

CORPORATE POLICY



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Policy Category: **Administration Policy**
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POLICY STATEMENT:

The City of Waterloo recognizes that Public Art is a valuable asset that enhances the quality of life for its citizens, strengthens community pride, improves the aesthetics of the public environment, and contributes to the City's cultural aspirations, social well-being and economic vitality. Public Art is a mechanism to celebrate culture and heritage, reflect community diversity, express shared values and define the unique local identity. Public Art advances the City's strategic goal to build a well-designed and appealing City that supports the four pillars of sustainability (economic, environmental, social, and cultural) and engages the community.

PURPOSE:

The purpose of this Public Art Policy for the City is to:

- a) establish a standardized and transparent process for the selection, acquisition, maintenance and de-accession of Public Art;
- b) ensure management of the collections is in line with other policies of the City of Waterloo; and
- c) provide a sustainable funding model for the management of Public Art.

DEFINITIONS:

Acquisition: The process of accepting an artistic work into the City's collection of Public Art.

Artist: The designer/creator of an artistic work. This term can include, but is not limited to, a professional artist, graphic designer, collaborative team, architect, or landscape designer.

Mandatory Policy, *Municipal Act*: No

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Borrowed: 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.

Collection: The artistic works acquired for permanent display in Public Space through the Public Art process, directly owned by the City of Waterloo for the purpose of presentation to the public.

Community Art: An artistic work created collaboratively between an artist and an identified community. Community members actively participate in the creation of the artistic work. The artistic process is of equal importance to the artistic product.

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

Inter-departmental Public Art Team: A team led by staff responsible for the implementation of the Public Art Program and including representatives from a range of other municipal departments that provides guidance on the acquisition of Public Art and borrowed artistic work.

Owned: An artistic work that is owned 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 with the specific intention of being sited on or staged in municipally owned public space. Such artistic works may be owned or borrowed, and may be characterized as aesthetic, functional, interactive, or any combination thereof. These works may be 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.

Public Art Committee: A standing subcommittee of the City's Advisory Committee on Culture (ACC), a committee of community representatives appointed by City Council.

Public Art Master Plan: A plan developed by staff and managed by the staff responsible for the implementation of the Public Art Program, which is informed by this policy and recommends a practical implementation strategy for Public Art. In addition to identifying and prioritizing locations throughout the City 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. It will also serve as the first stage in the development of a more detailed and longer-term Public Art master plan.

Public Art Reserve Fund: Funding to support the Public Art Policy will be provided through the establishment of a Public Art Reserve Fund. Funds from the Reserve Fund will be used for designing, fabricating, installing and documenting public works or community art projects chosen through an objective juried selection process.

Public Space: Space available for use by the public, that can include, but is not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges, gateways, street spaces, civic squares as well as exterior and interior public areas associated with buildings or structures owned, operated, occupied or used by or for the City.

SCOPE:

This policy applies to all members of the corporation of the City of Waterloo including:

- a) Council;
- b) full, part-time and contract staff;
- c) Advisory Committees or Boards and any sub-committees of these committees or boards; and
- d) volunteers involved in the management of the City of Waterloo's Public Art Collection.

Murals and other artistic works that do not leave a lasting 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.

Plaques, memorials, and interpretive signs are not subject to this policy unless a design component is commissioned.

The City's Heritage Collection and Arts Collection fall under other City policies, and are therefore not subject to this policy.

POLICY COMMUNICATION:

The policy will be posted to the City of Waterloo's website.

POLICY:

1.0 Collection Mandate

The mandate of the Collection is to:

- a) acquire artistic works to increase livability and attractiveness of Waterloo;
- b) introduce neighbourhood landmarks and/or place makers into the public urban environment;
- c) stimulate the growth of arts and art-related businesses within the City;
- d) articulate Waterloo's evolving identity or celebrate the city's heritage and past traditions;
- e) increase the accessibility of artistic works by all citizens; and
- f) encourage excellence, quality and innovation.

2.0 Risk Management

The City of Waterloo must comply with Canadian and Provincial laws and by international conventions and treaties signed by Canada including, but not limited to:

- a) the *Municipal Act*,
- b) the *Ontario Planning Act*
- c) the *Copyright Act*,
- d) the *Municipal Freedom of Information and Protection of Privacy Act*,
- e) the *Occupational Health and Safety Act*,
- f) *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRIITA);
- g) the *Ontario Heritage Act*,
- h) the *Cultural Property Export and Import Act*,
- i) the UNESCO “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970”; and
- j) any subsequent revisions or replacements of these Acts or Conventions.

3.0 Funding

3.1 Municipal Contribution

The primary funding mechanism for Public Art Reserve Fund is a percent for public art strategy. The percent for Public Art will represent one percent of the City’s contribution to the total budgeted non-land costs of applicable capital projects over one million dollars, to a maximum of \$300,000. Project funding obtained through grants is not considered part of the City’s contribution although the City portion of funding is applicable. Applicable projects include capital projects with the themes that include Facility Expansion, Facility Upgrades, Facility Management, Park Expansion and Park Rehabilitation/Upgrade. These themes include new building construction, major additions and/or renovations to existing buildings, and park development projects. Road work, water services, storm or sanitary sewer work or other service work or infrastructure projects are not applicable.

The Percent of Art can be used on the specific project from which it is sourced or it can be pooled with other funds to either enhance a more prominent capital project or to support non-contributing projects identified through the Public Art Master Plan.

3.2 Private Sector Contributions

Developer contributions to the Public Art Reserve Fund may be considered through applications under Section 37 of the *Planning Act*. Private sector and community donations will also be encouraged.

3.3 Maintenance Budget

The Public Art Maintenance operating budget line will be maintained to support ongoing maintenance and conservation of artistic works in the City's Public Art Collection.

4.0 Selection

4.1 Roles

The management of Public Art is a consultative process involving multiple participants, including community representatives, City staff and City Council.

4.1.1 Role of Public Art Committee

The Public Art Committee will:

- a) advise Council on the implementation of this policy through the Advisory Committee on Culture;
- b) review scope and terms of reference for each new proposed Public Art project;
- c) ensure application of established procedures and guidelines for each selection process;
- d) coordinate the selection of project juries;
- e) advise and promote communication and outreach of this policy to the community; and
- f) advise Council on proposed gifts, donations and bequests to the City in accordance with established guidelines.

4.1.2 Role of City Staff

City staff will:

- a) facilitate regular Public Art Committee meetings, circulating information, providing guidance and arranging for the recording of minutes;
- b) recommend a budget through the City's annual budget process;
- c) administer project budgets;
- d) establish and maintain a Public Art Inventory;
- e) develop scope and terms of reference for each new proposed Public Art project;
- f) coordinate the acquisition or de-accession of artistic works in accordance with this Policy;
- g) coordinate conservation of the City's Public Art as required; and
- h) investigate Federal, Provincial, or other sources of funding to promote and support the development of Public Art in the City.

The implementation of this Policy will be coordinated by staff responsible for implementation of the Public Art Program in collaboration with the Inter-departmental Public Art Team.

4.1.3 Role of City Council

Council will:

- a) act as an advocate for art in Public Spaces in the City;
- b) approve the Public Art Policy;
- c) approve any changes to the Public Art Policy, as needed;
- d) authorize expenditures from the Public Art Reserve Fund;
- e) approve the annual Public Art maintenance budget through the budget process; and
- f) approve the selection, acquisition or de-accession of Public Art.

4.2 Owned Public Art

The process for soliciting proposals for providing Public Art should:

- a) attract Artists from a variety of artistic disciplines;
- b) be meaningful, fair and equitable;
- c) encourage opportunities for learning, participation, and experimentation in arts and culture; and
- d) integrate Public Art into the planning, design, and execution of selected civic development projects.

Proposals for providing Public Art may be solicited through:

- a) open competition;
- b) invited competition; or
- c) direct award, where permitted by the City's Purchasing By-law.

Public Art will be selected on merit through a process informed by expertise and community input through the Public Art Committee. The selection will employ a jurying process coordinated by the Public Art Committee, with guidance from the Inter-departmental Public Art Team. Final decisions regarding the selection, acquisition of artistic works will be made by City Council.

Sites for Owned Public Art will be identified through the Public Art Master Plan.

Each artistic work that is being considered for selection as Owned Public Art will be evaluated according to the following criteria:

- a) quality of work;
- b) condition of work;
- c) monetary and/or appraised value;
- d) artistic reputation of the artist;
- e) suitability of the artistic work for display in a Public Space;
- f) no duplication of other Owned Public Art or aspects thereof;
- g) relevance to the City's natural and built environment, cultural heritage, and/or history;
- h) authenticity of the artistic work;
- i) long-term durability and maintenance requirements of the artistic work; and
- j) ethical and legal considerations regarding ownership.

All offers of gifts, donations and bequests of artistic works will be reviewed by the Public Art Committee with guidance from the Inter-departmental Public Art Team prior to any acquisition, designation or installation as Public Art to assess:

- a) artistic merit;
- b) site suitability and context;
- c) durability and maintenance requirements;
- d) financial implications; and
- e) public safety.

4.2 Borrowed Public Art

All artistic works to be considered for selection as Borrowed Public Art will be evaluated against the following criteria:

- a) quality of the artistic work;
- b) artistic reputation of the Artist;
- c) suitability of the artistic work for display in a Public Space (e.g. size, subject matter);
- d) condition of the artistic work;
- e) the City's ability to safely display and conserve the artistic work; and
- f) exposure provided for Waterloo artists.

Proposals for Borrowed Public Art will be reviewed by an Inter-departmental Public Art Team led by Economic Development staff. Sites for Public Art will be identified through the Public Art Master Plan.

5.0 Acquisition

5.1 Owned Public Art

The City may acquire Owned Public Art through:

- a) purchase;
- b) commission; or
- c) 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 Master Plan and approved by the Inter-departmental Public Art Team. The donor of the artistic work must have legal title 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 City's Finance Department.

The City may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

5.2 Borrowed Public Art

The City may secure Borrowed Public Art for display on a temporary basis. Temporary installations may last from one day to one year, typically remaining on view for three to six months.

Following the approval of a proposal, an appropriate 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 restoration of the site.

5.3 Acquisitions and Signing Authority

Acquisitions will follow City of Waterloo's Procurement By-law, which establishes policies for the procurement of goods and services by the City, and any subsequent revisions or replacement of this by-law.

5.4 Installation

The City 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 reported upon receipt, and any problems found will be referred to the Artist/lender for resolution, prior to installation.

5.5 Insurance

All artistic works owned by the City through purchase, commission and/or donation, are the property of the City and are insured under the City's insurance policies.

For all Borrowed Public Art, the Artist will submit proof, satisfactory to the City, of insurance coverage for the artistic work, and a waiver freeing the City 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:

- a) title(s);
- b) dimensions;
- c) medium/media; and
- d) appraised value(s).

6.0 Maintenance

The Artist is responsible for developing a maintenance plan for each Public Art artistic work. The maintenance plan must be submitted 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. Maintenance plans will include, but are not limited to:

- a) maintenance specifications;
- b) budget implications;
- c) manufacturer lists; and
- d) key contacts, including the Artist

The City is responsible for the care and maintenance of the artistic work, in accordance with the approved maintenance plan. Staff responsible for the implementation of the Public Art Program will monitor the maintenance plan. The appropriate City 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.

7.0 Storage

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

8.0 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. 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; and
- e) site redevelopment

In the event of theft, vandalism or accidental loss, the City 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 Committee. Recommendations of the Public Art Committee regarding the need for and method of de-accession will be made to staff responsible for the implementation of the Public Art Program. 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.

9.0 Private Art

Staff responsible for economic development and municipal planning 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, interchanges, gateways, parks and open spaces).

The inclusion of private artistic works will be encouraged formally through the development review process and informally as opportunities arise.

Private sector developers will be encouraged to integrate private artistic works into the design of private sites, buildings and/or landscaping, especially in publicly accessible and visible areas of private sites, including, but not limited to:

- a) building facades;
- b) floors;
- c) ceilings;
- d) courtyards; or
- e) entrances.

This could include functional and decorative elements including, but not limited to:

- a) benches;
- b) water features; and
- c) light standards.

The City will not assume any responsibility for maintenance of private artistic works installed on private lands.

COMPLIANCE:

In cases of policy violation, the City may investigate and determine appropriate corrective action.