

STAFF REPORT: Administration



REPORT TO: Finance and Administration Committee
MEETING DATE: September 21, 2011
REPORT NO.: CEDC.11.23
SUBJECT: Public Art Policy (Interim)
PREPARED BY: Lisa Kidd, Communications and Economic Development Coordinator

A. Recommendation

THAT Council receive Staff Report CEDC.11.23 “Public Art Policy (Interim)”; and
 THAT Council approve the Public Art Policy (Interim) attached.

B. Background

Since the opening of The Blue Mountains new Town Hall, a number of individuals from the community have approached Staff and Council offering to donate art for permanent and semi-permanent display at this new facility.

At the same time, The Town remains as the safe-keeper of public art previously received, and displayed at the old Town Hall site and at other publically-accessible municipal sites. Some of this public art has yet to be placed in the new Town Hall due to questions relating to proper display and safe-keeping.

Presently, there is no formal Council adopted policy that directs Staff as to how to appropriately deal with the administration, acquisition, safe-keeping and de-accessioning of public art on publically-accessible municipal property. These issues have emphasized the need for a public art policy.

Staff has undertaken research on existing public art policies, in Ontario, Canada and the United States. Staff has also consulted with key Staff at Town Hall and the L.E. Shore Memorial Public Library in the creation of a public art policy (interim) for the Town of The Blue Mountains (see Attachment 1).

The Blue Mountains Sustainable Path, endorsed by Council in 2010 identified the need to:

- Define what arts and culture means in The Blue Mountains; and
- Appoint and endorse an Arts Committee.

Red Hot and Blue, the Town’s Plan for Economic Prosperity, was endorsed by Council in 2010 and identified the need to:

- Showcase local art in restaurants and local public and retail venues.

It is expected that a public art policy will help to achieve these strategies and actions.

C. The Blue Mountains' Strategic Plan

6.6 Implement processes for continuous improvement.

D. Environmental Impacts

None.

E. Financial Impact

There is no financial impact associated with the development of a public art policy (interim).

F. Attached

Attachment 1- Public Art Policy (Interim)

Respectfully submitted,

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TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: Public Art Policy (Interim)

Corporate Policy (Approved by Council)

Policy Ref. No.: POL.11.xx

Administrative Policy (Approved by CAO)

By-law No.: N/A

Department Policy: (Approved by Mgr.)

Name of Dept.: Administration

Date Approved:

Revision Date: N/A

Policy Statement

Public art contributes to the Town’s unique and vibrant community. This interim public art policy will serve as a tool to ensure that the Town has public art which:

- reflects The Blue Mountains sense of place;
- strengthens connections between people and our community;
- celebrates any or all aspects of the Blue Mountains’ social, historical, culture or natural environment;
- is created by an artist with ties to The Blue Mountains, or the art itself is relevant to The Blue Mountains; and
- Contributes to and reflects the notion of The Blue Mountains as a sustainable community.

Purpose

The overarching purpose of this policy is to ensure that public art in municipally owned public space is consistent with the Policy statement outlined above.

In addition, this policy provides guidelines for the administration, acquisition, safe-keeping, and de-accessioning of public art, as defined herein.

Application

This interim public art policy applies to all public art that is displayed in or on municipally-owned public space.

The policy has application for those involved with the administration, acquisition, safe-keeping and de-accessioning of public art. Those persons and groups include, but are not limited to: Council, Staff, a Public Art Evaluation Committee, artists and donors.

This policy will be used as a reference tool for the Public Art Evaluation Committee (see Section 1.2). The policy will be approved by Council and monitored and adhered to by Staff.

Definitions

Acquisition is defined as obtaining ownership. Acquisition can take the form of purchased art, commissioned art or donated art.

Artist is defined as a person who possesses skill, training and/or expertise in an artistic discipline, is active in and committed to his or her art practice and has a history of public presentation.

Commissioned Art is defined as a work of art created by a selected artist and for a specific site.

Donated Art is defined as existing artwork given to the Town in the form of a bequest or a gift.

De-accession is defined as movement, sale, destruction or return of public art to the artist or donor.

Public Art is defined as:

- An original work of art;
- Located in or on municipally-owned public space;
- Accessible to the public;
- Created with the intention of engaging the community; and
- Work of a permanent, temporary or mobile nature.

Purchased Art is defined as artwork that is bought by the Town from an artist, gallery or through another direct method.

Safe-keeping is defined as reasonable and best efforts to care for public art, including site selection, installation, maintenance, storage and insurance.

Procedures

1.0 Administration

The Corporation of the Town of The Blue Mountains, Administration Services, Communications and Economic Development Designate will provide administrative services for all matters relating to the administration, acquisition, safe-keeping, and de-accessioning of public art.

A Public Art Evaluation Committee will make recommendations to Council with respect to the acquisition, safe-keeping, and de-accessioning of public art, using this policy as a reference tool, until such time as a public art policy is approved by Council.

1.1 Registry System

Administration of the interim public art policy shall include the implementation and maintenance of a registry system. Registry information for each piece of public art shall include, but is not limited to:

- a digital photograph before and after installation and annually from thereon;
- a description of the condition of the public art before and after installation;
- the appraised value at time of acquisition;
- any signed agreements relating to the acquisition of the public art;
- any proposal and related documents for donation, commission or purchase of public art;
- a maintenance plan; and
- location of the public art.

Information shall be updated to the Registry as required.

1.2 Public Art Evaluation Committee

Council will appoint a Public Art Evaluation Committee of Council to coincide with the Council Term.

The Public Art Evaluation Committee shall consist of up to a maximum of 7 members of the community-at-large.

The Public Art Evaluation Committee shall be responsible for the following:

- Make recommendations to Council on the acquisition, safe-keeping, and de-accessioning of public art;
- Draft a permanent policy for the acquisition, safe-keeping, and de-accessioning of public art, to be brought before Council for review and consideration within twelve months of enactment of this interim policy;
- Create a Committee Terms of Reference to be brought before Council for review and consideration, within twelve months of enactment of this interim policy; and
- Meet bi-monthly, or at the request of Council or the Staff Designate.

2.0 Acquisition

Public art will be accepted by donation, or purchased or commissioned. Only Council has the authority to accept Public Art.

Non-anonymous donors of public art will be offered a charitable tax receipt and sent a thank you letter with respect to the donation.

Proposed public art may be purchased, commissioned or donated in consideration of the following criteria:

- reflects The Blue Mountains sense of place;
- strengthens connections between people and our community;
- celebrates any or all aspects of our social, historical, culture or natural environment; and
- Contributes to and reflects the notion of The Blue Mountains as a sustainable community.

2.1 Application Form for Donation

A Donation Application Form shall accompany all public art proposed as a donation to the Town (see Schedule "A").

Completed Donation Application Forms shall be received by the Staff Designate and forwarded to the Public Art Evaluation Committee for consideration and recommendation to Council.

2.2 Agreements

If the proposal is accepted by Town Council, a formal agreement will be drawn up outlining the responsibilities of each party (the Town and the artist or donor and outside contractors, where applicable). The agreement will address funding and safe-keeping of the public art, and other issues as necessary.

Public art will be registered in the Public Art Registry as noted in Section 1.1.

3.0 Safe-keeping

Safe-keeping of public art includes site selection, installation, maintenance, storage and insurance.

3.1 Donated, Purchased and Commissioned Art

The Town shall consider safe-keeping (i.e. site selection, installation, maintenance, storage and insurance) of the public art as part of the costs of the acquisition. The long-term costs of maintaining art shall be considered as part of the budgeting process annually.

A bona fide maintenance plan shall also be completed prior to the donation, purchase or commissioning.

3.2 Site Selection

Through a decision of Council, the Town of The Blue Mountains will coordinate site selection of public art in or on municipally-owned public space.

Where possible, the artist or donor will be consulted before any modification to the site that significantly affects the intent of the work is undertaken.

3.3 Installation

Staff, or an artist or contractor under the supervision of Staff, will be responsible for the installation of all public art. Any contractual requirements with an artist or contractor will be overseen by the Town.

3.4 Maintenance

Staff will be responsible for the maintenance of public art, in accordance with the maintenance plan for each acquisition and submitted to the Registry (see Section 1.1).

3.6 Storage

The Town shall ensure appropriate short-term storage as needed. This does not include a work in progress by an artist.

Town-owned facilities used for temporary storage of public art, are not to be considered proper long-term storage facilities for art due to fluctuations in light, heat and humidity.

3.7 Insurance

All permanent, temporary or mobile public art work owned by the Town through purchase, commission or donation is the property of the Town and shall be insured under the Town's insurance policy and budgeted for accordingly through the Town's annual budget process.

3.8 De-accessioning

De-accessioning may take the form of moving the art, selling the art, returning the art to the artist, or in rare cases, destruction.

De-accessioning should be a deliberate and seldom-used procedure. The Town shall not dispose of artwork simply because it is not currently in fashion, and not to dispose of work whose worth might not yet be recognized.

De-accessioning of public art may occur under any of the following situations:

- the public art is deteriorating and restoration is not a feasible solution;
- the public art is no longer relevant to the Town's public art inventory;

- the public art is discovered to have been stolen or was offered to the Town for acquisition using fraudulent means;
- there is no longer a public facility or public space appropriate in space or design for display of the public art;
- the art installation has become unsafe or has been deemed unsafe by existing or new policies or legislation;
- destruction of or changes to the site threaten the artwork's survival or result in diminishing artistic integrity and effectiveness;
- a written request from the artist has been received; and/or
- as per an agreement between the Town and the donor or artist, the art shall be de-accessioned under specified conditions.

3.9 De-accessioning Procedures

In the event that de-accessioning of public art is considered by the donor, artist, Town Staff or relevant party, a Staff designate shall assemble the following information in the form of a staff report for Council's consideration:

- reasons for the proposed de-accessioning;
- opinion of the Town's Legal Solicitor (as necessary);
- acquisition method and cost;
- informal estimate of the current value of the work;
- cost of de-accessioning or removal;
- any documented public response to the work;
- suggested or alternative course of action such as:
 - donate, sell, auction or trade the artwork;
 - give the artist or sponsor first opportunity to receive or buy back the work at the current appraised value, to be transacted by a specific date;
 - relocate the work;
 - store the work temporarily;
 - retain the work; or
 - destroy the work (in rare circumstances).
- Where applicable and achievable, the artist or donor whose work is being considered for de-accessioning will be notified and invited to comment in-writing or in-person by a specified deadline.

4.0 Revenue From De-accessioning

Any monies received through the sale of de-accessioned public art will be placed into a newly formed Public Art Reserve Fund for acquisition and safe-keeping of the Town's public art.

Exclusions

Previously acquired public art is excluded from the policy.

Corporate awards and plaques are excluded from the policy. Such items will be located in or on municipally-owned public space at the discretion of a Staff designate, or through a decision of Council.

The Blue Mountains Public Library, the Craigleith Heritage Depot and enclosed administrative office space within Town Hall are excluded from this policy.

References and Related Policies

None.

Consequences of Non-Compliance

None.

Review Cycle

This policy is an interim policy. There is no review cycle for this policy.

(Signature)



Schedule A

Temporary Accession
Number

Permanent Accession Number

DONATION APPLICATION FORM

(To be completed in full by donor – original to Town of The Blue Mountains, copy to donor, copy with art)

Donor: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Be it known that I, (Donor's name) _____ am the sole lawful owner of the art item(s) listed below, and do hereby transfer and assign to The Town of The Blue Mountains all rights, title, copyright and interest in the artifacts(s) listed below free and clear of all liens and/or encumbrances, in accordance with legislation of the Province of Ontario, Canada. In doing so, I understand and agree that The Town of The Blue Mountains shall have full discretion as to use, display, and disposition thereof as it may deem to be in the best interests. This has been explained to me.

Date: _____ Donor's Signature: _____

Witness Signature: _____

Name (printed) & Relation: _____

****Where possible, please attach a photo of the proposed donation****

ACCEPTANCE

The Town of The Blue Mountains Public Art Evaluation Committee will review the item(s) listed below in order to ensure the item offered for donation is appropriate for acceptance based on the Town of The Blue Mountains Public Art Policy.

If the item is not accepted for any reason, the donor will state whether he/she wishes to receive the donation back.

YES, please notify me to pick up the item(s)

NO, you may dispose of the item(s)



Schedule A

ACKNOWLEDGEMENT

The Town of The Blue Mountains gratefully acknowledges the gift of the item(s) listed below. Provenance notes will be retained but please note that specific instructions/encumbrances/dispensations cannot be guaranteed. Please note that if a tax receipt is required, it is the onus of the donor to provide acceptable valuation/sales receipt at the time of donation.

Date: _____

Town Authorized Signature: _____

DONATION DESCRIPTION
