



## Guidelines for Accepting Gifts of Art Intended for Long-Term Placement at Public Sites Under City Jurisdiction

### 1.0 POLICY OBJECTIVES

- 1.1 To provide a procedure for reviewing proposed gifts to the City of art work intended for long-term placement in public places under the City's jurisdiction.
- 1.2 To encourage and ensure that the City acquires public art that meets a high standard and is appropriate and meaningful for the community it will reach.

### 2.0 ORGANIZATIONS AFFECTED

- 2.1 City departments and boards
- 2.2 Citizen advisory boards to City Council or its Agencies

### 3.0 DEFINITIONS

#### 3.1 Public Art

Art work intended for placement or installation at indoor and outdoor areas of public use under the City's jurisdiction.

#### 3.2 Public Art Committee (PAC)

A nine-member volunteer advisory committee, consisting of artists, urban designers, and others, appointed by City Council to advise Council, staff, artists, developers and others on the implementation of the Public Art Program, and on public art matters generally.

#### 3.3 Gift

An existing or proposed work of art offered as a donation to the City for placement at a public site under the City's jurisdiction

#### 3.4 Sponsor

An individual or group, other than the artist, who proposes a work of art for placement on a public site under the City's jurisdiction. The Sponsor's principal role is to present the intent of the donation. Community groups or corporations can act as sponsors, provided they are capable of representing or demonstrating community support for the work, and can demonstrate clear financial responsibility for its acquisition, production and installation at the time of the proposal, if required. Demonstrating community support reinforces the public nature of the proposal.

#### 4.0 ACCEPTANCE CONDITIONS

- 4.1 The City will consider gifts of works of art for placement at a public site on the understanding that no civic funds will be required for production, siting or installation of the work, except when the City itself acts as a sponsor or co-sponsor. In addition, donors will be required to lodge funds equalling at least 10% of the commission cost of the art work with the City Public Art Maintenance Reserve. A maintenance audit will be conducted as part of the review of the proposal if, in the opinion of staff, the proposed donation is likely to incur high maintenance costs and require a larger contribution to the Maintenance Reserve.
- 4.2 To be considered for acceptance by the City, a work of art must have a sponsor or co-sponsor who will present the proposal and, when necessary, be responsible for raising the necessary funds or themselves providing the funds, in accordance with the budget presented to the Public Art Committee (see Acquisition Procedures).
- 4.3 The City will consider the following types of proposals for works of art intended for placement at a public site under the City's jurisdiction:
- a) A sponsor's offer of an already completed work of art.
  - b) A sponsor's offer to commission an art work by a specific artist or artists.
  - c) A sponsor's offer to commission an art work by means of a public art competition.

#### 5.0 SELECTION CRITERIA

##### 5.1 Relevance

Appropriateness of the work of art to the proposed site and its surroundings, including considerations of architecture, topography, history and the social dynamic of the particular community in which the art will be placed.

##### 5.2 Artistic Excellence

Quality of the artist's concept. Does it merit placement in a public place? Assessment of artist's ability and potential to execute the proposed work, based on previous artistic achievement and experience, or, in the case of an existing work of art, the quality of the executed work.

##### 5.3 Physical Durability

What is the art work's long-term durability against theft, vandalism and weather? Will it require expensive maintenance? Is a conservator's report and estimate of maintenance costs required before a decision is made?

##### 5.4 Public Safety

All proposals must address issues of public safety and all will be reviewed by the City Engineer and the Manager, Office of Risk and Safety Management.

##### 5.5 Costs

Consideration will be given to all costs of the proposal, including production, acquisition, siting, installation, documentation, and maintenance.

## 5.6 Authenticity

Consideration will be given to the work's terms of donation, legal title, authenticity, and other issues as appropriate.

## 6.0 ACQUISITION PROCEDURES

6.1 All offers of art work proposed for sites under City jurisdiction must first be received by the Public Art Committee, which is responsible for reviewing proposals and reporting its recommendations to City Council.

6.2 City staff will inform the sponsor and artist(s) about the criteria, conditions and procedures governing the acceptance of gifts of public art.

6.3 In all cases, the sponsor will be asked to submit to the Public Art Committee prior to its consideration of the proposal:

- a) a brief statement of purpose from the artist;
- b) drawing(s) and/or photograph(s) and/or model(s) of the proposed work with scale and materials indicated;
- c) a plan showing the work in relation to the site;
- d) a visual projection of the work on the proposed site(s);
- e) a budget, with projected costs for the project;
- f) funds committed to date, and proposed source(s) of funds;
- g) artist's resume, and any additional supporting material.

### 6.4 Sponsor's Offer of an Existing Art Work

The Public Art Committee in co-operation with staff will designate a panel of no fewer than three and no more than five persons having suitable expertise, including always a majority of art professionals and at least one neighborhood representative, to evaluate the work according to the criteria, paying special attention to the choice of site. Staff and a member of the Public Art Committee will serve in a resource capacity as needed, representing the larger context and continuity of the developing art program. The panel chairperson will report the panel's decision in writing to the Public Art Committee, and staff will report the panel recommendation to City Council.

### 6.5 Sponsor's Offer to Commission a Specific Artist or Artists

The Public Art Committee in co-operation with staff will designate a panel of no fewer than three and no more than five persons having suitable expertise, including always a majority of art professionals and at least one neighborhood representative, to review the proposal. A member of the Public Art Committee will serve in a resource capacity as needed, representing the larger context and continuity of the developing art program. If questions regarding critical interpretation, site choice, structural requirements or other matters arise, the panel may at its discretion meet with the artist before making its decision. The panel chairperson will report the panel's decision in writing to the Public Art Committee, and staff will report the panel recommendation to City Council.

- 6.6 If the panel recommends against accepting the proposal, the City will notify the sponsor and the artist, and inform them of the appeal procedure. It will also advise City Council of its recommendation.
- 6.7 If the proposal is accepted, a formal agreement will be drawn up outlining the responsibilities of each party (the City, the sponsor, the artist and outside contractors, where applicable). The agreement will address project funding, fabrication, siting, installation, maintenance, transfer of title, artist's rights, public education costs, project supervision, the identification plaque, deaccessioning, and other issues as necessary.
- 6.8 Where possible, the artist will be consulted before any modification to the site that significantly affects the intent of the work, or any alteration of the work, is undertaken.
- 6.9 The completed and installed work of art will be registered in the Public Art Registry, together with the artist's statement of purpose and other information as appropriate.

## **7.0 APPEAL POLICY**

- 7.1 All sponsors or artists who believe that the panel's consideration of their proposal was procedurally unfair, unreasonable or inadequate may appeal the panel's recommendation rejecting the proposed gift. No appeals will be entertained on the grounds of the panel's aesthetic evaluation of an existing or proposed work.

## **8.0 APPEAL PROCEDURE**

- 8.1 Before pursuing a formal appeal, the sponsor and/or artist should seek an informal resolution by way of the following procedure:
- a) The sponsor and/or artist will first re-examine the Acceptance Guidelines, and the list of panelists who have evaluated the proposal; and
  - b) the sponsor and/or artist will then informally review the panel procedure with the staff person attached to the panel, within three weeks of the date of written notification of the original panel decision.
- 8.2 Should no resolution be reached, the sponsor and/or artist may submit a formal appeal by way of a written request to the Public Art Committee, specifying the date on which informal review of the original panel decision was completed, and the factual bases on which the sponsor claims that the procedures utilized by the panel in reaching its decision were unfair, unreasonable, or inadequate.
- 8.3 The Public Art Committee will provide the sponsor, the artist and each member of the panel with at least fourteen days advance notice in writing of the date, time, and place of the appeal, to enable each of the aforementioned individuals to file written submissions for consideration and to arrange to appear to give a verbal presentation if desired. In addition, the Public Art Committee has the right to invite any individual whom it believes may contribute to the adjudication of the appeal, to appear before it. The deliberations of the Public Art Committee will be held *in camera*.