



# CITY OF ST. ALBERT CITY COUNCIL POLICY

NUMBER	TITLE
<b>C-CS-04</b>	<b>Public Art</b>
ORIGINAL APPROVAL DATE	DATE LAST REVISED
November 16, 2009	January 21, 2019

## Purpose

To provide a consistent approach to acquiring public art through purchase, commission or donation for municipally-owned buildings and properties, or for other buildings and properties in the City that are highly accessible and visible to the public.

To establish a framework for the integration, display, maintenance and preservation of public art.

To stimulate growth in the community's arts and culture sector, through opportunities for learning, participation and experimentation in arts and culture.

## Policy Statement

The City supports the display and development of public art that:

- a. enhances quality of life and place;
- b. distinguishes St. Albert as a destination city;
- c. fosters community cohesion, creating engaging spaces for community activity and interaction;
- d. encourages a sense of ownership, belonging and memory within the community; and
- e. develops community leadership, public dialogue and creative learning opportunities.

Public art shall be a consideration in the design objectives of all new municipal capital and building projects.

The City shall fund 1% of the Total Municipal Capital Project Budget for the accession of Public Art up to a maximum of \$220,000 with the Capital Reserve Fund as the designated funding source, and that escalation of the cap should be set annually using the City's Standard Indices Process.

A Public Art Lifecycle and Maintenance Fund shall be established.

## **Definitions**

“Accession” means the process of attaining and registering artwork to the Public Art Collection.

“Alberta Policy on Disposition of Museum Collections and Objects” states that, “Whenever public funds are made available by the Provincial Government to a public museum or other public trust to purchase, acquire, restore, or maintain any historic artifact, natural history specimen, work of art, sculpture, archival document or similar object deemed to be primarily of value for its historical interest, every reasonable effort shall be made by the agency or institution to have such materials remain in the care and custody of an appropriate public body in Alberta. No custodial authority, which has received public funds from the Government of Alberta as described above, or which is holding materials for which a federal or provincial government tax receipt has been issued, shall de-accession or dispose of this material except pursuant to this policy...” The complete policy is available upon request.

“Art in Public Places” includes, but is not limited to, artwork acquired by the City for display outdoors or indoors in public areas of municipally-owned or leased property, and is included in the definition of public art.

“Building Projects” include upgrades and growth items within the City. Building projects shall exclude non-construction components such as, but not restricted to, architect fees, consulting fees and permits.

“Commission” means an agreement with an artist or group of artists to produce an artwork that must be specially made or created.

“Critical Path” means a detailed plan for the accession of a specific artwork approved by the Public Art Advisory Committee. The plan will include: theme/purpose of the artwork; placement of the artwork; identification of the critical stages, processes and dates in the accession of the artwork; final budget and payment schedules for the artwork.

“De-accession” means the process of permanently removing an object from the City’s Public Art Collection.

“Emerging Artist” refers to artists with less than five years’ professional practice.

“Gift” means artwork or funds to acquire artwork donated to the City excluding gifts presented to the Mayor.

“Hanscomb Escalation Watch” is developed from the Statistics Canada Non-residential Building Construction Price Indices, The Hanscomb corporation produces a quarterly escalation watch report.

“Highly Accessible” means a location where an artwork can be observed by the public for at least four hours per day during regular business days and may include buildings, recreation facilities, road/rail/footbridge, streetscape improvements and park/plaza/square developments.

“Jury” means a committee representing expertise in all areas relevant to selection of artworks for the Public Art Collection.

“Legacy Projects” are key initiatives that leave a legacy for current and future generations. These key projects or events celebrate St. Albert’s history or an important event or personal legacy.

“Less Accessible” means a location where an artwork can be observed by the public for less than four hours per day during regular business days or by appointment only. Less accessible areas may include storage, offices or buildings with restricted access.

“Major Restoration” means to bring a City-owned building back to a former better state by means of repairs, redecoration, or remodeling.

“Municipal Price Index” is an internal based analysis, based on defined methodology, that represents changes in the overall price level for a fixed basket of goods and services that the city buys.

“New Buildings” include buildings approved by City Council via the annual municipal capital budget.

“Permanent Art Collection” refers, but is not limited to, artwork acquired by the City for display indoors and is included in the definition of public art. The Permanent Art Collection may be displayed in public areas, providing the artwork is placed indoors with consideration for environmental controls and security, or may be stored, and displayed indoors in less accessible areas.

“Public Area” means a space within or on a municipally-owned or leased property that is highly-accessible.

“Public Art” means original works of visual art in any media that are sited or staged in the public domain, often incorporating elements of site specificity, community engagement and collaboration. These artworks are the creative visual expression of artists and encompass the shared identity of the community of St. Albert – multi-dimensional and ever-changing.

1. “Discrete” Public Art that is not integrated with the site either in physical or conceptual manner. Usually this type of work relates to the site in terms of

scale, character and size, and can be created off site, installed and moved from site to site.

2. “Semi-integrated” Public Art, which is generalized in its conception, but is physically integrated into the site through its location, placement, context or site construction.
3. “Integrated” Public Art, which is conceived, designed and built specifically for a site and derives its conception from the local site narrative. A work of art such as this would not exist anywhere else.
4. “Temporary” Public Art created for a specific occasion, time frame or event and which is temporary in nature.
5. “Imbedded” Public Art that forms a physical part of the building or structure for which it is designed. If the structure were to be demolished the art would be as well.
6. “Stand alone” Public Art, which is integrated but is not a physical part of the building or structure that informs its design or concept.

“Public Art Collection” means all original visual art assets owned and held in trust by the City of St. Albert including Public Artworks acquired through the ‘percent for public art’ funding strategy. Art in Public Places, the Permanent Art Collection, and other original visual art assets donated to or purchased by the City.

“Public Art Advisory Committee” means a committee established by the Chief Administrative Officer or designate(s). The Public Art Advisory Committee is comprised of, but not limited to, individuals, who are qualified to ensure an artwork’s suitability to the community, and who are visual artists, curators, community representatives, such as St. Albert Place Visual Arts Council, or gift donor representatives, architects and civic representation as required.

“Public Art Associated Costs” shall include conservation and repairs; related materials and equipment; installation and transportation; annual inventory and ongoing documentation; marketing and promotions; maintenance and repair costs; supporting infrastructure and insurance.

“Standard Indices Process” means that escalation of the cap will be set using a combined calculation of 80% of the value of the Hanscomb Escalation Watch and 20% of the Municipal Price Index.

“Term” means a Public Art Advisory Committee member’s term of office.

“Total Capital Project Budget” means the cumulative Municipal Capital and Utility Capital budgets, including both the RMR and growth components of each.

## Responsibilities

1. Council via the Capital Budget process will authorize one percent (1%) of the Total Municipal Capital Project Budget for the accession of art up to a maximum of \$220,000, and that escalation of the cap should be set using the City's Standard Indices Process.
2. To develop and implement the Public Art Policy, the Chief Administrative Officer or designate(s) shall:
  - a. review the Municipal Capital Budget to confirm the Public Art allocation inclusion of 1 percent of the Total Municipal Capital Project Budget up to a maximum of \$220,000 and as per the City's Standard Indices Process and, where necessary, advise municipal departments to comply with the Percent of Art Policy of City Council when budgeting;
  - b. that the funding source will be the Capital Reserve Fund.
  - c. manage the % projects' implementation in conjunction with municipal project managers and their consultants;
  - d. allocate personnel and other resources to the program;
  - e. prepare an annual budget that supports this Policy for Council's consideration;
  - f. maintain accurate records of the public art collection, including inventory, de-accessioned public art, recommended, and completed maintenance and long-term care;
  - g. liaise with organizations to identify potential sites, funds and partnerships for public art;
  - h. provide expertise and support to organizations for public art fundraising initiatives;
  - i. plan and assess public art projects;
  - j. coordinate and implement processes for the accession of public art and jury selection;
  - k. negotiate public art contracts on behalf of the City between organizations, artists, contractors, sponsors and building owners;
  - l. develop and maintain public art project timelines;
  - m. work with key stakeholders to plan and implement opening celebration ceremonies, once public art projects are completed;
  - n. develop publicity, communications and arrange for public art insurance;
  - o. report public art activities to be included in the City's annual report;
  - p. establish a committee or committees appropriate to each public art project to make selections and assess projects;
  - q. de-accession public art pursuant to the Alberta Policy on Disposition of Museum Collections and Objects, and in consideration of Public Art Advisory Committee recommendations; and
  - r. review the policy every five years and recommend any revisions to the City Council.

### 3. Percent for Public Art Allocation

There are three considerations related to the expenditure of the percent for public art allocation:

- a. The public art allocation will reside with the initiating Department as part of the building or major restoration project for development of Public Art. This consideration is recommended for integrated or embedded projects.
  - b. At the direction of the Chief Administrative Officer, the Departments will transfer all or a portion of the public art allocation to the Public Art Reserve Fund. This consideration is recommended for discrete, temporary or stand-alone projects.
  - c. The Chief Administrative Officer may choose to pool all or a portion of a public art allocation for use at a more publicly-accessible site or combine a public art allocation and a portion of the Public Art Reserve Fund for development of public art on a capital project site.
4. The Chief Administrative Officer or designate(s) will provide public art collection access to St. Albertans and others who may appropriately gain benefit from the artistic, historical, promotional and educational value of the collection.
  5. The Chief Administrative Officer or designate(s) will be guided by Alberta Foundation for the Arts and Alberta Museums Association standard practices for public art collection.
  6. The Chief Administrative Officer or designate(s) will establish a Public Art Advisory Committee that adheres to the Public Art Policy. The Advisory Committee shall be comprised of a minimum of five (5) and a maximum of seven (7) representatives, with a minimum of two (2) visual artists, and the remaining appointees representing as many of the following disciplines as possible:
    - a. Community Representative;
    - b. St. Albert Place Visual Arts Council Representative;
    - c. Conservator;
    - d. Art Historian or Curator;
    - e. Architect, Landscape Architect and Design Professional; and
    - f. Civic representative from the following areas: Community and Protective Services, Public Works, Planning and Engineering, Legal Services and other civic representation as required.
  7. Following are the terms of the Public Advisory Committee membership:
    - a. An appointment shall be for a two-year term, except where a member is appointed to fill a membership vacancy for the balance of that term.

- b. Each member's appointment shall take effect on January 1<sup>st</sup> of the effective year of appointment except where a member is appointed to fill a membership vacancy.
  - c. A member shall not serve more than three consecutive terms.
8. The Public Art Advisory Committee shall make recommendations to the Chief Administrative Officer or designate(s) in the following areas:
  - a. Objectives for the stewardship of public art;
  - b. Public Art Strategy, as part of the Culture Master Plan;
  - c. Artwork access and display in the Public Art Collection;
  - d. Process for de-accession of artwork held in Public Art Collection;
  - e. De-accession of public art; and
  - f. Municipal properties that would benefit from inclusion of public art and priority.
9. The Public Art Advisory Committee shall establish juries to adjudicate public art and provide expertise in the selection of public art as required. Juries shall consist of members, who are qualified to ensure an artwork's suitability in the general community, City Administration and representatives from the visual arts community, including representatives of public or private art galleries in St. Albert, and persons qualified to ensure an artwork's technical feasibility.
10. A jury shall be comprised of a minimum of five (5) and maximum of seven (7) representatives, with a minimum of two (2) visual artists, and the remaining appointees representing as many of the following disciplines as possible:
  - a. Artists;
  - b. Curators / Consultants;
  - c. Art Historians / Heritage Professionals;
  - d. Architects / Urban Designers / Landscape Architects; and
  - e. Business Representatives.
11. The Chief Administrative Officer or designate(s) shall present possible Public Art Collection artwork donations, gifts and purchases to the jury. Jury members shall:
  - a. Select projects and artworks in consideration of the following criteria:
    - i. Public Art Policy;
    - ii. Donations to the City of St. Albert Policy (Refer to Administrative Policy A-FS-09)
    - iii. Artistic merit;
    - iv. Legal and ethical obligations regarding acquisitions, particularly the need to establish clear title;
    - v. Resources required to provide adequate care, storage, documentation and access for objects accepted into the Public Art Collection;
    - vi. Need for independent appraisal; and
    - vii. Donating group and/or public suitability.

b. Recommend one or more of the following selection processes to accession art:

- i. Request for Proposals (RFP);
- ii. Request for Qualifications (RFQ);
- iii. Open or Invited Competition; or
- iv. Direct Award.

### **Service Standards / Expectations**

1. The City shall conserve and maintain a high-quality collection of public art in the Public Art Collection, with standards for de-accession and relocation of public art (Refer to numbers 9 and 10 under Procedures for de-accession and relocation standards).
2. The City shall have a transparent process and standards for public art accession and acceptance of gifts.
3. The City shall maintain an effective, coherent and unified process in the accession, education and outreach programming of the City's Public Art Collection.
4. The Public Art Collection shall be selected, preserved and promoted by the Chief Administrative Officer or designate(s) through:
  - a. Administration of a budget for associated costs;
  - b. Appointment of an arms-length Public Art Advisory Committee;
  - c. Establishment of transparent public trust, community engagement and stewardship, including open public meetings and accessibility of information;
  - d. Development of publicly-accessible Public Art inventory that identifies materials, construction, location, site conditions, and information about the artist(s);
  - e. Development of a Public Art Plan and assessment process;
  - f. Documentation guided by public art collection best practices;
  - g. City insurance; and
  - h. Appraisals for insurance purposes prior to accession, de-accession or where otherwise deemed appropriate by qualified appraisers or, by experts knowledgeable of particular artworks.
5. Public art accession shall include a process for the following:
  - a. Establishment of selection criteria including: artistic merit, City's Public Art Policy, site suitability, context, public safety, insurance and financial requirements;
  - b. Integration of municipal design objectives in civic planning and development; and
  - c. Procurement, display, promotion and maintenance of public art within new and existing publicly-accessible properties.

6. Public art associated costs shall be funded sustainably by establishment of a Public Art Reserve Fund, which includes the following:
  - a. A Public Art Lifecycle Preservation Program;
  - b. A budget for public art associated costs;
  - c. A budget for significant refurbishment or replacement of public art based on estimated conservation and maintenance costs and, established by retaining an amount equal to a minimum of 10% of new public art project budgets and an annual budget contribution; and
  - d. Incorporation of public art associated costs into the purchase, donation, gifts or legal agreements deemed appropriate to ensure the long-term preservation and care of the Public Art Collection.
  
7. Administration is responsible for developing a management strategy that shall:
  - a. Contribute to the overall direction and priorities determined by Council in the Public Art Policy and act as a blueprint for the implementation and administration of the Policy.
  - b. Clearly outline the administrative processes and procedures, roles and responsibilities, lines of communication, accountability, and defined outcomes.
  - c. Continue to evolve over time as public art industry practices, standards, administrative processes and outcome measures are developed and evaluated.
  
8. The Public Art Policy shall allow for:
  - a. Artists on Design Teams: Artists commissioned to collaborate with architects, engineers and designers during the early stages of infrastructure design. As a member of the design team, the artists contribute to the overall design process, may identify opportunities for public art or be responsible for the overall design in consultation with team members.
  - b. Community Based: Public art that is created as a result of a collaborative process between a professional, practicing artist(s) and a self-defined community. It is a collective method of art making, engaging artists and communities through collaborative, creative expression.
  - c. Special Projects: Projects that encourage artists to explore the process of creating art through alternative approaches such as residencies, media-based projects (documentaries, new media) etc.

## **Procedures**

### Risk Management and Sustainable Maintenance

1. Sustainable funding for the development, accession and management of public art will provide for the following costs:
  - a. Plans, designs and construction;
  - b. Purchase and Installation;
  - c. Management, maintenance and conservation;

- d. Insurance;
  - e. Contractual due diligence.
2. A Public Art Lifecycle and Maintenance Fund shall be established in part by retaining a minimum of 10% of the total cost of each public art Acquisition.
  3. Provisions for the care and maintenance of public art will be addressed early in the accession process by the Chief Administrative Officer or designate(s) including:
    - a. conservation and repair requirements, appropriate supports and surfaces; related materials and equipment;
    - b. relocation, expenditures, transportation and installation; and
    - c. supporting infrastructure.
  4. Sustainable conservation and maintenance requirements will be a consideration in determining accession of all public artworks for the Public Art Collection.
  5. The Chief Administrative Officer or designate(s) will develop a Public Art Restoration and Maintenance Plan, which will include schedules, direction and resources for the conservation and maintenance of artworks in the Public Art Collection.
  6. The Chief Administrative Officer or designate(s) will determine Maintenance work plans and schedules based on recommendations provided by a conservator and the Public Art Advisory Committee and contracted by the Chief Administrative Officer or designate(s).
  7. A conservator, contracted by the Chief Administrative Officer or designate(s), will determine the qualifications of individuals permitted to implement conservation work plans for specific artworks. In determining qualified individuals to implement a maintenance/conservation plan for an artwork, the conservator will consider as possible choices for doing the work the artist who created the artwork, specialized service providers, and City staff.
  8. The City is committed to the preservation of the public art entrusted to it.
    - a. Public art will be maintained in a protective environment and the Chief Administrative Officer or designate(s) will ensure that public art is:
      - i. Moved by professional staff and/or transport companies experienced in handling artwork;
      - ii. Monitored for deterioration, vulnerability or damage;
      - iii. Restored, at the Public Art Advisory Committee's discretion, by conservators or designate(s) specific to the medium of the artwork; and
      - iv. Insured by the City.

- b. If the artwork is part of the Permanent Art Collection, and as the budget permits, the Chief Administrative Officer or designate(s) will ensure that public art is:
    - i. Stored in a museum quality, environmentally controlled, fire protected, monitored and secure vault;
    - ii. Maintained to museum standards.
9. The City does not acquire artwork with the intent to de-accession. However, responsible collection management practices may require removal or disposal of an artwork from a collection and appropriate action concerning such decisions. The Chief Administrative Officer or Designate(s) shall:
- a. de-accession or dispose of artwork pursuant to the Alberta Policy on Disposition of Museum Collections and Objects;
  - b. apply funds derived from insurance proceeds recovered for a missing or an irreparable artwork to the purchase of an equivalent artwork (by the same artist if possible and if deemed appropriate by the Committee);
  - c. apply insurance proceeds to the City's Public Art Acquisition Budget if a replacement artwork cannot be acquired;
  - d. notify the artist or estate, through the Chief Administrative Officer or designate(s), of the City's intent and reason for de-accession of the artwork;
  - e. make every reasonable effort to locate lost artworks through physical inventory, verbal and written communications;
  - f. investigate loss, damage or theft of artwork through the appropriate authorities; and
  - g. document de-accessioned artwork in public art inventory records.
10. The Public Art Advisory Committee may recommend de-accession, disposal or relocation of an artwork by the City when the artwork:
- a. endangers public safety;
  - b. is destroyed, damaged or has deteriorated to the extent that a conservator contracted by the Chief Administrative Officer or designate(s) determines that it cannot be repaired reasonably, and the Public Art Advisory Committee recommends that it has no further value as part of the collection;
  - c. is no longer publicly accessible;
  - d. was incorporated or installed into a site or structure that has deteriorated, will be demolished or redeveloped and the public art cannot be removed without damage;
  - e. has been identified as a forgery or acquired inappropriately; and/or
  - f. is lost or missing for two or more years.
  - g. is temporary Public Art that is created for a specific occasion, time frame or event and which is temporary in nature.
11. If an artwork in the Public Art Collection is relocated, the new site will be selected by the Chief Administrative Officer or designate(s) based on recommendations from the Public Art Advisory Committee on suitable locations

for the artwork and the suitability of the artwork for the location, including community acceptance of the artwork in that location.

12. De-accession and relocation of public artworks shall be funded through the budget.

### Acquisition

13. Gifts of public art to the City must be preceded by a gift proposal package, which must include the following from the donor:

- a. In the process, directed by the City, the total amount of funds to be donated, and all specific requests or restrictions identified by the donor that are conditions of the gift. Specific requests or restrictions may include but are not limited to:
  - i. theme;
  - ii. artwork placement/location; and
  - iii. artistic medium.
- b. If the gift will be the result of a donation process for Art in Public Places, the gift will also include:
  - i. a critical path; project budget including funds for conservation and maintenance;
  - ii. artist's portfolio and curriculum vitae if applicable;
  - iii. conservation and maintenance requirements and schedules if applicable; and
  - iv. maquette if applicable.
- c. If the artwork already exists, the gift will include:
  - i. a description of the artwork;
  - ii. an independent appraisal of the artwork's value;
  - iii. verification of the artwork's origin and ownership by the artist, gallery and/or agent;
  - iv. the artwork's maintenance requirements and schedules; and
  - v. a guarantee that the minimum of 10% and a maximum of 20% of the total appraised value or accession budget will accompany the artwork as capital for public art associated costs.

14. The gift proposal package must be submitted to the Chief Administrative Officer or designate(s).

15. A jury selected by the Public Art Advisory Committee will adjudicate a proposal and, based on art selection criteria identified in this policy, will make a recommendation to the Chief Administrative Officer or designate(s) to accept or reject the gift. The donor will receive a written justification for the decision of the jury.

16. If a gift is rejected, donors will be eligible to submit an appeal from the jury decision through the Chief Administrative Officer or designate(s). A basis for an appeal will be a belief that the jury has based its decision on a misunderstanding of some aspect of the gift proposal.

#### Records Management, Access and Display

17. The Chief Administrative Officer or designate(s) will suitably document accessioned and de-accessioned public art by maintaining a database that holds a record of each public artwork including:
- a. title;
  - b. acquisition date;
  - c. acquisition history;
  - d. artist biography and contact information;
  - e. maintenance requirements;
  - f. records;
  - g. appraisal/valuation; and
  - h. confirmation that public art inventory and artwork values have been submitted to the insurer.
18. The Chief Administrative Officer or designate(s) will process internal and external loans of public artwork as follows:
- a. Loan public art in accordance with Policy and budget;
  - b. Loan artworks to government and not-for-profit organizations only;
  - c. Manage and maintain a central file of records associated with internal and external loaning, and borrowing including:
    - i. facility reports;
    - ii. public artwork condition reports;
    - iii. borrowing and lending agreements, and requirements;
  - d. General conditions of exhibitions and art loans are as follows:
    - i. The party seeking the loan will liaise with the Chief Administrative Officer or designate(s) in matters of public artwork selection, contractual agreement and transportation;
    - ii. Artworks remain, and are maintained, in the condition in which they are received;
    - iii. Artworks are exchanged as per loan periods or prior to the end of the loan period at the discretion of the Chief Administrative Officer or designate(s);
    - iv. Without the express permission of the Chief Administrative Officer or designate(s), public art shall not be unframed or removed from mats, mounts or bases for any purpose whatsoever, or cleaned, repaired retouched or altered in any way, or transported in damaged condition;
    - v. Borrower immediately reports to the Chief Administrative Officer or designate(s) upon discovery of any loss, damage or deterioration of any public art;
    - vi. Insurance coverage will be the responsibility of the borrower;
    - vii. Public art is not photographed or reproduced by any means without the written permission of the holder of the copyright;

viii. Information about the public art in catalogue reproduction, on labels, or for any other purpose must conform to the data supplied by the City and shall always include credit to the City.

19. In organizing public programs, including exhibitions, opening receptions and publications for the Public Art Collection, the Chief Administrative Officer or designate(s) will:
- a. as budget permits, ensure that resources and funds are committed on an ongoing basis for public programs;
  - b. enhance understanding and appreciation of the Public Art Collection, and its purpose;
  - c. identify current and potential audiences;
  - d. identify interpretive themes, types of programs and define priorities for program development as part of the Cultural Master plan;
  - e. ensure that appropriate support materials are available such as:
    - i. exhibition catalogues; and
    - ii. didactic panels;
  - f. address ethical issues relating to program content and delivery; that is:
    - i. programs will not compromise the Public Art Collection;
    - ii. presentation of information in an honest, objective and culturally respectful manner; and;
  - g. assess programs.
20. Unless unforeseen circumstances would require otherwise, accessioned Art in Public Places artworks will be displayed at their original site of installation for a minimum of five years to allow the community to gain thorough knowledge and understanding of these artworks before the Public Art Advisory Committee may make a recommendation to the City to remove or relocate these artworks.

### Cross References

Policy A-FS-09, Donations to the City of St. Albert

DATE REVIEWED	NEXT REVIEW DATE	REVISIONS
October 2018 – Community Services	2022 – Community Services	November 16, 2009 – C634-2009 June 12, 2017 - POL-17-005 October 22, 2018 - CB-18-013 January 21, 2019 – AR-19-003