culture
- c) incorporate and integrate Public Art into the planning, design, and execution of selected civic development projects
- d) reflect the specifications and requirements of special projects

Public Art will be selected through a consultative process on the basis of merit guided by the expertise of **a Public Art Panel** and the Economic Development Office – Arts and Culture Officer. These representatives will be invited to apply through a public call and selected on the basis of knowledge and experience associated with each public art project. Final selections will be confirmed by staff for projects under \$50,000.

Recommendations made by the panel for projects exceeding \$50,000 will require approval by Council.

8.2 Public Art Donations

For opportunities where the City is offered a Public Art piece through donation, the donor will work with the Economic Development Officer – Arts and Culture to have the piece evaluated for acquisition. In consultation with the Public Art Technical Team, staff will evaluate the donation to ensure physical and financial competencies are present and the donation fits within the parameters of municipal policies.

Similar to the Municipal Heritage Designation process and the Million Dollar Makeover program, the donation of Public Art touches many municipal responsibilities and

requires an aesthetic, technical, financial and legal assessment. If the donation is deemed appropriate and is over 50,000, the Economic Development Officer – Arts and Culture will bring forth a report to Council for information and approval.

8.3 Funding

The donation or sponsorship of new Public Art is the preferred acquisition strategy. However, the municipality may contribute to the purchase of Public Art on a case by case basis within budgetary availability.

A Public Art Maintenance budget line will be established as part of the Economic Development – Arts and Culture budget and an annual allocation will be made as part of the regular City operating budget process to address costs related to the ongoing maintenance and conservation of Owned Public Art. Most Public Art installations generally require little maintenance because they should be designed to be resilient to their environmental conditions. Breakages or damage caused by vandals are rare, but a contingency fund as part of the annual capital budget will be established in anticipation of future repair needs.

8.4 Insurance

All artistic works acquired by the City through purchase, commission or donation, are the property of the City and will be insured under the City's Insurance Policies. Prior to acquisition, the Economic Development Officer – Arts and Culture will report the acquisition to the Insurance and Risk Manager to ensure it is added to the City's insured property schedule. For all Borrowed Public Art, the Artist and / or the sponsoring organization, will submit proof, satisfactory to the City, a certificate of insurance coverage for liability and property and coverage for the installation of the artistic work, and a waiver freeing the City from liability in case of accidental loss, theft, damage or vandalism and will provide a complete list of the displayed artistic work(s) which will include the title(s), dimensions, medium/media and appraised value(s).

8.5 Maintenance

The Artist is responsible for developing and submitting a maintenance plan for each artistic work under consideration. Maintenance plans will include the expected life of the artwork, maintenance specifications, costs and key contacts, including the Artist.

The City is responsible for ensuring the care and maintenance of the artistic work, in accordance with the maintenance plan in the Acquisition Agreement, which will be incorporated into the City Public Inventory. City staff will periodically request a condition report for each art work which will be incorporated within the Public Art Inventory along

with the maintenance schedule. If maintenance is required above and beyond that prescribed by the Artist in the acquisition agreement, not including vandalism or acts of God, the Artist will be responsible for replacement or any repair to bring the art up to the standards that were identified in the Acquisition Agreement.

9.0 De-accession of Public Art

The City may de-accession Public Art when necessary. All reasonable efforts will first be made to address problems or re-locate an art work, in consultation with the Artist and/or donor. Reasons for de-accession include, but are not limited to:

- a) endangerment of public safety
- b) excessive repair or maintenance
- c) irreparable damage
- d) inaccessibility
- e) site redevelopment

In the event of vandalism, theft or accidental loss, the City will determine whether to replace or de-access the artistic work. No artistic work will be de-accessioned and disposed of without consultation with the artist. De-accessioned artistic work can be moved, sold, returned to the Artist or disposed.

Notwithstanding the above, if Public Art is vandalized so that it is indecent or offensive, the City can remove/cover over the offending alteration immediately.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.0	June 18, 2018	Initial Release	

0.1	August 10, 2021	Clarity on the use of the Public Art Panel and introduction of Public Art Technical Team and private sector engagement	Economic Development Division
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