



**THE CORPORATION OF THE UNITED TOWNSHIPS OF
DYSART, DUDLEY, HARCOURT, GUILFORD, HARBURN
BRUTON, HAVELOCK, EYRE AND CLYDE**

POLICY NO. 40

PUBLIC ART POLICY

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**PUBLIC ART POLICY
MUNICIPALITY OF DYSART ET AL**

1. INTRODUCTION/VISION

The Municipality of Dysart et al is committed to building a strong vibrant community, where people choose to live, visit, invest and businesses choose to locate. The Municipality recognizes the value of *Public Art* in creating a strong community identity. The Municipality will support *Public Art* initiatives to showcase our skills, talents and history; enhance the social, cultural and aesthetic fabric of the community; and strengthen economic development initiatives.

2. PURPOSE/SCOPE

The *Public Art Policy* will provide Council, committees of Council, staff and the community with a clear, consistent framework for decision making for the management and acquisition of *Public Art*. By drawing on the expertise of the Cultural Resources Committee, this policy incorporates a community-based approach that will provide Council with advice from knowledgeable professionals.

The *Public Art Policy* focuses on:

- i) establishing a decision making process for:
 - *Public Art* in Municipal (civic) projects;
 - Municipally acquired *Public Art* (commissions, donations etc.); and
 - Private art initiatives on public property; and
- ii) managing the Municipally owned *Public Art* collection;

This policy does not address decisions concerning private art initiatives on private property. However, where there are private initiatives, which will be displayed or installed in the public realm, proponents are encouraged to draw upon the expertise and resources of the Committee when making decisions on the management and acquisition of art work. The Municipality may charge a fee for this service.

Public Art acquisitions that are subject to an alternate recognized and professional jury system, such as offered by the Rails End Gallery and Art Centre or the Haliburton Sculpture Forest, will be exempt from this Policy.

3. DEFINITIONS

The term "*Public Art*" refers to both art that is publically owned, as well as, art work in public places. *Public Art* means original works of art that have been planned and executed with the specific intention of being permanently sited or integrated into the public domain, usually outside and accessible to all, for the enrichment of human experience. For the purposes of this policy, *Public Art* does not include performance art or temporary works of art incorporated, performed or staged in indoor or outdoor public places. A separate policy may be developed for art events, permanent and temporary works of art.

Public Art includes but is not limited to:

- Sculpture, in any material or combination of materials, whether in the round, bas relief, high relief, mobile, kinetic or electronic;

- Murals, mosaics, fibre works, glass works, photography, paintings, or other visual art forms in any material or combination of materials;
- Tableaux, vignettes or creative displays of an artistic/informational nature which interpret the heritage significance of a building or site;
- Artistic enhancements of Municipal infrastructure, such as railings, bridges, street furniture, fountains, buildings, equipment, street lights, manhole covers and waste receptacles; and
- Installation of heritage objects in public spaces.

The term "*temporary art*" means works or installations on display for a limited period of time.

The term "*permanent collection*" means works or installations permanently owned by the Municipality.

4. DECISION MAKING FRAMEWORK FOR PUBLIC ART PROJECTS

4.1. Public Art In Municipal (Civic) Projects

The Municipality will consider incorporating artistic enhancements into infrastructure projects. Where artistic enhancements are proposed, the proposal will take into consideration and be sensitive to the financial and time constraints of the project.

Where Council determines that a Municipal project is suitable for the inclusion of *Public Art*, it will request advice from the Cultural Resources Committee. The role of the Committee will be generally to advise Council and to assist staff when considering artistically enhanced infrastructure. The guiding principles outlined in Section 4.5 below, will be applied. The Committee may:

- assist with requests for proposals for artistically enhanced infrastructure;
- assist with the coordination of artistically enhanced infrastructure;
- establish a jury to adjudicate proposed projects and make recommendations to Council;
- review proposals for artistically enhanced infrastructure with Municipal staff to ensure potential operational, structural and public safety issues are considered; and
- suggest artistic enhancements to public infrastructure that come to the attention of the Cultural Resources Committee.

4.2. Municipal Acquisitions

4.2.1. Sources

The Municipality of Dysart et al may acquire art work for the *Public Art* collection through any of the following methods:

- gifts/donations;
- bequests;
- trades/exchanges;
- purchases;
- loans;
- transfers; and
- commissions.

4.2.2. Gifts, Donations and Bequests

A donation of *Public Art* includes an offer from an individual or organization to donate to the Municipality:

- an official gift of *Public Art*, which may be either an existing art work or funds to purchase or commission a new art work; or
- the installation of a public tribute or major public recognition.

Donations may come to the attention of Council, a committee of Council, or staff. Donations of all works of art will be referred to the Cultural Resources Committee for review and consideration. The Committee's recommendation to Council will be based on the *guiding principles*, outlined in Section 4.5, below. The Committee will appoint a *project liaison*, who will contact the donor and gather any information relevant to the process. The *project liaison* will also endeavour to provide the donor with an outline of the review process, and any issues that may be associated with the offer. The procedure to review and accept a donation is outlined in Section 4.4, below.

Donations of funds for the purchase of art or the planning, design, manufacture and installation of outdoor art including memorials will be referred to the Cultural Resources Committee for consultation, review and recommendations for further action as required. The procedure to purchase *Public Art* is outlined in Section 4.4, below.

4.2.3. Purchases

All purchases and requests for proposal shall comply with By-law 2007-134, as amended, and in particular, Schedule A to that by-law, which is Policy 16, "*A Policy to Govern the Procurement of Goods and Services*".

Single Sourcing: Council may use the provisions of Section 5(3) of Policy 16, where it determines, with the advice of the Cultural Resources Committee that the work of a particular artist is preferred and merited.

Multiple Sourcing: Where the work of more than one artist is being considered, Section 6 of Policy 16 will be varied to accommodate a "*jury process*" to adjudicate the proposals.

4.2.4. Appraisal for Tax Receipts

If the donor wishes to receive a tax receipt for an item they are donating to the *Municipal Public Art* collection the item must be appraised at the time of donation to determine fair market value. Acceptable appraisals will be from certified members of either the Professional Association of Art Dealers in Canada or the Certified Appraisers Guild of America. The donor is responsible for this cost. An official receipt for income tax purposes will be issued by the Finance Department as per the regulations of the Ministry of Revenue.

In a situation where a donor does not require a receipt and the donated item is deemed to be of significant value, the Municipality may wish to have the item appraised for insurance purposes and deaccessioning in the future.

4.3. Private Art installations on Public Property

Private art installations on public property may be art work that is either loaned or donated to the Municipality. Proposals for private art installations on public property will be referred to and reviewed by the Cultural Resources Committee. The procedure to review and accept a proposal

is outlined in Section 4.4, below. The review will consider the *guiding principles* outlined in Section 4.5 below and the following:

- There is to be consultation with Council and municipal staff to address any public safety, and Municipal operational or maintenance concerns;
- Depending on the size and complexity of the project, the Cultural Resources Committee may play a coordinating role in developing the project, in which case, a project plan will be developed and implemented at the expense of the proponent.
- Alternately, the Cultural Resources Committee may provide recommendations to Council and assist with the jury process.
- The creation and installation of the art work will be the responsibility of the proponent.
- If the art work is owned by the Municipality, maintenance and repair of the art work will be the responsibility of the Municipality in consultation with Cultural Resources Committee. Funds may be requested from the proponent and placed in a reserve to ensure the ongoing conservation of the art work.
- If the art work is on loan to the Municipality, the owner of the art work will be responsible for the maintenance and repair of the art work. Should the art work fall into a state of disrepair, the owner will be asked to repair the piece in a timely manner. The Municipality will reserve the right to remove or request removal of any art work not properly maintained or repaired.

4.4. Approval Process

Public Art, which is acquired into the *permanent collection* of the Municipality from any source identified in Section 4.2 and 4.3 above, is to be forwarded to the Cultural Resources Committee for their recommendation. All offers, tenders or requests for proposals will undergo a formal juried approval process. The Committee may appoint a *Public Art Subcommittee* to jury the project. The *Public Art Subcommittee* will be composed of a minimum of 3 members of the Cultural Resources Committee, generally representing the following organizations: the Municipality, Fleming College-Haliburton School of Arts + Design, The Arts Council-Haliburton Highlands, the Rails End Gallery and Arts Centre, the Haliburton Sculpture Forest and invited guest members as deemed appropriate by the Cultural Resources Committee.

The *Public Art Subcommittee* will meet to review the project according to the *guiding principles* outlined in Section 4.5 below. The Subcommittee will prepare a report, which, in the case of a purchase, will include a recommendation to select an artist, or in the case of a gift or donation, to either accept or decline the gift or donation. The report is to include the rationale for the recommendation. The report will be submitted to the Cultural Resources Committee, who after reviewing and discussing the report will make a formal recommendation to Council. Council will then consider the recommendation and make the final decision.

If the decision is favourable, a formal agreement will be drawn up outlining the responsibilities of each party. The agreement will address all relevant issues such as project funding, fabrication, siting, installation, maintenance, value, transfer of title, interpret text, signage, accessioning, identification labels and deaccessioning.

With respect to gifts and donations, only unrestricted donations will be considered. If the donation is accepted, the donor may be required to submit a legal instrument of conveyance of title.

4.5. Guiding Principles

When reviewing and making a recommendation on a project, the Cultural Resources Committee and the Public Art Subcommittee will consider the following principles:

- Artistic merit: all art work will be juried for artistic merit by qualified professionals.
- Style and nature: all art work is to be appropriate as art in public places, and is to be compatible in scale, material, form and content with the intended site location and neighbourhood. In particular, in the downtown area, the streetscape design and the built form guidelines are to be considered. Works are to contribute to or be consistent with the vision of this Policy.
- Quality: the quality of the work shall be the highest priority.
- Local involvement: projects that include local and/or regional artists, either in leadership or support roles will be important.
- Elements and design: art in public places may function as art standing alone, focal elements, modifiers of specific spaces, or a means to establish identity.
- Life span: consideration shall be given to the life span of each work.
- Permanence: consideration shall be given to structural and surface soundness and to permanence in terms of proof against age, theft, vandalism, weathering or excessive maintenance or repair costs.
- Provenance: with respect to the purchase or donation of art work, only authenticated works will be accepted.
- Risk management: all proposed works must be constructed and installed to ensure that the structure is secure and poses no risk to the public.
- Implementation/Installation/Conservation: all works must be of a nature that the Municipality can undertake the installation and ongoing conservation of the work (including any storage or maintenance requirements).
- Duplication: a review of a project will consider whether the Municipality owns sufficient examples or better examples of the type of object or objects by a particular artist or in a particular style.

When reviewing and making a recommendation on a gift or donation, the Cultural Resources Committee and the Public Art Subcommittee will consider the following additional principles:

- the nature and value of the gift;
- the occasion at which the gift is presented;
- the presenter and recipient of the gift; and
- the opportunities for display.

5. MANAGING THE COLLECTION

5.1. Collection Management Guidelines

5.1.1. Loans

Requests for loans from the collection by a third party may be considered, provided that the borrower guarantees that appropriate standards and terms be met.

5.1.2. Disposition

Disposition includes both the process of deaccessioning material from the collection and its subsequent disposal or physical removal. No art work will be deaccessioned and disposed of without consultation with the Cultural Resources Committee.

The criteria for deaccessioning include:

- the condition of the art work and/or the cost of maintenance and/or conservation;
- the current location of the art work is no longer suitable or available and no suitable alternative site is available;
- the nominated “life span” has expired;
- the art work does not meet the terms of the Policy;
- the loss of artistic integrity; and
- the long term implications including legal ramifications.

The disposal of art work can include any one of the following:

- the return to the donor or artist, or offered to the family if the donor or artist is deceased;
- the offer of a gift or trade to another cultural institution;
- the sale with the proceeds used for maintenance or collection development; and
- the destruction of the work with appropriate notification.

5.1.3. Inventory

All art work is to be catalogued and included in the inventory along with the biographical information on the artist, the condition report and all information on installation, value, maintenance schedule, correspondence, contractual agreements and research.

5.1.4. Documentation

All works will be entered into a permanent computerized register which will comprise the art collection database. All documentation is a matter of public record.

5.1.5. Research

The *permanent collection* will be made accessible for research purposes to educate and further the knowledge of the Municipality and the community at large about the collection. Proposals for research will be reviewed by the Cultural Resources Committee, who will decide the merits of the proposal and establish parameters for access to and use of the collection.

5.1.6. Care/Conservation

The collection should be maintained in good condition and, where relevant, the surroundings related to the outdoor component of the collection maintained in a manner which:

- is consistent with the design intent of the work;
- does not significantly alter the intended perception of the work by viewers; and
- is in accordance with instructions from the artist where feasible.

The physical management of the art collection includes its care and handling, maintenance, monitoring its condition and the recognition for conservation treatment when required. Appropriate measures should be developed to achieve this including:

- provision for proper upkeep, maintenance and security, including the requirement for cost planning and identification of needs;
- preparation of Condition Reports for all new acquisitions, prior to installation or display, during regular inventories and when any damage occurs or is noticed;
- establishing a regular maintenance schedule based on the nature and needs of the art work;
- the handling of all art work in a manner conducive to ensuring its safety and recognized as proper handling techniques; and
- arranging for conservation and/or restoration

5.1.7 Insurance

All *Public Art* owned by the Municipality through purchase, commission, gift and/or donation, is the property of the Municipality and is insured under the Municipality's insurance policies.

Where *Public Art* is loaned to the Municipality (ie. a private art installation on public property), the owner will sign a waiver, freeing the Municipality from liability in case of accidental loss, theft, damage or vandalism. The owner may choose to insure their art work.

Approved by Council this 22nd day of June, 2021.

Mayor: Andrea Roberts

Clerk: Mallory Bishop