

TOWN OF LUNENBURG PROCEDURAL POLICY #89 - PUBLIC ART POLICY

PURPOSE

1. The Town of Lunenburg Council recognizes that public art in municipal settings, both indoor and outdoor, enhances the quality of life for its citizens, strengthens community pride, improves the aesthetic of the general environment, and contributes to the Town's cultural aspirations, social well-being and economic vitality. Public art advances the Town's strategic goals of promoting a high quality of life for residents by beautifying the community and encouraging artistic endeavors.
2. This Policy is specifically intended to provide a basis for the Town to:
 - i. Establish a standardized and transparent process for the selection, purchase and maintenance of public art; and
 - ii. Develop a sustainable funding model for public art purchases and management over time.
3. In this Policy public art refers to artistic works that are created by artists and acquired by the Town with the specific intention of being sited on or staged in municipal public spaces on a temporary or permanent basis. Such artistic works may be owned or borrowed by the Town, and may 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, water features, paintings, drawings, textiles, furnishings, installations, kinetic works, etc.

PROCEDURE

4. Roles

4.1 The management of Public Art is a consultative process involving multiple participants, including Town Council, staff and community representatives.

4.2 Role of Town Council

Council will:

- i. act as an advocate for art in public spaces in the Town;
- ii. annually appoint the Public Art Sub-Committee members;
- iii. approve the Public Art Policy and amendments as required from time to time; and
- iv. approve the annual Public Art budget through the Town budget process and seek means of encouraging additional public art contributions.

4.3 Role of Public Art Sub-Committee

A Public Art Sub-Committee will be established as a sub-committee of the Town's General Government Committee. Reporting to the General Government Committee the Public Art Sub-Committee will:

- i. advise on the implementation of this Policy;
- ii. review proposed project scope and terms of reference for each new public art project;
- iii. ensure application of established procedures and guidelines for each public art selection process and make recommendations to the General Government Committee respecting same;
- iv. promote communication and outreach of this Policy to the community; advise on the development and implementation of selection, acquisition, maintenance and de-accession of artistic works to which this Policy applies; and
- v. recommend Policy amendments and other relevant changes as required.

The Public Art Sub-Committee will consist of three (3) Town citizens and two (2) General Government Committee members selected by Town Council in January of each year following a public advertisement process for citizen applicants. In making Public Art Sub-Committee citizen appointments Town Council will give particular consideration of the applications of individuals with a significant knowledge of arts and culture and experience related to at least one of the following disciplines: visual arts; art history; urban planning; landscape architecture; architecture; literary or performing arts; art administration or education.

The Public Art Sub-Committee will be subject to the Town's Code of Conduct policies to ensure a fair and equitable treatment of all participants in the process and to ensure that their recommendations are without bias.

4.4 Role of Town Staff

Through the CAO's office Town staff will:

- i. Facilitate and attend as non-voting regular Public Art Sub-Committee meetings, circulating information, providing guidance, preparation of agendas and recording of minutes;
- ii. recommend a budget through the Town's annual budget process;
- iii. investigate Federal, Provincial, or other sources of funding to promote and support the development of public art in the Town;
- iv. establish and maintain a Town public art inventory; and
- v. coordinate the acquisition of artistic works in accordance with this Policy.

5. **Funding**

5.1 Public Art Annual Budget and Reserve Fund

Funding to support this Policy will be provided through the establishment of a Public Art budget which may also include the development of a Public Art Reserve Fund.

External contributions for public art will be encouraged through the Municipal Government Act relating to new development projects.

5.2 Public Art Maintenance Budget

Maintenance costs for public art associated will be incorporated into the annual operating budget for such site.

5.3 Town Owned Public Art

The process for soliciting proposals for providing Public Art should:

- attract artists from a variety of artistic disciplines;
- be meaningful, fair and equitable;
- encourage opportunities for learning, participation, and experimentation in arts and culture; and
- incorporate and integrate public art into the planning, design, and execution of civic and private commercial development projects whenever possible.

Proposals for providing public art may be solicited through:

- open competition;
- invited competition; and
- direct award, where permitted by the Town's Purchasing Policy.

Public Art will be selected on merit through the Public Art Sub-Committee and their recommendation to the General Government Committee and in turn Town Council.

Each artistic work that is being considered for selection as Town owned public art will be evaluated according to the following criteria:

- quality of work;
- condition of work;
- originality of the work;
- monetary and/or appraised value;
- artistic reputation of the artist;
- exposure provided for Lunenburg artists;
- suitability of the artistic work for display in a public space;

- relevance to the Town's natural and built environment, cultural heritage, and/or history; and
- ethical and legal considerations regarding ownership.

All offers of gifts, donations and bequests of artistic works will be reviewed by the Public Art Sub-Committee to assess artistic merit, site suitability and context, durability and maintenance requirements, financial implications and public safety prior to any acquisition, designation or installation as public art on recommendation to the General Government Committee and Council to make a final decision whether to accept.

5.4 Borrowed Public Art

All artistic works to be considered for selection will be approved and evaluated against the criteria in section 3.1 above.

6. Acquisition and Securing

6.1 Owned Public Art

The Town may acquire Owned Public Art through purchase, commission, or donation.

Each acquisition will be accompanied by a maintenance plan that is supplied by the Artist or donor.

All donations must be unencumbered and the locations for donated artistic works will be determined by the Town and donor before they are accepted. The donor of the artistic work must have legal title to the artistic work and will be responsible for meeting the Canada Revenue Agency criteria if the donor wishes to receive an Official Receipt for Income Tax Purposes for the donation.

This process, which includes an appraisal of the artistic work at the donor's expense, to determine its fair market value, requires pre-approval of the Town's Finance Director.

The Town Council may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

6.2 Borrowed Public Art

The Town may secure borrowed public art for display on a temporary basis. Temporary installations may last from one day to one year, typically remaining on view for three to six months.

Following the approval of a proposal, an appropriate agreement between the artist and/or sponsoring organization and Town Council will be executed.

The artist and/or sponsoring organization will be responsible for funding, installation, maintenance and timely removal of the artistic work, and restoration of the site.

6.3 Agreements

Following the approval of the acquisition of an artistic work, the artist will enter into a written agreement with the Town. This agreement will address the artist's obligations, which may include, but are not limited to:

- scope of work;
- materials;
- timelines;
- installation;
- maintenance;
- warranty;
- copyright and moral rights; and
- payments to sub-contractors.

This agreement would also set out the Town's obligations that may include, but are not limited to:

- payment;
- adherence to the approved maintenance plan;
- insurance of the artistic work;
- community notification; and
- artist recognition.

6.4 Installation

The Town is responsible for coordinating the installation of all owned or borrowed public art. The installation process will be identified, in advance, through the purchase, commission, donation, or exhibition agreement and may involve participation of the Artist and/or a contracted professional installer. The condition of all acquired artistic works will be reported upon receipt, and any problems found will be referred to the artist/lender for resolution, prior to installation.

6.5 Insurance

All artistic works owned by the Town through purchase, commission and/or donation, are the property of the Town and may be insured under the Town's insurance policy.

For all borrowed public art, the artist will submit proof satisfactory to the Town, of their insurance coverage for the artistic work, and a waiver freeing the Town from liability in case of accidental loss, theft, damage, vandalism, etc. In addition, the artist will submit a complete list of the displayed artistic work(s) which will include the title(s), dimensions, medium/media and appraised value(s) for reference.

7. **Maintenance**

The artist is responsible for developing a maintenance plan for each public art artistic work. The maintenance plan must be submitted for review and consideration along with the proposal to select the artistic work for acquisition. Maintenance plans will include, but are not limited to maintenance specifications, budget implications, manufacturer lists, and key contacts, including the artist.

The Town is responsible to the best of its ability for the care and maintenance of the artistic work, in accordance with the approved maintenance plan utilizing external resources as reasonably required.

8. **De-Accession of Public Art**

The Town may de-accession public art whenever necessary. All reasonable efforts will first be made to resolve problems or re-site the public art, in consultation with the artist and/or donor, where appropriate. Reasons for de-accession include, but are not limited to:

- endangerment of public safety;
- excessive repair or maintenance;
- irreparable damage;
- inaccessibility;
- theft, vandalism or accidental loss;
- site redevelopment; and
- ongoing relevance.

In the event of this occurring, the Town may determine whether replacement or de-accession of the artistic work is appropriate.

No artistic work will be de-accessioned and disposed of without consultation with the Public Art Sub-Committee. Recommendations of the Public Art Committee regarding the need for and method of de-accession will be made to the General Government Committee and in turn Town Council. The de-accessioned artistic work may be moved, sold, returned to the artist or destroyed, with any monies received through a sale allocated to the Public Art Reserve Fund.

9. **Private Art**

Town staff will work with new and established businesses, agencies and other levels of government, architects, builders, contractors, and developers to identify opportunities for incorporating private artistic works into architecture, building and/or landscape designs of private infrastructure, or the layout of private open spaces. Private sector developers will be encouraged to integrate private artistic works into the design of private sites, buildings and/or landscaping, especially in publicly accessible and visible areas of private sites.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members of Intent to Consider
(7 days minimum): **September 25, 2018**

Date of Passage of Current Policy: **October 9, 2018**

I certify that this Policy was adopted by Council as indicated above.

Municipal Clerk

Date