

Appendix 1 – Public Art Policy

Community Parks, Recreation and Culture

Policy #:	40-1600-
Branch:	Recreation, Community Engagement and Events
Effective Date:	July 27, 2021
Public Art Policy	

1. PURPOSE

This policy is intended to leverage artists' talent, vision, and experience to create an inclusive community that celebrates, appreciates and promotes arts, culture, diversity, and the heritage of East Gwillimbury by integrating artwork into public view/spaces.

Goal:

To contribute to the Town's cultural identity and strategic priorities. A better quality of life, increased social cohesion, good urban design, placemaking, broad community involvement, increased potential for economic development and public access to the arts are some of the intended benefits.

2. SCOPE

This policy establishes a standardized and transparent process including:

- Provide guidelines for the selection and display of artwork.
- Providing a plan and process for accessing and accumulating the funding necessary to finance future acquisition, site preparation, installation, maintenance, preservation, restoration, deaccession, and management of the Town's permanent art collection.
- Provide a framework for identifying locations for public art and the development of Art in Public Places plan. This plan will identify locations throughout the Town of EG where public art may be situated, as well as what forms of art would be appropriate for each location.

3. DEFINITIONS

Public Art:

Refers to an original work of art, created by an artist, with the specific intent of being displayed in, on or adjacent to a public space. Public Art looks to enhance public spaces and may commemorate history or make a statement on the present or the future.

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The artwork may be permanent, temporary (loaned), functional or aesthetic and includes all forms of art conceived in any medium, material, media, or combination.

Public Art plays many roles in the urban context. Some of Public Art's key roles include:

Placemaking

Creating and enhancing public spaces that promote people's health, happiness, and well being.

Gateway market

An entrance feature that signifies a boundary and assists with wayfinding.

Landmark

An easily recognized feature in the cityscape that contributes to placemaking and orientation.

Memorial

A structure established to commemorate a person, event, group, or settlement or history of the land.

Local Focal Point

A centre for activity or attention.

Wayfinding

Visuals used to convey location and directions.

Interpretation

A work of art that illuminates the character or history of its context.

Functional Element

A work of art that also serves a utilitarian purpose.

Activation and Animation

A work of art that energizes a space, can be interacted with and/or can move independently.

Natural Environment Benefit and Stewardship

A work of art that provides benefit to the natural environment and serves to promote leadership and stewardship toward preserving the natural environment, sustainability or energy conservation.

Providing a Voice

Lifting and amplifying the voices of people who would otherwise not be heard.

Deaccessioning:

Refers to the process of permanently removing a piece of Public Art from a site or from the Town of East Gwillimbury permanent art collection.

Artist:

Refers to the designer/creator of a piece of artwork, and can include but not be limited to, professional artist, graphic designer, collaborative teams, architects, and landscape designers and students of all types.

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Temporary/Art Loans:

Refers to the artwork borrowed for a defined period. Ownership of the art will remain with the lender.

Site Specific:

Whether permanent or temporary, functional, or aesthetic, distinct or integrated or in any media, the artwork should respond to the immediate context. For example, a sculpture that can be placed elsewhere without any significant change to its meaning or how it is received is not site specific.

Integrated:

A work that is a physical part of a building, structure, site, or landscape. If the building were demolished, the site redeveloped or the structure removed, the work would be removed or relocated, if possible.

Publicly Accessible Space:

The artwork needs to be in a space that is visually or physically available to the public. In most cases the art will be placed on a publicly owned site whether owned by the Town or another public entity. This can include but not be limited to trails, parks, boulevards, open space, waterways, roads, bridges, parking lots, gateways, streetscapes. For public art provided by a private developer, the art may be in a privately owned space if it is accessible to the public 24 hours a day and year-round. The art should be outside or be best experienced from outside except in rare cases where interior spaces are publicly owned and open to everyone and have extensive and regular opening hours (examples may be a library or recreation centre).

Public Art Staff Review Panel

Staff committee that will be responsible for this policy and the direction of art acquisition as outlined in this policy.

4. PROCEDURES

The management and implementation of this Policy will be coordinated by the Community Parks, Recreation and Culture Department in consultation with the Arts and Culture Advisory Committee of Council. The Arts and Culture Advisory Committee will work with CPRC staff to:

- Provide advice and guidance on matters related to the Public Art Policy, procedures, guidelines, plans and issues.
- Review all acquisitions, commissions, and donations of Public Art in accordance with the criteria set out within this policy and make recommendations to Council for approval.
- Develop annual priorities for Public Art.
- Provide guidance and advice to Town departments in the initial design phase of capital and Public Art projects falling under the Policy.

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- Monitor and update the Town of East Gwillimbury's Public Art Inventory and Maintenance.

4.1 Acquisition

The Town of East Gwillimbury may acquire works of art for its permanent collection through:

a) Purchasing a finished work of art, commissioning a work of art through a competition or proposal call, accepting a work of art from a builder as part of a Planning Act application, or through an independent proposal from an artist.

b) Accepting a donation of a work of art, where the ownership is transferred to the Town of East Gwillimbury from an individual, organization, group, corporation, or another municipality.

4.1.1 Prior to an artwork purchase or acceptance of a donation of art for the Town's permanent collection, all artworks shall be reviewed using the selection criteria. Consultation with the Arts and Culture Advisory Committee of Council will help inform the Public Art Staff Review Panel who will make the final decision for acquisition. (removed paragraph and placed below in 4.1.2)

4.1.2. Community Parks, Recreation and Culture will oversee a Public Art Staff Review Panel which will consist of the General Managers and/or Managers from the following Town departments:

- Community Parks, Recreation and Culture
- Planning and Development Services
- Community Infrastructure and Environmental Services

This committee will meet, review, and make decisions for art acquisitions.

All acquisitions over \$10,000 or as deemed as a capital project will be presented to Council for their information prior to installation. Additional consultation with additional Committees of Council will be on an as-needed basis to assist with subject matter expertise. Where artworks may be considered controversial, due to size or nature, a public consultation process will be undertaken.

4.1.3. The Arts and Culture Advisory Committee of Council is responsible for reviewing public art proposals, in a responsible, mindful, and informed manner, making recommendations to the Public Art Staff Review Panel based on their areas of expertise. The review will

4.1.4. consider whether the art piece has met or exceeded the stated criteria (as listed in Section 4.3), and the

4.1.5. Committee will help to inform location choices for the installation. The scope of this review includes, but is not limited to, general aesthetics, impact in the community, materials, fabrication, safety, cost, installation procedures, security, site issues and maintenance.

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The Arts and Culture Advisory Committee of Council will also provide assistance and expertise to staff and Council on proposed artwork gifts and donations to the Town.

The Arts and Culture Advisory Committee of Council will also act as an advocate to building public awareness and support for public art in our community.

4.1.4. Where applicable the public art selection process will seek the input and consultation with Committees of Council.

4.1.5 To ensure the fair and equitable treatment of all participants in the public art process, the Arts and Culture Advisory Committee of Council members shall declare a conflict of interest where a project, in which they are either directly, or indirectly involved, comes before the committee.

4.1.6 Council - Mayor and Council should be at arm's length of any acquisition processes. Council's role is to perform the following functions or empower staff to do so on Council's behalf:

- Act as an advocate for Public Art in the Town.
- Review and approve the Public Art Policy.
- Review and approve any Policy changes, as needed.
- Approve capital allocations, as well as operating budget costs associated with public art projects, maintenance of public art, etc.
- Approve negotiated agreements with private developers that may involve the provision of public art, where applicable.

In addition, prior to the undertaking of any public art project, staff will seek input and feedback from the Arts and Culture Committee of Council pertaining to specific criteria they may wish to include for the commission/call, including the type of art to be installed, theme, size, interactivity with the public, etc.

4.1.7 All purchases and donations will be accompanied by a maintenance plan, supplied by the artist/donor, in accordance with the maintenance criteria. All donations must be unencumbered and the locations for donated works of art will be subject to the Public Art Policy.

4.1.8 The donor of a work of art must have legal title to the work and is responsible for meeting the Canada Revenue Agency criteria to receive an Official Receipt for Income Tax Purposes, from the Town of East Gwillimbury, for the work of art. This process, which includes an appraisal of the work, at the donor's expense to determine its fair market value, will not occur without the pre-approval of the Town's Treasurer or their designate.

4.2 Selection Process

The process by which an artist(s) is selected for a commission has a significant impact on the project's success.

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East Gwillimbury operates competitions as its primary form of artist selection. Depending on requirements specific to the project, the competition may be open, limited/invitational, or by direct selection. Following are definitions of these three forms of competition.

4.2.1 Open Competition: A competition that is broadly advertised - locally, provincially, nationally and internationally - and open to any artist interested in submitting materials for consideration according to the guidelines established in the “call to artists.”

4.2.2 Invited/Limited Competition: In a limited competition, a select number of artists are invited to submit materials for consideration. Limited competitions may be staged when a project requires a specific art form, or there are pressing time restrictions on its completion.

4.2.3 Direct Selection: The commission of a work by an artist or the purchase of an existing work of art. A direct selection may be warranted when there is a single clear choice or a sole source in terms of the artistic solution for a project. A direct selection may also be appropriate where there is a time constraint or an extremely limited project budget.

4.3 Selection Criteria

Each piece of art that is being considered for acquisition to the Town of East Gwillimbury permanent collection, whether purchased, commissioned, or donated, will be awarded points according to the following criteria.

Artistic Merit

- Originality and authenticity of work or design
- Intrigue’s viewers and stimulates imagination

Diversity, Inclusion and Indigenous People

- Commitment to art of Indigenous People or from marginalized groups, such as LGBTQ or racialized minorities.

Community Impact

- Suitability for display in public spaces
- Reflects the Town’s heritage and /or history, culture and diversity, natural elements and landscapes, or general interest and intrigue
- Consideration for Art that is functional or interactive
- Builds appreciation for public art
- Benefit to the Natural Environment or Environmental Leadership

Economic Value

- Value for money
- Tourism potential

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Artist

- Artistic reputation
- Local residency
- Demonstrated and related experience
- Examples of related works

Location

- Site Suitability
- Responds to location's uses and users
- Enhances the quality of the public realm

Maintenance

- Town's ability to maintain and conserve work
- Long term maintenance cost
- Longevity
- Environmental Impact

Submission

- Complied with submission guidelines/standards
- Level of completeness
- Quality and completeness of work
- Ability to meet time estimates/deadlines
- References provided

Donated Works

- Condition of the work
- Authenticity of the work
- Appraised value
- Legal ownership considerations

4.4 Display of Artwork not owned by the Town

The Town of East Gwillimbury may secure, on a temporary basis, works of art for display in public spaces (i.e., parks, recreation centres, civic centres) through art loans and display call outs. Specific timelines for when art will be displayed will be made available in conjunction with Town staff and the Arts and Culture Advisory Committee of Council. A calendar of art events/showing(s) will be made available yearly.

All artworks to be displayed in public spaces will be evaluated against the following criteria:

- Quality of the artwork.
- Previous experience of the artist.
- Suitability of the work for display in a public space (i.e., size, subject matter).

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- Condition of the artwork.
- Town's ability to safely display and conserve the work.
- Exposure provided for local artists.
- Exposure provided for local youth artists through our partnerships with schools.
- Have appropriate and valid insurance.

If unsolicited works of art are found in public spaces, the Town, at its discretion, may require these works to be removed, at the owner's expense.

4.5 Site Selection

4.5.1 Sites for Public Art will be identified through the Public Art Staff Review Panel and during the planning and development process to identify any potential site opportunities.

Possible installation locations may include:

- Municipal Buildings, including new construction
- Parks and open spaces.
- Streetscape and Public Works Projects (i.e., sidewalks, boulevards)

4.5.2 Community Parks, Recreation and Culture, Planning and Development Services, and the Economic Development Office will use the Streetscape and public realm guidelines while working with new and established business, agencies & other levels of government, architects, builders and contractors to identify opportunities for Public Art in built form and fixed facility architecture, building and/or landscape designs of private infrastructure, or the layout of open spaces, public connections to adjacent features (i.e. streets, bridges, road infrastructures, interchanges, gateways, light standards, parks and open spaces), and related requirements for urban environments and streetscaping.

Public Art may be integrated into the design of a site, buildings and /or landscaping, especially in publicly accessible and visible areas of the site, including, but not limited to building facades, floors, ceilings, courtyards, urban squares, or entrances and could include functional and decorative elements including, but not limited to public assets (bus shelters) or water features, benches, and light standards. When new facilities and parks are being designed, the Town and CPRC will work to include, where appropriate, opportunities for urban art to be created in partnership with members of the Arts and Culture Committee. Any art that would govern under deemed Ontario Building Code would be subject to the requirements under the Ontario Building Code.

Private art acquisitions located on privately owned lands are not subject to this Policy. At the discretion of the Planning and Development Services Department, private art acquisitions on private property required as a condition of a Planning Act application may be subject to the review and recommendation by the Arts and Culture Committee of Council to Planning and Development Services staff.

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4.6 Installation

The Town of East Gwillimbury is responsible for the coordination of installation of all works of art that the Town has acquired or borrowed including and not limited to site preparation. In some circumstances, the artist may be asked to participate in the installation, or a professional installer may be contracted.

This would be identified, in advance, through the agreement of purchase, commission or donation contract.

4.7 Maintenance

4.7.1 It is the responsibility of the Town of East Gwillimbury to maintain all permanent works of art within the Public Art inventory, in accordance with the approved maintenance plan and/or conservation plan required for each piece.

4.7.2 Development of the maintenance plan is the responsibility of the artist or donor and must be submitted with the proposal at the time it is being reviewed and considered. The complexity of maintenance plans may vary based on the size, nature and material of the artwork; therefore, maintenance plans must also meet the satisfaction of the Community Parks, Recreation and Culture Department where the public art is installed. Maintenance plans will include, but are not limited to, maintenance specifications, budget implications, list of manufactures and speciality contractors and/or sub-consultants, and key contacts (including the artist).

4.7.3 Community Parks, Recreation and Culture Department will monitor the maintenance plan, in consultation with other departments as appropriate. Inspection of the artwork will take place according to a pre-determined schedule. A qualified art restorer may be retained to undertake the inspection, if deemed necessary.

4.8 Storage

The Town of East Gwillimbury will ensure appropriate short term and long-term storage for all the works of art in its care. Whenever possible, existing Town and community resources will be used for the storage and management of the Town's permanent collection.

4.9 Deaccessioning

4.9.1 The deaccessioning of a piece of art will only occur after a comprehensive assessment is undertaken and reviewed by the Community Parks, Recreation and Culture Department and relevant Town staff, within the context of the goals and objectives of the policy. The Community Parks, Recreation and Culture Department will be responsible for preparing a report to be presented to Council, providing the justification for recommending deaccessioning, the appropriate method of disposal, or whether the art piece will be removed to storage. In the event of accidental loss, theft or vandalism, the Town retains the right to determine whether replacement or deaccession of the artwork is appropriate.

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4.9.2 A work of art may be deaccessioned under the following circumstances:

- The artwork is deteriorating, and restoration is not a feasible solution.
- The artwork is no longer relevant to the Town's art collection
- The artwork is discovered to have been stolen, a copy, forgery, or reproduction, or was offered to the Town using fraudulent means.
- The premises can no longer facilitate the display of artwork.
- The Town's reputation may be compromised through the display of artwork.
- The artwork is no longer suitable within the space.
- The Town is no longer able to display the artwork safely.
- If a piece or an artist is deemed to have violated the inclusionary policy of the Town or is determined to be racially or culturally insensitive

5. FUNDING

5.1 **Public Art Reserve** - Will be created to receive cash contributions from public funding and operate in accordance with the Town's Public Art Policy and financial policies. The Public Art Reserve will be used to fund, promote and maintain projects organized by the Art and Culture Committee of Council through a written proposal and in accordance with the Town of East Gwillimbury's Public Art Policy and financial policies.

5.2 Initial funding for the Public Art Reserve will be capped at \$250,000 and will be funded from the Community Capital Contributions reserve.

5.3 **Public Art Donation and Contribution Reserve** - Funds from donations, developers, grants and other non-public contributions will be placed in a Public Art Donation and Contribution Reserve and will have no limit to the amount retained. Should the contribution be made for a specific community or type of art installation the reserve will reference the requirements of the donation.

5.4 **Public Art Maintenance** - The Town of East Gwillimbury is responsible for the maintenance of all public art in the Town's collection, whether commissioned or donated. Any design or donation proposal must include ten per cent (10%) of the value of the artwork or art commission for future maintenance. These funds will be held by the Town and used on an annual basis for the maintenance and restoration of the Town's Public Art Inventory. The (10%) amount for maintenance of each respective art piece will be funded by the Public Art Reserve or Public Art Donation and Contribution Reserve respectively at time of the art installation.

5.5 The Town will consider the inclusion of Public Art in the initial design phase of new builds or restorations, transformations and renovation of existing interior and exterior public spaces and determine an appropriate budget, if required, to be set aside either in the Public Art Reserve, Public Art Donation and Contribution Reserve or as a separate line item within the project budget.

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5.6 Artwork sold during its exhibit, within public/town spaces, a 15% commission will be remitted to the Town and placed in the Public Art Reserve. Processing of purchased artwork will be done through Customer Service. The Arts and Culture Committee of Council may ask Council through a written proposal for access to these funds for the purpose of growing and developing arts and culture programs and events.

5.7 Town run events, hosting art shows may require an entrance fee which will go back into the event and will be on top of the 15% commission for any work sold. This will be collected and monitored through the Town's Special Events Coordinator.

5.8 1% to a maximum of \$200,000 of the total construction cost of selected capital projects funded in full or in part by the Town may be collected and put into the Public Art Reserve fund for art projects. The flat rate would not apply to non-construction components of identified projects (i.e., architects and consulting fees, Town permits, etc.) Projects may include selected buildings, in consultation with the Community Parks Recreation and Culture Department when it is determined that they have visual impact and public accessibility.

6. INSURANCE

6.1 All permanent and portable artworks owned by the Town of East Gwillimbury through purchase, commission and/or donation, are the property of the Town and are insured under the Town's Insurance Policy.

6.2 For all loaned artworks on exhibit in public places owned by the Town, the artist or lender will submit to the Town a copy of insurance coverage for the art pieces, or a signed waiver freeing the Town of East Gwillimbury from liability in case of accidental loss, theft, damage or vandalism. In addition, the artist or lender will also submit a complete list of the displayed artwork(s) which will include the title, dimensions, medium and appraised value of artwork.

7. AGREEMENTS

7.1 The Artist, loaner or lender will enter into an agreement with the Town of East Gwillimbury following the approval of the commission/acquisition of the artwork. This written agreement will address the artists, donor or lenders obligations, which will include but not limited to:

- Scope of work
- Materials
- Timelines
- Installation
- Maintenance
- Warranty
- Copyright

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- Payments to sub-contractors
- Conditions accompanying the gift
- Provisions regarding future maintenance/conservation

The agreement would also set out the Town's obligations including, but not limited to:

- Payment
- Installation
- Adhering to the approved maintenance plan
- Insurance of the Artwork
- Community notification
- Artist recognition

8. COMMUNITY AWARENESS

8.1 Community Parks, Recreation and Culture Department will be responsible for ensuring that the community is aware of any Public Art components, including any installations or deaccessions, as part of the Town's normal business practices. Public notification of competitions to commission works of art will appear on the Town's website, in the local newspaper, and where appropriate, in other communication venues. Official unveilings will be organized by Community Parks, Recreation and Culture.

8.2 Community Parks, Recreation and Culture along with the Arts and Culture Committee of Council will be responsible for developing a public relations program including educational and promotional initiatives that may include such features as signage and interpretive displays to help understand, appreciate, and celebrate Public Art.

8.3 The Town of East Gwillimbury will maintain an inventory of Public Art owned by the Town. These records will include a detailed description of the artwork, its fabrication, site conditions, conservation and maintenance plan, and visual documentation of where the artwork is situated.

9. MONITORING AND EVALUATING

9.1 Any proposed amendments to the Policy will be submitted to Council for consideration and approval.

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9.2 The Town of East Gwillimbury will regularly monitor the effectiveness of the Policy.

Alignment with Town's Strategic Plan	
Strategic Plan	Application to Public Art Policy
Provide affordable programs and services which celebrate our quality of place, culture, heritage and natural environment while promoting	Investing in Public Art demonstrates Council's awareness of the importance of arts, culture & heritage in the life of a town and provides a tangible demonstration of the Town's commitment in this area. Integrating public art in natural heritage areas tells the story and history of East Gwillimbury's special character.
Invest in core infrastructure to connect and serve our growing community.	Integrating Public Art in the Town's development projects enhances the built environment, is an investment in East Gwillimbury's growth and its transformation to a unique and progressive town and becomes a catalyst for attracting and retaining business.
Ensure responsible and balanced growth management by incorporating progressive standards and a commitment to preserve our environment and heritage as we grow	Integrating Public Art in significant open spaces or lands promotes preservation and conservation and enhancement of the natural environment in East Gwillimbury. Promoting public art that provides benefit to the natural environment and/or the promotion of environmental leadership.
Foster a culture of service excellence, engagement and transparency	Investing in Public Art will assist in building strong partnerships for an engaged community as well as continue to create an inclusive community that celebrates diversity.

<u>Town of East Gwillimbury</u>			
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(PROCEDURE NAME)			
Date Reviewed:		Revision #:	
Date Revised:		Prepared By:	
Approved By:			
	Signature		