

# CITY OF SASKATOON COUNCIL POLICY

NUMBER

*C10-025*

<b>POLICY TITLE</b> <i>Public Art</i>	<b>ADOPTED BY:</b> <i>City Council</i>	<b>EFFECTIVE DATE</b> <i>January 1, 2015</i>
		<b>UPDATED TO</b> <i>February 29, 2016</i>
<b>ORIGIN/AUTHORITY</b> <i>Clause 6, Report No. 5-2014 of the Planning and Operations Committee; Standing Policy Committee on Planning, Development and Community Services Item 8.1.7 – March 23, 2015; and City Council Unfinished Business Item 6.1 – February 29, 2016</i>	<b>CITY FILE NO.</b> <i>CK. 4040-1, CK. 1815-1 and CK 1700-1</i>	<b>PAGE NUMBER</b> <i>1 of 10</i>

## 1. PURPOSE

The objectives of the policy are:

- a) to support the City's Strategic Plan and Culture Plan by providing quality of life opportunities through art and culture;
- b) to increase awareness, understanding and enjoyment of art as part of everyday life in Saskatoon;
- c) to encourage and showcase a broad range of artists including Saskatoon, Saskatchewan, Canadian and international artists;
- d) to provide for a diversity of art and artists by encouraging submissions from First Nations, Métis, and new Canadian artists;
- e) to create safe public places that encourage authentic intercultural dialogue and interaction;
- f) to include public art in designated civic capital projects where it has the greatest benefit;
- g) to outline the processes for the acquisition, selection, maintenance, de-accession, monitoring and evaluation of purchased, donated and leased works of art for display in public spaces; and
- h) to provide a sustainable funding model for the development, acquisition, maintenance and management of public art for the City of Saskatoon.

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## 2. DEFINITIONS

- 2.1 Artist – an individual recognized by his/her peers, critics and other art professionals as committed to creating works of art.
- 2.2 Civic Art - a component of the Public Art Collection, Civic Art refers to paintings, drawings and small sculptures that are held in trust by the City.
- 2.3 Community Art - public art that is created as a result of a collaborative creative process between a professional practicing artist(s) and a community. It is a collective method of art-making, engaging artists and self-defined communities through collaborative, artistic expression.
- 2.4 Copyright - in accordance with the Copyright Act, the City acknowledges the artist as full owner of copyright including moral rights and will negotiate the transfer of certain rights through individual artist contracts.
- 2.5 De-accession - the formal process to permanently remove an object from the Public Art Collection.
- 2.6 Placemaker Program - provides temporary or leased public art in Business Improvement Districts and key commercial areas in the city. The goal of the Placemaker Program is to enrich public places through public art.
- 2.7 Public Art – for the purpose of this Policy, public art is defined as an artwork created by an artist and acquired by the City with the specific intention of being sited on or staged in municipally owned public space, indoors and outdoors. Works of public art may be:
- permanent acquisitions;
  - temporary installations;
  - functional such as street furniture and utility covers as designed by an artist; or
  - created using any material or any combination of media, including but not limited to sculptures, murals, paintings, drawings, textiles, sound and light installations, new media and performance.

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2.8 Public Art Advisory Committee - a City Council appointed body that adjudicates and advises on aspects of public art on behalf of Administration and City Council.

### 3. POLICY

Aligned to the City's Strategic Plan and Culture Plan, the Public Art Policy provides a framework for developing art in public places that:

- builds a visually rich environment;
- plays a role in attracting creative businesses and workers, including artists;
- reflects our diverse cultural character and heritage;
- provides art opportunities that are freely accessible to all;
- encourages the placement of public art throughout the city including residential neighbourhoods; and
- encourages public involvement and appreciation of the arts.

#### 3.1 Policy Scope

For the purpose of this policy, public art is defined as artworks 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.

Works of public art may be permanent acquisitions, temporary installations or ephemeral works, and be characterized as aesthetic, functional, interactive, or any combination thereof, and created using any material or any combination of media, including, but not limited to, sculptures, paintings, drawings, textiles, sound and light installations, and performance.

Graffiti vandalism management and community art projects are not included in the scope of this policy.

This Policy does not apply to the Rемаi Modern Art Gallery of Saskatchewan.

The Policy is designed to complement the City of Saskatoon's Commemorations and Monuments Policy C09-038.

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## 3.2 Administering Public Art

While public art affects several civic departments, it is the Community Services Department that takes the lead role in administering the Public Art Program, liaising with civic departments, the Public Art Committee, artists, and community stakeholders to ensure that this Policy is followed. In addition, public art program staff are responsible for the project management of individual art commissions and installations including public art associated with designated civic capital projects.

## 3.3 Funding Public Art

Funding for the acquisition for public art commissions is secured through the following means:

- a) Civic Capital Project Public Art - The commissioning of site-specific works of art that are integrated into designated civic capital projects. Where the City's contribution is \$5 million or more, the following capital projects will integrate a public art or artistic design element into their project, the cost of which is to be up to one (1) percent of the total capital project budget, to a maximum of \$500,000. Designated civic capital projects are approved by City Council at budget and include:
- New libraries, community centres, and recreation and sport facilities;
  - Major street rehabilitation/streetscape improvements;
  - New bridges, bridge replacements, and interchanges; and
  - New public spaces such as village squares developed by Saskatoon Land Division.

Capital project public art is calculated at up to one (1) percent of the City's capital dollar contribution to the specific civic capital project with a maximum contribution of \$500,000. To allocate up to one (1) percent for public art, project managers will build the equivalent dollar amount into their budget estimates before the final project budget is approved. The costs associated with the public art will be fully integrated into the project's overall capital budget.

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- b) Public Art Reserve - A dedicated public art reserve, managed by the Community Services Department, to fund public art interventions that are not tied to particular capital projects or for capital projects where the City's contribution is less than \$5 million.
- c) Streetscape Reserves – Public art projects, such as those commissioned through the Placemaker Program, are eligible for funding as streetscaping capital and operating expenditures under Urban Design.
- d) Private Developer Art in the Public Realm - Developers are encouraged to donate funds to the municipality for public art on public lands in the vicinity of the development.
- e) One-time capital budget submissions - In response to a significant community event or anniversary, City Council may consider a capital budget request for a major public art commission or to purchase an existing artwork.
- f) Donations - Donations to the City of Saskatoon are accepted subject to adjudication by the Public Art Advisory Committee. Donors are recognized appropriately and are eligible to receive a charitable tax receipt for the fair market value of the artwork, as determined by a qualified independent appraiser.

## 3.4 Planning for Public Art

- a) To include public art where it has the greatest benefit and where it can be funded requires planning. Designated civic capital projects are required to consider the potential for public art as either physically embedded into the building, structure or space or included as a standalone artwork that complements the project.
- b) Capital project managers are required to consult public art program staff in the initial planning stages to assess the potential for public art in the following types of capital projects:

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- New civic public buildings such as libraries, community centres, and recreation and sport facilities;
- New neighbourhood parks including village square;
- Major street reconstruction/streetscapes; and
- New bridges and bridge replacements.

- c) Funding for capital project public art may be used as follows:
- Hiring of an artist(s) to participate on the project design team;
  - Commissioning, project management and installation of a new artwork specific to the project; and
  - Purchase and installation of an existing artwork that is complementary to a capital project, including installation cost.

### 3.5 Identifying and Selecting Locations for Outdoor Public Art

In instances where an artwork is not integrated into the construction of a civic capital project, the selection and approval of a site for public art will follow the process outlined below:

- a) The City will evaluate and identify site options based on physical needs and thematic opportunities, with emphasis placed on the fit, finish, scale and context for a public art installation.
- b) Consultation will take place with staff from civic departments (and the Meewasin Valley Authority where applicable) to address compatibility with the plans and policies, and consideration of easements, rights of way, line of sight, etc.
- c) Where public art is to be located within the Meewasin Valley Authority's conservation zone (e.g. riverbank parks), a development application will be submitted to the MVA for approval.

### 3.6 Identifying and Selecting Locations for Indoor Public Art

Where public art is to be placed inside a civic facility, Public Art Program staff will work with the artists and the civic department that operates or programs the facility to determine the most appropriate public location for installation.

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## 3.7 The Public Art Advisory Committee

- a) The City's Public Art Advisory Committee adjudicates public art on behalf of the Administration and City Council. The Committee provides an open, fair, objective and credible process when acquiring art, whether it is through donation, commission or purchase.
- b) City Council will appoint a committee each year. Each member of the committee may serve for a two-year term and may be reappointed for further one-year terms. The maximum total number of years any one person may serve shall be six years. After a three-year break, a committee member may be reappointed.
- c) The Public Art Advisory Committee is composed of seven members. Committee members are residents of Saskatoon with at least four being able to demonstrate a level of competency in one of the following areas: visual arts, new media, performing arts, arts administration, Aboriginal art and culture, architecture, landscape architecture, design, and arts education.
- d) Depending on the submission being adjudicated, the Committee may request a non-voting submission-specific outside expert to join the Committee to provide advice.
- e) Public Art Advisory Committee members are not eligible for art commissions or involvement in others' commissions during their tenure.

## 3.8. Adjudicating Public Art

- a) The Public Art Advisory Committee reviews and approves public art submissions with decisions being made on a consensus or majority vote, if necessary, on the basis of:
  - artistic excellence;
  - response to project terms of reference;
  - artist's capacity to advance Public Art Program goals;

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- responsiveness to the site and community; and
- technical feasibility and probability of success.

- b) The Committee, with input from Administration, will consider the proposal's materials, construction, durability, maintenance, public access, and safety.
- c) The Committee may opt to not accept any of the submissions, in which case the selection process may be re-opened.

### 3.9 Lifecycle Management of Public Art

- a) Public art will be maintained as an asset of the City of Saskatoon. The City will be responsible for insuring and monitoring and providing for annual maintenance to professional conservation and life cycle management standards in keeping with the integrity of the art.
- b) Regular annual maintenance entails cleaning, preventative maintenance (waxing), graffiti removal and vandalism repair. Life cycle repair interventions could include minor repairs, component replacement and minor restoration of materials that have deteriorated.
- c) The maintenance and life cycle costs will be identified at the time of acquisition and will be funded from the City's public art maintenance and conservation fund, except as otherwise specified for a particular artwork, such as art leased through the Placemaker Program.

### 3.10 Relocation of Public Art

Because of the changing nature of urban and built environments, the location of a public art may, in time, no longer be appropriate, and the City may determine that the artwork should be relocated.



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## 3.11 De-accessioning or Removal of Public Art

The City reserves the right to remove the public art for whatever reason deemed necessary. The City will seek the advice of the Public Art Advisory Committee before de-accessioning an artwork whenever possible.

## 4. RESPONSIBILITIES

### 4.1 City Council

- a) Approve the yearly budgets for the acquisition of public art;
- b) Approve capital projects to which the one (1) percent for public art contribution will apply;
- c) Approve the yearly budget for the maintenance and conservation of public art work owned by the City;
- d) Approve donations of public art to the City; and
- e) Approve amendments to this Policy based on a review and recommendations from the Standing Policy Committee on Planning, Development and Community Services.

### 4.2 Standing Policy Committee on Planning, Development and Community Services

- a) Consider recommendations of the Public Art Advisory Committee regarding donations of public art to the City; and
- b) Review and provide recommendations regarding proposed amendments to this Policy.

### 4.3 Community Services Department

- a) Facilitate all aspects of the Public Art Program;

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- b) Bring forward a report prior to budget consideration on those capital projects that qualify for the one (1) percent;
- c) Work with the Asset and Financial Management Department to include an appropriate provision in the City's operating budget each year, for maintenance and conservation of public art by the City under this Policy; and
- d) Review and when necessary propose amendments to this Policy.

#### 4.4 Public Art Advisory Committee

- a) Adjudicate and approve works of art, for which the funding has already been approved, according to the criteria outlined in this policy;
- b) Provide advice to City Council on the purchase of works of art;
- c) Provide advice to City Council on donations of works of art;
- d) Provide advice to Administration concerning the de-accessioning of artworks; and
- e) Assist in promoting public awareness of the City's Public Art Program, its goals and objectives, and assist in educating artists and community groups about the program.

#### 4.5 City Solicitor's Office

Provide legal advice regarding contracts, public exhibition rights, copyright legislation and intellectual property rights.