

# WORKSHOP

# PUBLIC ART MASTER PLAN for the City of Greater Sudbury

FINAL REPORT  
18 DECEMBER 2023



Public art and community art in Sudbury left to right: Row 1: The Miner's Monument by Timothy P. Schmalz, Bell Park, Sudbury, 2001. Photo source: sculpturebytps.com; Dear Sudbury by Danielle Daniel, Up Here Festival 2015. Photo courtesy of City of Greater Sudbury; Public art benches. Photo courtesy of City of Greater Sudbury; Row 2: Trevor Wheatley and Cosmo Dean, Up Here Festival. Photo credit: Lindsay Duncan/uphere.ca; River Otter by Tyler Fauvelle, 2018. Photo source: tylerfauvelle.ca; Green Stairs Artwalk, 2018. Photo credit: Matt Durnan/sudbury.ca

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# EXECUTIVE SUMMARY

The vision for the public art program is that Greater Sudbury is a Northern cultural capital celebrated from coast to coast to coast for its artistic excellence, vibrancy and creativity. The city's public art helps breathe life into our entire community, showcases the immense talent of its artists, draws inspiration from the land, and builds on the city's rich multicultural heritage.

The purpose of the Public Art Master Plan process is to establish investment levels as well as decision-making, management, and acquisition processes for the City's role in public art provision and support in Greater Sudbury.

## Background

Council of the City of Greater Sudbury directed staff to prepare a Public Art Policy in October, 2017. In May, 2018, staff presented a report on elements that could be part of a Public Art Policy. Council endorsed a draft Public Art Policy in September, 2018, and directed staff to:

- a) form a Public Art Advisory Panel (PAAP), and;
- b) to return with a proposed Public Art Implementation Plan.

The Implementation Plan endorsed by Council in November, 2019 included the preparation of a Public Art Master Plan. A March, 2020 report outlined staff's recommended timing and process by which the Master Plan would be developed. At the time, staff recommended a two-year process (with regular check-ins with Planning Committee) whereby staff would continue the research, prepare the materials required to conduct open houses, prepare a survey, identify where existing public art is located in the community, and return with recommendations on the themes and location of future public art.

Since that time, other corporate priorities took precedence, not the least of which includes the response to the worldwide pandemic. Therefore, in 2022 staff sought an external consultant, Helena Grdadolnik from Workshop Architecture, to finalize the draft of the Public Art Master Plan with a goal of having it presented to Council in 2023.

## Consultation and Literature Review

The consultant reviewed 20 City policies, strategic plans and programs related either directly or indirectly to public art in order to identify gaps and opportunities related to the development of a public art program.

Internal and external stakeholder consultation in summer 2022 informed the development of the Public Art Master Plan. Consultation included a targeted online survey, two external stakeholder meetings with arts and culture leaders in Greater Sudbury and three cross-departmental internal stakeholder meetings to inform specific ways that a public art program may be managed and supported within the City. City staff also held one meeting with Indigenous leaders to start the conversation about how they may like to be involved and to learn about their priorities.

Findings and directions were presented in two separate virtual meetings in September 2022, one with internal stakeholders and one with the Public Art Advisory Panel members. Input into a full draft of the Public Art Master Plan was discussed over the course of three cross-departmental internal stakeholder meetings that took place in May 2023. The feedback was incorporated into the final draft of the plan to be reviewed by Council with five recommendations to be considered for adoption.

## Recommendations

### Recommendation 1.0

Review the Public Art Policy and agree the following revisions itemized below and as per the draft in Appendix C:

- 1.1 Reconfirm the Public Art Vision and Guiding Principles and include artist's rights and protections.
- 1.2 Modify the Public Art Definitions.
- 1.3 Establish an exemption from the Procurement By-law for public art acquisitions.
- 1.4 Add consideration for existing City facilities and private sites to the Site Selection Criteria.
- 1.5 Define protocols for City-supported art on private land.

### Recommendation 2.0

Establish governance for decision-making on the public art program as follows:

- 2.1 Update the Public Art Advisory Panel Terms of Reference as per Appendix D.
- 2.2 Create an Interdepartmental Public Art Working Group.
- 2.3 Agree governance and decision-making process as per Chart 2.3.
- 2.4 Agree City staff roles and department responsibilities.

### Recommendation 3.0

Establish the review process for external requests for donations and commissions of public art on City-owned sites and where art on private property requires City approvals.

- 3.1 Amend the Public Art Application Form as per Appendix E.
- 3.2 Adopt the approval process for external public art requests as outlined in Chart 3.2.

### Recommendation 4.0

Establish processes and best practices for the management of the City's public art program.

- 4.1 Establish internal public art acquisition processes as outlined in Chart 4.1.
- 4.2 Adopt a set of standardized legal agreements and/or terms.
- 4.3 Develop an asset management plan and procedures as outlined in Chart 4.3.

### Recommendation 5.0

Encourage, support and invest in public art with a suite of funding mechanisms.

- 5.1 Establish municipal funding for a public art program.
  - Option 1: Establish annual funding for a public art program based on a 0.25% rolling five-year average of the above-ground capital budget (approximately \$250,000 per year) 2024-27.
  - Option 2: Establish annual funding based on agreed service levels, increasing funds and service from \$50,000 per year in 2024 to \$125,000 per year in 2027 as the program develops over time.
- 5.2 Contribute up to 1% of the capital budget of selected major City capital projects to integrate public art.
- 5.3 Encourage public art investments in private developments.



# INTRODUCTION

## PUBLIC ART MASTER PLAN

### Vision

Greater Sudbury is a Northern cultural capital celebrated from coast to coast to coast for its artistic excellence, vibrancy and creativity. The city's public art helps breathe life into our entire community, showcases the immense talent of its artists, draws inspiration from the land, and builds on the city's rich multicultural heritage.

### Purpose

The purpose of the Public Art Master Plan process is to establish investment levels as well as decision-making, management, and acquisition processes for the City's role in public art provision and support in Greater Sudbury.

### Background

Council of the City of Greater Sudbury directed staff to prepare a Public Art Policy in October, 2017. In May, 2018, staff presented a report on elements that could be part of a public art policy. Council endorsed a draft Public Art Policy in September, 2018, and directed staff to:

- form a Public Art Advisory Panel (PAAP), and;
- to return with a proposed Public Art Implementation Plan.

The Implementation Plan was endorsed by Council in November, 2019.

The Implementation Plan included the preparation of a Public Art Master Plan. A March, 2020 report outlined staff's recommended timing and process by which the Master Plan would be developed. At the time, staff recommended a two-year process (with regular check-ins with Planning Committee) whereby staff would continue the research, prepare the materials required to conduct open houses, prepare a survey, identify where existing public art is located in the community, and return with recommendations on the themes and location of future public art.

Since that time, other corporate priorities took precedence, not the least of which includes the response to the worldwide pandemic. Therefore, in 2022 staff sought an external consultant, Helena Grdadolnik from Workshop Architecture, to finalize the draft of the Public Art Master Plan with a goal of having it presented to Council in 2023.

## LITERATURE + PROGRAM REVIEW SUMMARY

The following 20 City policies, strategic plans and programs related to public art either directly or indirectly were reviewed to identify gaps and opportunities:

- Public Art Policy (PL2018-170A + CC2018-254)
- Public Art Webpage
- Public Art Application
- Public Art Advisory Panel Terms of Reference
- Cultural Plan 2015-2020 + Culture Action Plan
- Arts + Culture Grant Program Policy, Arts + Culture Grants By-law
- City Budget 2022 (from website)
- Strategic Plan 2019-2027
- Official Plan - redline version Feb 8, 2022
- Downtown Master Plan
- Strategic Core Areas Community Improvement Plan 2022
- Procurement By-law
- Tourism Strategy 2019-2023
- Parks Master Plan Review 2014
- Library Services Strategic Plan 2011-2015
- Greater Sudbury Development Corporation Diversity Statement
- From the Ground Up: A Community Economic Development Plan for Greater Sudbury, 2015-2025
- Community Action Network (CAN) Terms of Engagement
- Healthy Community Initiatives (HCI) Plan
- Healthy Community Initiatives Policy Revision June 2018

Refer to Appendix B for a summary of findings for each of the documents or programs reviewed.

# WORKSHOP

## CONSULTATION PROCESS SUMMARY

Internal and external stakeholder consultation and document review May 2022 to May 2023 informed the Public Art Master Plan draft to be presented to Council.

### INFORMATION COLLECTION

MAY 2022 21 Documents reviewed

JUNE 2022 14 Online survey responses  
1 Indigenous leaders meeting  
9 External stakeholders (2 meetings)  
16 Internal stakeholders (3 meetings)

Both internal and external meetings were preceded by an online survey sent to all 37 invitees and answered by 14 people (seven internal and seven external stakeholders). This was a small sample size, but answers were further tested through the consultation meetings.

City staff held one meeting with Indigenous leaders to start the conversation about how they may like to be involved and to learn about their priorities.

16 arts and culture leaders in Greater Sudbury representing a range of organizations as well as independent artists and curators were invited to the two virtual External Arts and Culture Stakeholders Meetings.

21 internal stakeholders from 15 departments were invited to attend three meetings to inform the development of the master plan and specific ways that a Public Art Program may be managed and supported within the City.

See Appendix A for meeting attendees, meeting summaries and the results of the online survey.

### REVIEW FINDINGS AND DIRECTIONS REPORT

SEPT 2022 1 Public Art Advisory Panel meeting  
3 Internal stakeholder meetings

A Findings and Directions Report was presented for feedback in virtual meetings with internal stakeholders and with the Public Art Advisory Panel members in September 2022.

### REVIEW DRAFT PUBLIC ART MASTER PLAN

MAY 2023 3 Internal stakeholder meetings

A Draft Public Art Master Plan with details on process and Council requests was presented for feedback over three virtual meetings with internal stakeholders in May 2023.

### REVIEW FINAL DRAFT PUBLIC ART MASTER PLAN

FALL 2023 Council report and meeting

To be completed

### FURTHER ENGAGEMENT TO BE COMPLETED

FALL 2023/  
WINTER 2024 Public engagement and further external stakeholder input

To be completed following Council directions: further stakeholder and general public engagement may be sought to establish potential projects, programming and location priorities.

# WORKSHOP

# 1.0 REVIEW THE PUBLIC ART POLICY

Recommendation 1.0: Review the Public Art Policy and agree the following revisions itemized below and as per the draft in Appendix C:

- 1.1 Reconfirm the Public Art Vision and Guiding Principles and include artist's rights and protections.
- 1.2 Modify the Public Art Definitions.
- 1.3 Establish an exemption from the Procurement By-law for public art acquisitions.
- 1.4 Add consideration for existing City facilities and private sites to the Site Selection Criteria.
- 1.5 Define protocols for City-supported art on private land.

## 1.1 Reconfirm the Public Art Vision and Guiding Principles and include artist's rights and protections.

The Vision and Guiding Principles in the Public Art Policy still hold true for the City of Greater Sudbury's purpose and aspirations for public art and how public art fits into wider City strategic goals and aims.

To fulfil the policy's Guiding Principles including "Creative People" and the "Creative Economy," the Public Art Policy should establish basic standards and legal obligations related to working with professional artists for both City-initiated and City-supported projects including: (1) respecting professional artists' moral rights and copyrights and (2) a commitment to fair pay and fair contractual responsibilities for artist's work.



Light Tipi by Cheryl L'Hirondelle, Toronto, 2015. A temporary interactive public artwork staged in many sites across Canada. Photo: Aaron Leon/City of Toronto.

## 1.2 Modify the Public Art Policy Definitions.

A revised definition for **public art** makes clear the criteria for a work to enter the City of Greater Sudbury's **Public Art Collection**. The definition of **community art**, which refers to collaborations between a professional artist and community members, remains the same.

Community art is an important component of the City of Greater Sudbury's public art program but to make the administration processes more inclusive and flexible for community art unnecessary barriers and regulations may be reduced for projects that seek to involve youth and community members in creative work. Therefore, the resulting art may or may not be insured or included in the Public Art Collection, and it may not be subject to artist moral rights and copyrights. Furthermore, community art may not need to follow the same rigorous acquisition and de-accession criteria or processes. Nonetheless, proposed community art projects will still need to go through the Public Art Application process for site approvals, safety protocols, and maintenance considerations.



Wallace Gillard, Raven Debassige and Adrienne Assinewai with a mural they created through Myths and Mirrors Community Arts, 2020. Photo courtesy of City of Greater Sudbury.



### 1.3 Establish an exemption from the Procurement By-law for public art acquisitions.

Add a clause to the Procurement By-law 2014-1 setting out an exemption for procuring public art for contract values under \$120,000 to follow an alternative process as outlined in Chart 4.1. The Canadian Free Trade Agreement (CFTA) allows for this exemption under Article 513:

Limited Tendering 1. (b)(i) the requirement is for a work of art. A sample clause is listed below, but the Procurement Department will work with Tourism and Culture to draft the exact wording of the exemption.

*This By-law applies to all Procurements with the exception of the exclusions as set out below:*

*This By-law does not apply to the acquisition of the following which will be acquired as per the process(es) outlined in the Public Art Master Plan:*

- (a) Works of public art and community art; and
- (b) Services provided by professional artists.



### 1.4 Add consideration for existing City facilities and private sites to the Site Selection Criteria.

Greater Sudbury's dispersed population and pattern of growth poses challenges for public art provision considering the immense geography of the City. Therefore priorities on locations will need to be set.

Initial stakeholder consultation identified various sites around Sudbury that may be considered for public art. There were many advocates for considering Downtown Sudbury as a focal point for public art investment but also a request for dispersing access to public art geographically across the City. A plan for at least one public art project in every Ward over a 5 to 10 year period could be a way to address the geographic scale of the City.

Stakeholders noted a number of possible sites for public art including the Donovan, Flour Mill, Junction East (Library and Art Gallery), Place des Arts, the Downtown bus terminal, the Anderson Farm Museum stable building, Elgin Greenway, Tom Davies Square, Bell Park, Victory Park as well as libraries, recreation buildings, regional parks, community gardens, boardwalk/walkways and trails, arts and culture related sites, Downtown historic sites, historic town centres, entrances to neighbourhoods, geared to income neighbourhoods and shopping areas. Some of these same locations were considered by others as not appropriate for public art.

Work developing consensus on priority sites will still need to be undertaken. Once the level of investment in a public art program is established, then the process of identifying priorities and sites can begin.

Locations that are unsafe, with deteriorating structures, that are not barrier-free and not easy to access by various modes of travel were sites that stakeholders considered poor locations for public art as well as locations that are not well-visited or visible to members of the public, and places that are not free to the public – unless it was an arts venue.

The Site Selection Criteria in the Public Art Policy covers potential locations for public art integrated into new major City capital projects, but does not include existing facilities and public spaces. If public art is only located in new capital projects, then neighbourhoods without new capital work will not see any investment in public art. Therefore, the criteria have been updated to include both new and existing facilities, and to include review of sites based on safety, maintenance and public access.

Photos of two of the sites that were noted in the initial consultations with staff and arts leaders as a potential locations/themes for public art:

Top left: Detail of the new Place des Arts building in Sudbury by Yallowega Bélanger Salach Architecture and Moriyama Teshima Architects, 2022. Photo courtesy of City of Greater Sudbury.

Bottom left: Victory Park includes a popular splashpad, the DEWOCAN Community Garden and an Indigenous EarlyON Child and Family Centre located in the fieldhouse painted with a community art mural. Photo credit: Chelsea Papineau/CTV Northern Ontario.



## 1.5 Agree protocols for City-support for art on private land.

### Public art on private property

Where the City provides support (funding or other resources) or approvals for Public Art on Private Property there should be clear requirements and procedures to follow as a condition of the approval or support, including but not limited to:

- A maintenance plan for the artwork including upkeep as well as a timeline and a process to de-accession/remove the artwork where appropriate;
- Artists Moral Rights and Copyrights are respected, but as the artwork is in a public space, the Artist and Owner acknowledge that it may be the backdrop for photographic and filming locations by the City, members of the public and third parties; and
- Artists are fairly compensated (following at least the CARFAC Recommended Minimum Fee Schedule) and responsibilities between the client and the Artist are fairly apportioned.



Up in the Air (Kirkie's Kids) by Christian Chapman, 75 Elm Street, Sudbury, 2022 Up Here Festival. Photo credit: Danielle Provencher/uphere.ca

### Public art in private developments

The City may encourage public art in private developments with a goal of up to 1% of the development's above-ground construction budget. Public art may be encouraged through planning and development processes and/or various tools offered through the Ontario Planning Act including:

- Endorsing the identification of public art opportunities and guidelines when developing the Official Plan, Community Improvement Plans, Master Plans and Urban Design Guidelines. Where public art provision is indicated in the plans and guidelines above, a plan for siting of artwork can be a condition for site plan approval.
- Develop assessment criteria for planners to identify potential site/development projects for the inclusion of public art when assessing site plan applications and planning policy development.
- Offering Public Art/Tourism and Culture staff advice to private developers for public art commissions.

Where public art is to be included in a private development there are the following options for location and management of the process:

- Option A, a developer undertakes its own public art project on a public realm site within the development project, following a commissioning or acquisition process approved by the City of Greater Sudbury;
- Option B, a financial contribution to the City of Greater Sudbury in trust for the City to commission public art on a public space site within or near the development project, the location may be a public park, streetscape or City facility;
- Option C, a financial contribution is made to the City of Greater Sudbury Public Art Reserve Fund with the funds going to one or more projects to be planned and undertaken by the City following its established processes.

In option B or C, the City of Greater Sudbury will own the art, include it in their Public Art Collection, be responsible for the artwork's maintenance and conservation, and can de-accession and dispose of it in the future as required and in keeping with the City's approved processes. The City will reserve at least 10% of the funds of a public art project for future maintenance and conservation and can use part of the funds towards the management of the project (typically around 10% of a project's budget).

Although all three options are available, the City may prefer Option B or C for the following reasons:

- With the funds centralized and managed by the City of Greater Sudbury on public property, the City can plan for a public art program more holistically to achieve a focused vision and ensure equitable distribution geographically, and diversity in artists, artforms and themes.
- The principles of how art is acquired and selected may be best handled by the public sector.
- Changes of ownership can lead to issues with the maintenance and conservation of public art on private land, in particular with condominium boards. Issues around how to deal with art lifecycles and site redevelopments are also a concern.



Koilos by Michael Christian, located in Distillery District, Toronto 2009-2013. Photo credit: Christopher Woo/Flickr, 2009.

## 2.0 PUBLIC ART PROGRAM GOVERNANCE

Recommendation 2.0: Establish governance for decision-making on the public art program as follows:

- 2.1 Update the Public Art Advisory Panel Terms of Reference as per Appendix D.
- 2.2 Create an Interdepartmental Public Art Working Group.
- 2.3 Agree governance and decision-making process as per Chart 2.3.
- 2.4 Agree City staff roles and department responsibilities.

### 2.1 Update the Public Art Advisory Panel Terms of Reference as per Appendix D.

The current mandate for the Public Art Advisory Panel (PAAP) is to advise and assist staff and Council on the creation of the Public Art Implementation Plan, which is in place. Moving forward, if a panel is warranted once the public art program is further established, the PAAP's mandate would shift to advising staff and Council on the public art program. If that were the case an updated Terms of Reference for the Public Art Advisory Panel (PAAP) as per Appendix D is required to reflect the new role.



Possibilities by Michel de Broin during installation in the Duke of York Roundabout, City of Mississauga, 2012. Photo courtesy of City of Mississauga

### 2.2 Create an Interdepartmental Public Art Working Group (IPAWG)

An Interdepartmental Public Art Working Group (IPAWG) will meet quarterly. It will advise and support Tourism and Culture Services on public art applications and projects in the workplan, with updates on potential opportunities for public art in private developments, major parks, new and renewed facilities and streetscape capital projects.

IPAWG members will be operational-level staff from the following departments. They will have knowledge of their department's plans and processes so they are able to advise on opportunities for public art commissions and for managing public art projects and the Public Art Collection:

- Planning (encouraging public art in negotiations with developers and including public art goals in planning documents where appropriate)
- Capital Projects and Infrastructure Capital Planning (advising on upcoming capital projects and budgeting for art, project management assistance or advice)
- Assets and Fleets (reviewing art maintenance procedures and assisting with annual Collection assessment)
- Finance (program budgets and reserve fund)
- Legal (artist contracts)
- Corporate Communications (events/PR support)
- CAO Department, integrating public art within future Strategic Plans and Parkland Development Strategy

Core group members (or designates):

- Senior Planner, Planning Services Division
- Business Development Officer, Arts + Culture, Tourism and Culture
- Curator, Museums
- Coordinator, Capital Projects
- Director, Infrastructure Capital Planning
- Coordinator, Leisure Services
- Community Development Coordinator
- Indigenous Relations Specialist

Advisors as needed:

- Director, Communication and Community Engagement
- Coordinator, Insurance and Risk Management
- Manager, Corporate Security and By-law Services
- Deputy City Solicitor
- Purchasing
- Property Administrator, Real Estate Management
- Road Operations Engineer
- Director, Water/Wastewater Treatment

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### 2.3 Agree governance and decision-making process as per Chart 2.3.

The governance process and role of each party involved in decision-making for the public art program are outlined in Chart 2.3 below. This is designed to meet best practices in municipal public art programs, including procedural clarity and a transparent decision-making process.

Note: Council plays a key role in approving program priorities, project plans and budgets but it is best practice for them to be arms-length to specific decisions on artwork selection, otherwise the process of citizen and expert involvement in art jury selections may be compromised. Staying arms-length from detailed decisions has the added benefit of shielding Councillors from potential criticism, as art can be subjective.

### 2.4 Agree City staff roles and department responsibilities as per below.

#### Manager, Tourism and Culture

The Manager is responsible for managing the Public Art Curatorial and Collections Management Role and for the oversight of the public art program, including reporting to senior management and Council as required. The Manager will also be responsible for Chairing the Interdepartmental Public Art Working Group meetings.

#### Public Art Curatorial and Collections Management Role

Reports to Manager, Tourism and Culture. The tasks related to Public Art Curatorial and Collections Management can be performed within a new or existing staff role, as long as the individual in the role would hold the skills and experience outlined below. The public art tasks may require approximately 0.2 full-time equivalent (FTE) to start, but as the program grows in scale over time, the time commitment may need to increase and/or a full-time staff person may be required to manage the program.

The public art program management responsibilities would include managing policies, reporting, internal and external groups, Public Art Application review and art acquisition processes.

Skills and experience required:

- knowledge of local, national and international contemporary art, artists and art practices;
- minimum 5 years experience working with artists/art selection and/or drafting curatorial statements or cultural policy; and
- experience in art gallery or museums collections management would be an asset.



SeeSawSeat by Germaine Koh made from a Vancouver transit bench, located close to a transit shelter. Funded by transit agency Translink, 2018. Photo credit: Dani Boynton/germainekoh.com

Responsible for :

- Implementing and managing the public art policies, plans and projects, following agreed procedures including financial processing/management of artwork contracts (with input from Finance, Legal, Procurement as needed)
- Coordinates IPAWG, PAAP and public art jury meetings.
- Prepares annual reports to Council on the public art program activities.

Existing: Capital Project Manager role (up to 0.1 FTE)

Skills and experience:

- minimum 5 years experience in municipal capital project management and working across departments to achieve a capital project vision

Responsible for :

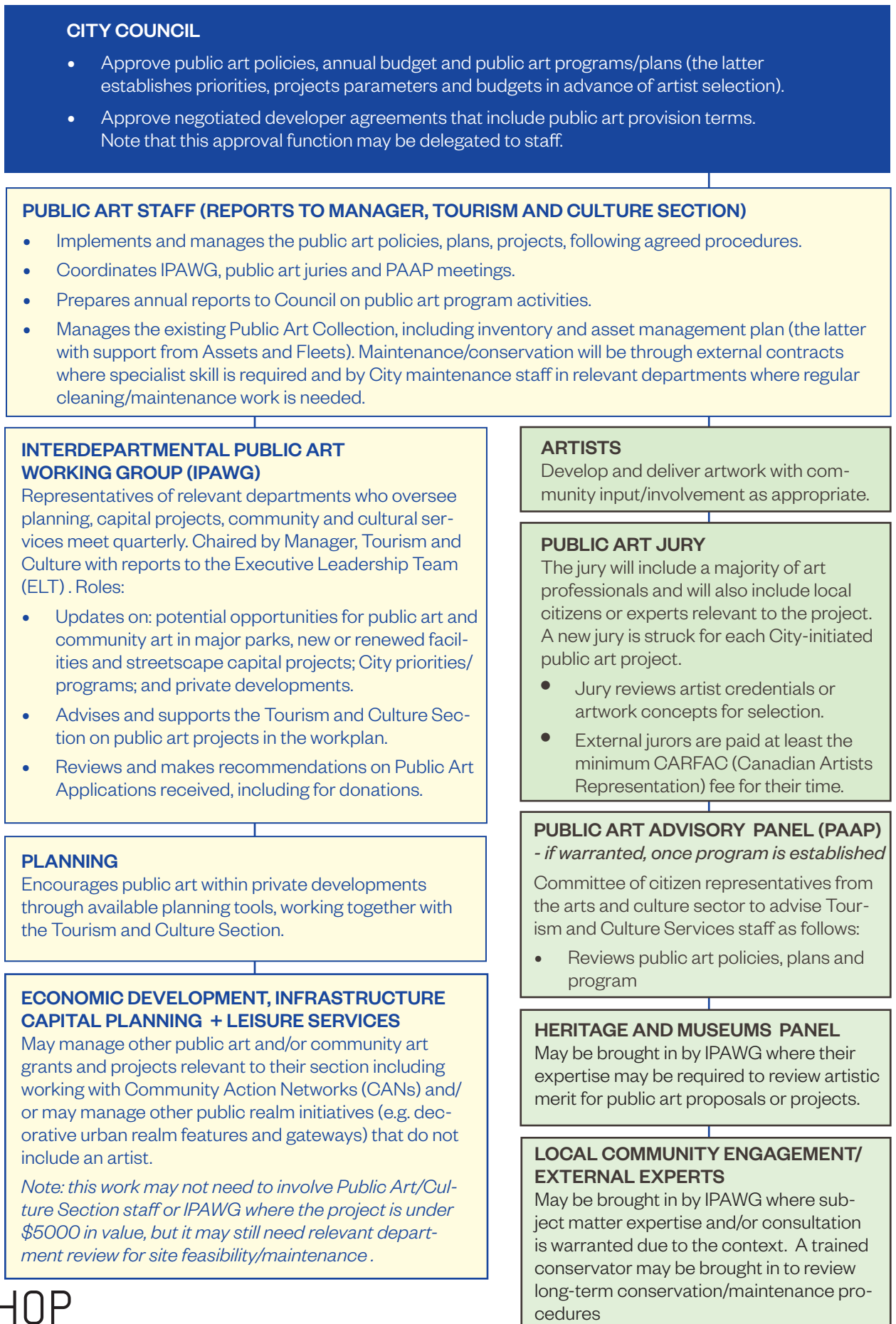
- project management assistance for new public art commissions

Economic Development, Leisure Services, Community Development and/or Infrastructure Capital Planning staff

- May manage other public art and community art projects relevant to their section and/or may manage other public realm initiatives (e.g. work with Community Action Networks and/or decorative urban realm features and gateways) that do not include an artist. Note: this work may not need to involve the IPAWG, PAAP or Public Art/ Tourism and Culture staff where the project is under \$5000 in value, as the project would likely not have a high degree of complexity and because this value would cover some of the work that these departments or divisions of the City already manage with their own processes.



## CHART 2.3 GOVERNANCE OVERVIEW





## 3.0 EXTERNAL PUBLIC ART REQUESTS

Recommendation 3.0: Establish the review process for external requests for donations and commissions of public art on City-owned sites and where art on private property requires City approvals.

- 3.1 Amend the Public Art Application Form as per Appendix E.
- 3.2 Adopt the approval process for external public art requests as outlined in Chart 3.2.

### 3.1 Amend the Public Art Application Form as per Appendix E.

The Public Art Application Form's purpose is to confirm the appropriate municipal approvals required for a proposed public art or community art project in the City of Greater Sudbury. Proposals may be for new work on City property, work on private property requiring City approvals, legal graffiti walls and/or art donations to the City.

The application that was drafted by City staff was very thorough. It has been slightly amended as per Appendix E to clarify applicant, artist and property-owner roles and review processes.



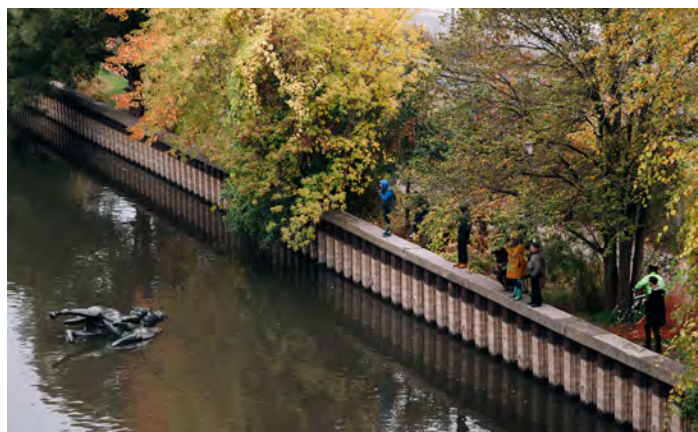
Stompin' Tom Connors sculpture by Tyler Fauvelle, funded through donations and located outside the Sudbury Community Arena, 2015. Photo courtesy of the City of Greater Sudbury.

### 3.2 Adopt the approval process for external public art requests as outlined in Chart 3.2 and Chart 3.2b.

Any public art proposals, community art proposals and mural proposals received by City staff or Council will be referred to the City of Greater Sudbury Public Art Application process.

The completed application will be provided by email to the Public Art role within Tourism and Culture. They will review the application for completeness and to determine that it meets basic criteria. Complete applications will be forwarded to the Interdepartmental Public Art Working Group quarterly for compliance and merit review based on the Public Art Policy criteria. IPAWG may seek external advice depending on the proposed artwork's location or content.

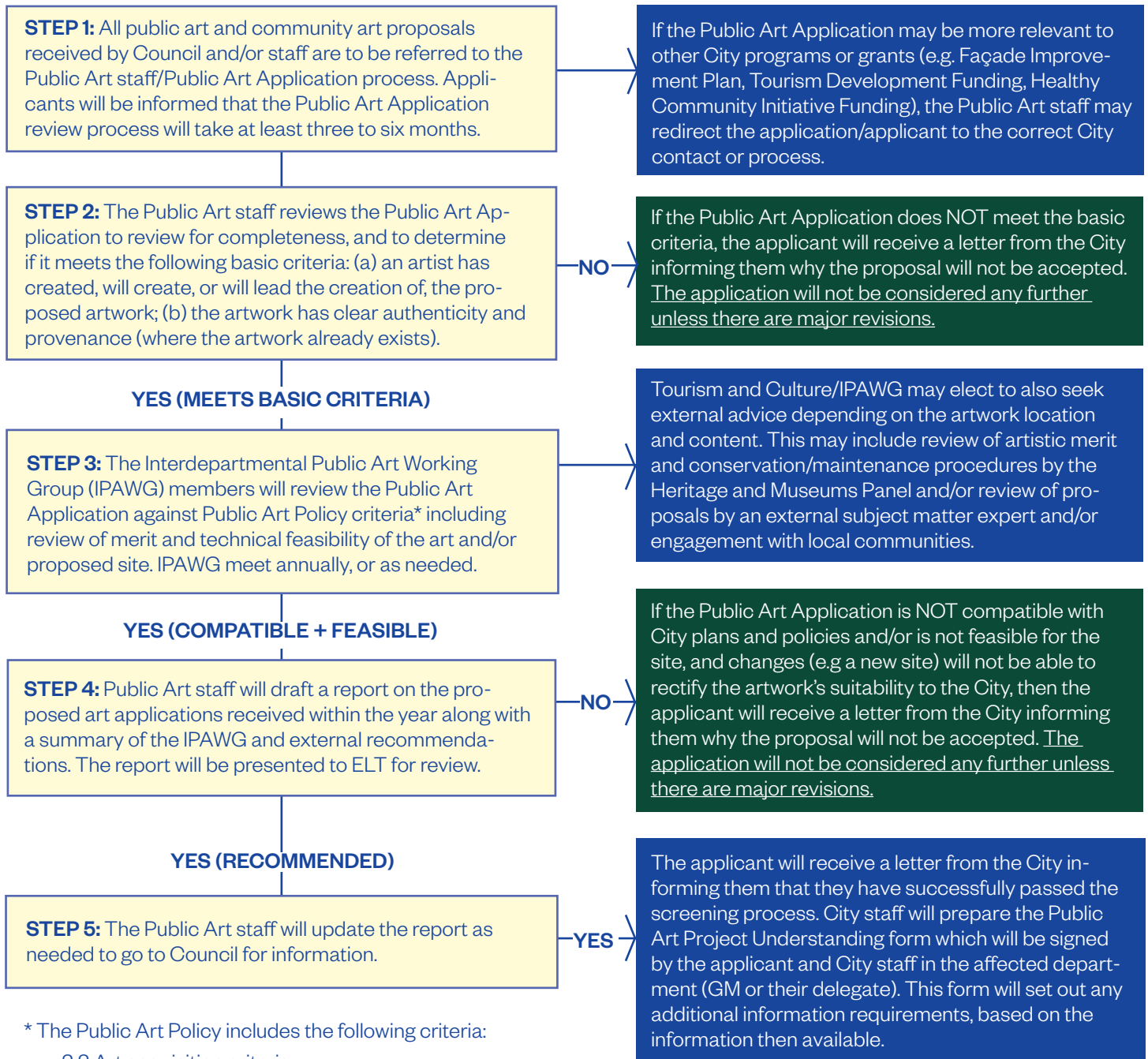
For applications that successfully pass the screening process, Public Art staff will complete the Public Art Project Understanding form, or a legal agreement for murals, which will be signed by the City and the applicant. The form will set out any additional information requirements, based on the information then available.



King Edward VII by Life of a Craphead, inflatable artwork floated down the Don River, Toronto, 2017. Evergreen with support from Toronto Arts Council. Photo credit: Yuula Benivolski/lifeofacraphead.com

# CHART 3.2 PUBLIC ART EXTERNAL APPLICATION APPROVAL PROCESS

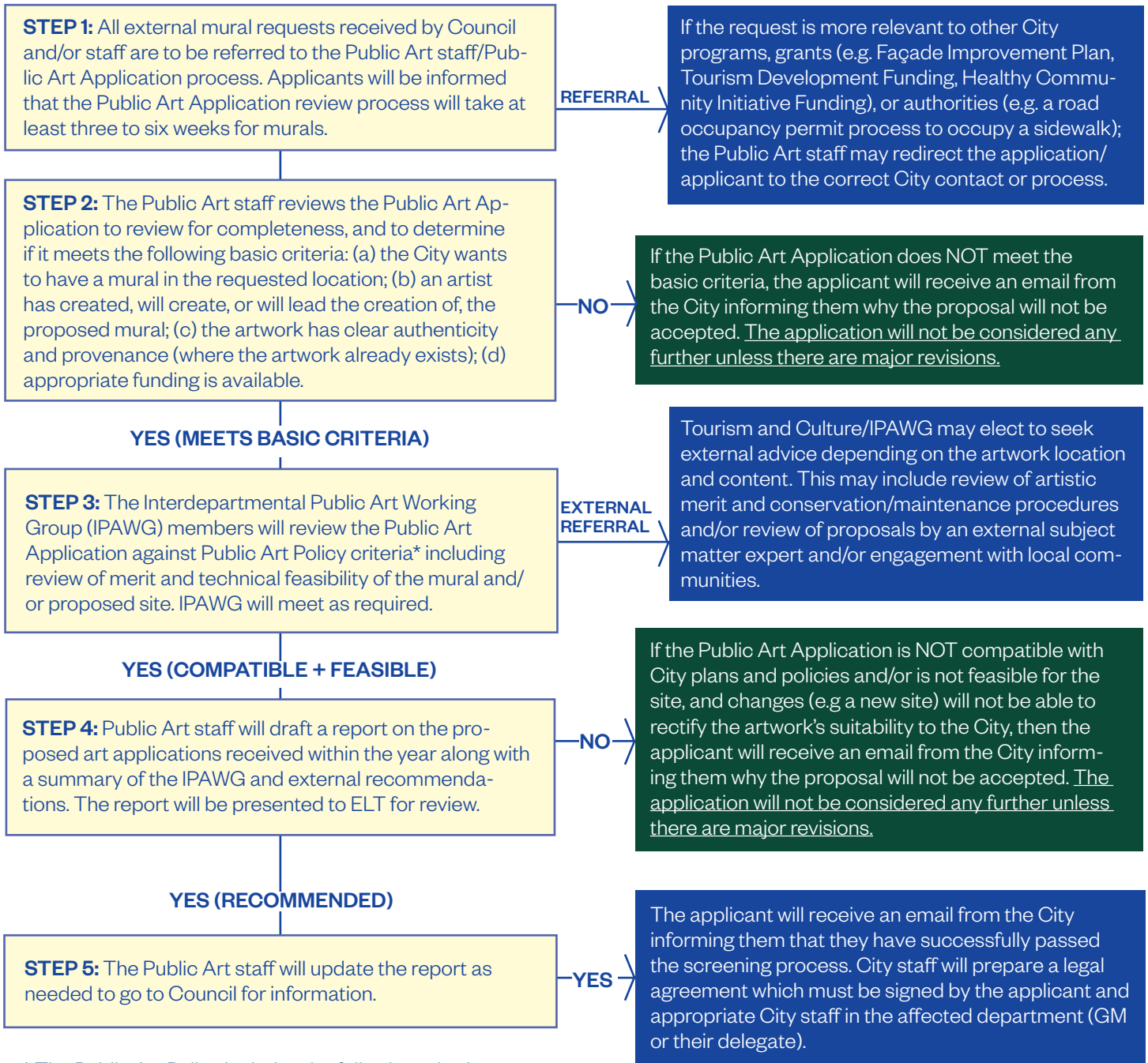
[see CHART 3.2b for mural approval process]



\* The Public Art Policy includes the following criteria:

- 2.2 Art acquisition criteria
- 2.4 Donation considerations
- 2.6 Artist selection criteria
- 2.16 Site selection criteria

## CHART 3.2b EXTERNAL REQUESTS FOR MURALS ON CITY PROPERTY



\* The Public Art Policy includes the following criteria:

- 2.2 Art acquisition criteria
- 2.4 Donation considerations
- 2.6 Artist selection criteria
- 2.16 Site selection criteria



## 4.0 PUBLIC ART MANAGEMENT PROCESSES

Recommendation 4.0: Establish processes and best practices for the management of the City's Public Art Program.

- 4.1 Establish internal public art acquisition processes as outlined in Chart 4.1.
- 4.2 Adopt a set of standardized legal agreements and/or terms.
- 4.3 Develop an asset management plan and procedures as outlined in Chart 4.3

### 4.1 Establish internal public art acquisition processes as outlined in Chart 4.1

Currently there are a number of departments that develop and deliver public art and community art projects and a number of departments that manage capital projects. To be clear about potential public art opportunities and priorities for investment of funding and staff resources, Chart 4.1 outlines the internal process for identifying, developing and managing Public Art Projects initiated by the City of Greater Sudbury.



Above: Geyser for Hillcrest Park by Vanessa Kwan and Erica Stocking, art that is also a splashpad integrated into the design of a new park in Vancouver, budget: \$328,000 in 2012. Photo credit: ericastocking.com

Right: Giants Among Us by Bracken Hanuse Corlett, art installed at 20 bus stops as part of the City of Vancouver Public Art Program's Year of Reconciliation program in 2014. Jericho Knopp/straight.com



Monument for East Vancouver by Ken Lum, funded through the City of Vancouver's Artist-initiated Public Art grant program, budget: \$224,000 in 2010. Photo credit: Robert Keziere/online Public Art Registry, City of Vancouver.

### 4.2 Adopt a set of standardized agreement terms.

Artists agreements are completed by the City's Legal Department for each new public art project. This is labour-intensive and the agreements can be very complicated/confusing to artists. This is particularly an issue where the project is small and/or where the artist does not have experience working with a public entity.

The range of artist agreements should be identified so that a series of simple, standardized artist agreements can be drafted that align with the priorities of the public art program. Standardized agreements should be:

- scaled to the size of project and be fair to artists (an agreement should not put undue process, liability or insurance requirements onto the artist, and artists should be fairly compensated); and
- provide clarity on the artist's and City's responsibilities and approvals processes and liabilities.

To simplify the bureaucracy and procedures including legal agreements and procurement processes, the City may consider discussing/negotiating a partnership with relevant third parties that may contract the artist, where they have the expertise and resources.



Some contract terms to be considered include the following. This is not a comprehensive list:

#### Copyright and moral rights

The contract and transfer of ownership documents should be clear about Intellectual Property ownership and use, including the following items:

- Artist to warrant that the artwork is original to the artist and does not violate any copyright of any other person or entity.
- Copyright in the artwork shall continue to reside with the artist, but the City can ask that they not make any duplicate reproductions of the artwork. The agreement should not, however, prevent the artist from making other works of art that are materially different than the artwork using combinations of the same materials and in different configurations.
- Artist to grant the City a royalty free license for exhibiting the artwork and for recording and reproducing images of the artwork in any media. The City shall, where reasonably possible, use its best efforts to credit the artist on such reproductions and use of the images of the artwork for publicity and promotion. As the artwork is in a public space, it is acknowledged that it may be the backdrop for photographic and filming locations by members of the public and third parties. Third parties approaching the City for permission to use an image of the artwork for commercial purposes will be referred by the City to the artist.
- Artist retains their moral rights as relates to the artwork and the City agrees to use its best efforts to protect and conserve the artwork's aesthetic integrity and will at all times respect the artist's moral rights in the artwork. The artist acknowledges and agrees that the City may be required to alter, modify, change or relocate the artwork which includes but is not limited to, a change in the interrelationship or relative locations of parts of the artwork as determined by the City ("artwork alterations") in order for the future facility or site in which the artwork will be located to operate in a way that is safe and effective. The City will use reasonable efforts to consult with the artist before any such action is taken but is not bound by the artist's advice in respect of the artwork alterations.

#### Maintenance Manual

The agreement should ask the artist to provide the City a Maintenance Manual at the completion and delivery of the Artwork design. The Maintenance Manual shall contain all relevant information, including contacts, addresses, phone numbers of the various parties whose products were used in the design of the artwork and any applicable drawings or files. The artist shall include with the manual the details pertinent to the maintenance of the installed artwork.

## WORKSHOP

#### Insurance requirements

Insurance requirements requested by the City should differ with the scale and type of artist agreement. For example:

- Artists with a service-only contract may not be required to provide the City with insurance coverage.
- Artists with design-build contracts working through a Community Action Network (CAN) may be covered by the City's insurance.
- Artists with design-build contracts who are not working with a CAN would require insurance for themselves or from their installer when they are on site. The City should ask that the artist, or their installation subcontractor, hold insurance only during the period of working on site and/or installation phase.



Above: Site Specific by Scott Euson and Marianne Lovink, commissioned by Waterfront Toronto, Toronto, 2015. Photo source: waterfrontoronto.ca



Right: Cracked Wheat by Sheri Boyle, Gardiner Museum, Toronto, 2018. Photo source: gardinermuseum.com

#### WSIB coverage

When required statutorily, an artist will supply a WSIB clearance to the City. When an artist is not required to have WSIB coverage (for example, the artist does not have any employees), the City should not require the artist to submit a WSIB clearance.

#### Event of death or incapacity of the artist

In the event of the death or incapacity of the artist before completion of the artwork the contract should include a clause providing the City with the right of ownership and provisions for how completion of the unfinished artwork may go ahead.

### Artist compensation

For all City-funded or supported public art projects, artists shall be fairly compensated, to at least the rates published annually by the Canadian Artists Representation (CARFAC) Minimum Recommended Fee Schedule.

Artists shall be paid for their time to submit proposals where there is an artist selection process of two stages or more. The CARFAC Minimum Recommended Fee Schedule should be used to determine an appropriate amount to be paid to all short-listed artists.

Arts professionals and local representatives on a public art jury shall be paid for their time reviewing submissions as per the CARFAC Minimum Recommended Fee Schedule. However, the project design representative on the panel is not paid if this is already included in their scope of work. City staff and representatives from any organization partnering on the project would also not be paid further for their involvement.

### **4.3 Develop an asset management plan and procedures as outlined in Chart 4.3**

The creation of an inventory for the City Public Art Collection was started but has not been completed and there is currently no asset management plan in place to direct the maintenance and conservation needs of the collection. Similarly, there is no clear process for maintenance of City-supported art on private property to uphold the quality of the work.

### City-supported art on private property

Agreements for funding of art on private property should have clear requirements/procedures for maintenance and requirements to respect artists' moral rights. For example, support for a mural may ask the applicant for a five-year maintenance plan for the artwork's upkeep, unless otherwise agreed with the City. Exceptions would be made for a major accident or vandalism event. The City may consider reviewing the Property Standards By-law to address artwork in disrepair on private property.

### Public Art Collection Inventory

A Public Art Collection Inventory should be created and maintained. There is a 2016 GIS map of existing City-owned work that needs to be updated. A costed Asset Management Plan is also required to quantify costs and work to address the backlog of treatment or repair needed by the existing assets, and whether any of the assets should be considered for de-accession. The Asset Management Plan should include the department responsible or the external expertise needed for the regular maintenance going forward. The inventory should be completed by someone with collections management or conservation training and experience, whether that experience is in-house by City staff or by a contracted third party.



Above: Spirit of '83 by Colette Whiten, corner of Brady Street and Paris Street, Sudbury, 1983. Photo source: [sudburylivingmagazine.com](http://sudburylivingmagazine.com)

Below: The Miner's Monument by Timothy P. Schmalz, Bell Park, Sudbury, 2001. Photo source: [sculpturebytps.com](http://sculpturebytps.com)



Right: Hero by Nathan Jenkins, 2013, part of a changing platform of artwork in the Toronto Sculpture Garden. Photo credit: Aida Habibelahi/tolf.org



New work in the Public Art Collection will be maintained and conserved as per the Maintenance Plan agreed by the artist and the City at the time of the artwork creation (where applicable) and to meet reasonable budgets, conservation standards and best practices. At least ten percent of the commission value of the artwork should be set aside in a Public Art Reserve Fund for future maintenance and conservation.

#### Public art asset management

Works of public art come in many different materials and forms with different maintenance and conservation needs. The following principles should be followed to manage the assets in the City's Public Art Collection:

- Artist to provide a maintenance manual for new commissions/donations;
- The Public Art Collection inventory will include a list of locations and maintenance procedures for each work. This list will be provided to relevant departments for information and/or action.
- Tourism and Culture Section will be responsible for requisitioning the maintenance for stand-alone public art and integrated art whose maintenance exceeds the service level of the rest of the facility.
- Integrated public art designed so that the maintenance needs are equal to the service level of the rest of the



Above: Detail of a legal graffiti wall in Sudbury. Photo courtesy of the City of Greater Sudbury.

Below: Digital art platform integrated into the facade of Bulmba-Ja Art Centre, Cairns, Queensland, Australia, 2020. Photo source: northsite.org.au

facility (e.g. tile art), will be cleaned and maintained regularly by the staff tasked with cleaning the facility.

- At least 10% of the budget of each public art project should be set aside in a Public Art Reserve Fund for future maintenance and conservation for long-term installations (more for artwork with higher maintenance requirements). This fund will be used to pay for items that are beyond the regular cleaning and maintenance including: planned testing and inspection by engineers, art conservators or other experts, and major cleaning/repairs/conservation required periodically.
- The art in the Public Art Collection should be reviewed/assessed every two to three years to plan for scheduled testing, major cleaning and conservation;
- For artwork that is damaged beyond repair and/or where the restoration is cost-prohibitive the City may initiate procedures for de-accessioning and disposal.
- Legal graffiti walls, murals (both City-funded and those funded by third-parties) and many community art projects may be given a timespan for maintenance at the time of approval, or they may follow other procedures (such as repainting a wall where a work is badly damaged).

#### Insurance

The City has a \$25,000 deductible on their insurance policy and the policy does not cover vandalism. Therefore art repair or replacement may not be feasible to be covered by the policy. An exception may be for art integrated or affixed within a facility which may be covered if there is not an insurance policy exclusion. Art can be scheduled in an insurance policy separately, but this should be decided on a case by case basis rather than the norm for all art in the collection. Many municipalities do not insure their works of public art because policies often expect like for like replacement and this may not be feasible. Where art is scheduled, public art pieces may be valued for their replacement value or initial commission value instead of an art appraisal which is not straightforward for work that is not easily moved or sold.



# WORKSHOP

# CHART 4.1 INTERNAL PUBLIC ART PROJECT ACQUISITION PROCESS

## A. IDENTIFY AND DEVELOP PUBLIC ART PROJECTS OVER \$5000 IN VALUE

### STEP 1:

- (a) In advance of the annual City budgeting/capital planning process, the Interdepartmental Public Art Working Group (IPAWG) members discuss upcoming capital projects and City programs that may be considered for the inclusion of public art.
- (b) The list of potential capital projects are considered against the Public Art Policy's site selection criteria and priorities.

**STEP 2:** Public Art staff will prepare a Public Art Plan for the selected sites/capital projects/City programs. The Public Art Plan will include: the proposed art budget for the site, aims, parameters (terms of reference), schedule, acquisition type and reason, and any public engagement or partnerships.

Acquisition types include: RFP/RFQs, open competitions, invitations and limited competitions, direct commissions, artists on design teams, artist residencies, community art, direct purchase, alternative approaches, and development initiatives.

**STEP 3:** Public Art staff will circulate the draft Public Art Plans to the IPAWG and ELT for review and approval.

## B. MANAGE THE PUBLIC ART PROJECT

**STEP 4:** For acquisitions over \$10,000. Public Art staff appoints a public art jury who will follow the Public Art Policy's Acquisition Criteria and the art project's Terms of Reference to recommend an artist to City staff. Staff from various departments may be present in an advisory capacity when the jury meets.

Public art jury composition:

3 or 5 panel members are all independent of the City and Council. Members include a majority of recognized arts and design professionals such as practicing artists, curators, art critics, art educators, architects and landscape architects. Local representation with interests in the site could include a neighbourhood or community representative from a local association, a business representative or a resident in the Ward. External jurors should be compensated based on published CARFAC rates.

**STEP 5:** The Public Art staff will manage public art projects, coordinating with relevant departments and Capital Project/Program Managers as well as with local stakeholders, utilities, etc. during the development and installation of the project.

Public art jury selection process:

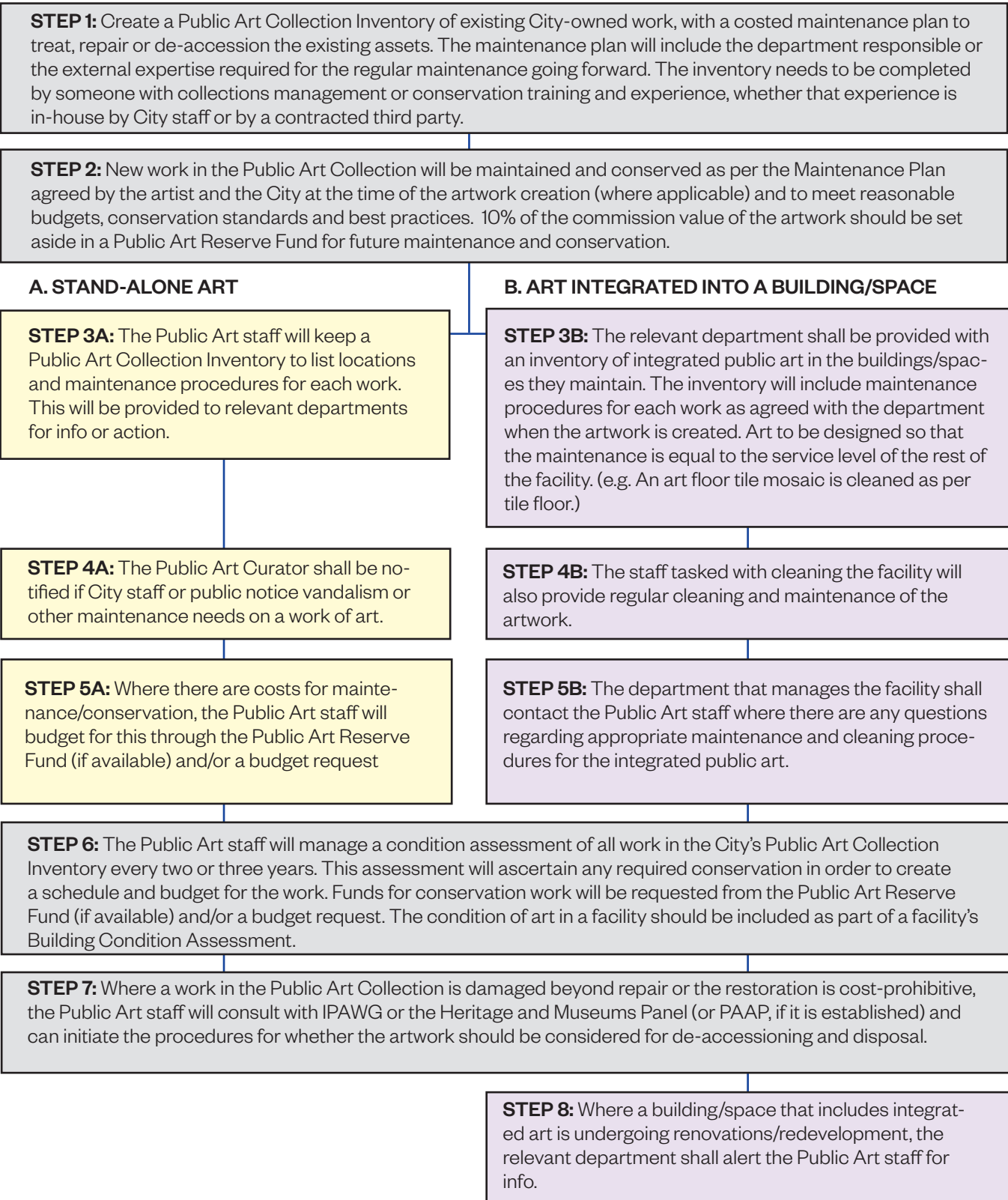
At least once every 3 years, the City will send out a call asking for local art and design professionals and local community members who are interested in being considered for a Public art jury to submit a bio and answer why they are interested. This list can be used as a starting point for the Public Art staff to assemble a jury. The list can be further augmented by recommendations from staff research to find an appropriate mix of individuals for the project in question. Where the artwork is integrated into a new public space or building, the design consultant may be asked to join the jury.

**STEP 6:** Where appropriate, the completed work of Public Art will be added to the City's Public Art Collection. An opening or press release may be planned for the community.

The jury composition should include a range of perspectives. This may include: an individual who is versed in the medium of the project; an individual who has an understanding of the project's subject matter; an individual who has an understanding of the context; local youth; and individuals from equity-seeking groups. Individuals who have not been on a previous jury should be prioritized for jury opportunities.



## CHART 4.3 PUBLIC ART COLLECTION ASSET MANAGEMENT



### C. ART ON PRIVATE PROPERTY

Agreements for funding of art on private property should have clear requirements/procedures for maintenance and requirements to respect artists' moral rights. For example, support for a mural may ask the applicant for a five-year maintenance plan for artwork upkeep, unless otherwise agreed with the City.

## A. STAND-ALONE ART EXAMPLES

### Stand-alone art in parks and trails



Above: River Otter by Tyler Fauvelle, New Sudbury Trail, Sudbury, 2018. Photo source: tylerfauvelle.ca

Top right: 120 Mirrors by Public Studio and Anna Friz, a sound installation in Lee Lifeson Art Park, Toronto.

Bottom right: Salish Sea by Chris Paul, Turkey Head Walkway, Victoria, BC.



### Stand-alone art privately-owned and maintained



Big Nickel, by Bruno Cavallo and Ted Szilva based on 1951 coin design by Steve Trenka, Sudbury, 1964. Photo courtesy of the Bank of Canada Museum.

# WORKSHOP



## B. ART INTEGRATED INTO A BUILDING/SPACE EXAMPLES

Integrated Art with cleaning requirements at same service levels as infrastructure/facility



Above and right: Art integrated into sidewalk paving on Holton Road by artists Heather Parnell, David Mackie and Andrew Rowe who developed the theme for the artwork with children from Holton Rd Primary and St Helen's RC Junior Schools, Barry Town Centre, Wales, 2007.



Above: Flying Carpet by Seyed Alavi, Sacramento Airport, 2005.  
Right: Reticulated Gambol, made of CSA-certified playground equipment by Young + Giroux, Lee Centre Park, Scarborough, 2009.



Integrated Art with different cleaning requirements from the infrastructure/facility



Above left : 7 Grandfather Teachings by Tessa Shanks in collaboration with visual arts students from Middlefield CI and Unionville High School, Aaniin Community Centre, Markham, 2018.

Above middle and right: All my favourite people are animals by Erica Stocking, Strathcona Branch Library, Vancouver, budget: \$100,000 in 2017.

# WORKSHOP

## 5.0 PUBLIC ART INVESTMENT AND SUPPORT

Recommendation 5.0: Encourage, support and invest in public art with a suite of funding mechanisms.

5.1 Establish municipal funding for a public art program.

- Option 1: Establish annual funding for a public art program based on a 0.25% rolling five-year average of the above-ground capital budget (approximately \$250,000 per year) starting in 2024.
- Option 2: Establish annual funding based on agreed service levels, increasing funds and service in increments from \$50,000 per year in 2024 to \$150,000 per year in 2028 as the program develops over time.

5.2 Contribute up to 1% of the capital budget of selected major City capital projects to integrate public art.

5.3 Encourage public art investments in private developments.

### Current public art investment

Currently the City of Greater Sudbury supports public art and community art projects through a variety of programs within four City departments. The types of support can be categorized under three levels:

- Level A. Encourage or Regulate
- Level B. Support
- Level C. Initiate and Maintain

There is not a clear picture of the current annual investment figure across the funding streams and public art and community art programs in City departments because art costs within projects or festivals receiving grants represent a small proportion of total costs and the costs of the art is not tracked separately from other non-art costs such as event rentals.

#### Level A. Encourage or Regulate

This includes encouraging or providing permissions for third-party art programming, private donations of art and private developers to invest in art.

#### Level B. Support programs include:

##### Façade Improvement Program

The Façade Improvement Program provides a grant to private businesses/landholders to cover up to 50% of the cost to improve any building façade visible from the street, to a maximum of \$20,000. Art is one of the applicable investments.

##### Community Action Networks (CAN)

25% of CAN annual grants may be spent on CAN projects, which have included community art projects, such as murals on City property. The CANs have also raised funds for these initiatives.

### Arts + Culture Grant Program

Approximately \$80,000-100,000 is invested annually in project grants. Some projects include public art or community art as a component but it is not easy to quantify how much funds from a project were to support art creation versus other activity, for example performances and event rentals. There are also operating grants totalling approximately \$450,000-\$500,000 with some of the organizations using a small portion to fund public art programming. The amount that may have been applied to creating artwork is not known. Per the 2023 Guidelines if the applicant is not incorporated and/or they have not received the grant at least three times, they can receive a maximum of \$3000. The three year criteria can limit new applicants who may be able to show that they have the capacity for larger projects.

#### Level C. Initiate and Maintain

The City budgeted \$25,000 per year in 2020 to 2023 to set up the public art program. The City also invested in maintaining a legal graffiti wall and mural programs.

The City has an existing Public Art Collection but it has not been catalogued and there is a backlog of deferred maintenance that should be addressed.



## Investment in the local economy

Public art investment is an economic generator. Even when an artist outside of the area is hired, the bulk of the funds often are spent locally to employ people across a range of skills available in Greater Sudbury from engineering to trades, and local materials and products often have an advantage due to lower transportation costs. The typical \$100,000 or higher budget for a public art installation would see the following approximate breakdown of costs:

- 20% artists (includes insurance, travel, overheads)
- 5% architects or engineers to draft plans/stamp drawings
- 10% project management by curators, cultural or community organizations
- 20% materials (e.g. steel, stone, concrete)
- 30% fabrication (e.g. metalwork, tilers, glass casting)
- 15% installation (e.g. transportation, lift or crane operators, masons, electricians, etc.)



Preparing to Cross the Sacred River, Marianne Nicolson, Indigenous Art Park curated by Candice Hopkins, Edmonton, 2018. Photo source: Edmonton Arts Council.

## Potential public art priorities

Potential annual public art investments may include some or all of the following as priorities:

### Public Art Grant Program

A separate Public Art Grant Program could be added to the suite of existing Arts + Culture Grants to match-fund projects initiated by local artists and arts/community organizations in Greater Sudbury and to prioritize projects in Wards that have less current investment in arts and culture. This would be a way to equitably distribute public art projects across the City.

Through these local partnerships the City would be able to multiply its investment and foster growth in Greater Sudbury's creative economy, and it would enable the City to be more strategic about the holistic Public Art Collection and community art canvas, rather than responsive.

The grant could be run with the Arts + Culture grants. Terms could allow professional artists, arts collectives, art organizations and/or non-profits to apply. Terms could limit the work to public facilities such as neighbourhood parks and libraries, and can prioritize applications for projects in Wards that have not been previously funded, for artforms that have not previously been funded, and/or for a longlist of priority locations pre-selected by the public art large and verified by the Inter-departmental Public Art Working Group.

### Truth and Reconciliation

Indigenous-led public art projects could be one of the priorities for public art grants or commissions and/or a public art commission could be defined and delivered in partnership with a local First Nation(s) or Indigenous leaders.

### Internal Partnerships

Through internal partnerships public art could be integrated in City programs. For example artwork integrated into Leisure Services' Playground Revitalization Process (e.g. tot lots and splashpads). Also, low cost programming may be developed in partnership with various City departments or services for public art provision. For example, emerging artist opportunities in libraries (e.g. digital screens or banners) or requesting a percentage of bus advertising space for cultural uses when procuring a third party (this is typical in other municipalities).

## 5.1 Establish annual municipal funding for a public art program

Under direction from the Council of the City of Greater Sudbury in 2017-19 staff began putting the necessary policies and plans in place to establish a municipal public art program including Council endorsing a draft Public Art Policy in September 2018 and an Implementation Plan in November 2019. The Public Art Master Plan is the next step in solidifying the City's aims and determining service levels for a Greater Sudbury Public Art Program to meet Council's Strategic Plan 5.6. Align Initiatives with Goal of Community Vibrancy.

Two funding level options are outlined below that correspond to municipal funding approaches in Canadian municipalities with public art programs. Each option is further expanded with a draft budget forecast showing how the funding corresponds to service levels in the community.

Note: for both funding options, the investment proposed is to replace the current \$25,000 annual investment, not be in addition to it. The funding investments are proposed to cover commissioning, grants, maintenance and conservation, but not staffing except where third-party expertise is required. It is important to note that agreement on investment levels will still be subject to annual budget review by Council.

### **Option 1: Establish annual funding for a public art program based on a 0.25% rolling five-year average of the above-ground capital budget (approximately \$250,000 per year) 2024-27.**

Many Canadian municipalities base their annual public art budget on 1% or 0.5% of a rolling average of their capital budget, minus roads and below grade infrastructure investments. See Appendix F for a funding comparison of cities in Canada with public art programs.

In 2021 City of Greater Sudbury's capital budget was \$162.4 million (excluding water and wastewater). As nearly one-third of the capital budget is dedicated to roads and drainage, removing these items would amend the figure to approximately \$100 million. A 1% investment for public art, would therefore amount to \$1 million municipal funds per year, 0.5% would amount to \$500,000 and 0.25% would be \$250,000.



Billy, Nanny and the Kids, Nicholas Krombach, Appleby Village Mall, Burlington, 2012.

### **Option 2: Establish funding based on agreed service levels, increasing funds and service from \$50,000 per year in 2024 to \$125,000 per year in 2027 as the program develops over time.**

In a few cases (e.g. Burlington, Mississauga and Markham), municipalities set a minimum budget amount (ranging from \$50,000 to \$250,000) under which it would not be possible to manage a program for the scale of their city. They then consider further investment on an annual basis or project-by-project basis. This approach allows flexibility as well as assurances that there is enough resource in place to embark on a public art program, and a stepped approach allows the City to build up both funding and public support for the program over time. Small to medium-sized projects may be a better place to start than larger art investments, particularly as the audience and the City's experience with managing public art can be built over time.

Greater Sudbury Council earmarked \$25,000 per year in 2020 to 2023 to set up the public art program. With this option, funding is recommended to start at \$50,000 in 2024 (a \$25,000 increase from 2023) and increase by \$25,000 increments to \$125,000 annually by 2027.

**INVESTMENT AND SERVICE LEVELS**

**OPTION 1: \$250,000 per year.**

\$1 Million over four years to fund:

- \$25,000 - \$75,000 over four years for the completion of a **Public Art Collection Inventory** with a qualified collections management professional (internal City staff or external expertise) and address the backlog of deferred maintenance and repair on existing work in the collection.
- \$100,000 (10%) over four years invested in a **Public Art Maintenance Reserve Fund** to cover regular maintenance and future conservation of the Public Art Collection, and to promote the public display of the municipal art collection.
- \$50,000 increase annually to art grants for a **Public Art Grant Program** to match-fund at least five to eight small, locally-led public art and community art projects each year (\$200,000 over four years could cover at least two projects in each Ward). These could be integrated into City sites and programs.
- Two **medium scale public art commissions** (\$50,000 - \$100,000 each) over four years (up to \$200,000 over four years).
- One **large public art commission** over four years (\$250-500,000 budget or more).

**OPTION 2: \$50,000 in 2024, increase \$25,000 per year to \$125,000 in 2028.**

\$350,000 over four years to fund:

- \$25,000 - \$75,000 over four years for the completion of a **Public Art Collection Inventory** with a qualified collections management professional (internal City staff or external expertise) and address the backlog of deferred maintenance and repair on existing work in the collection
- \$35,000 (10%) over four years invested in a **Public Art Maintenance Reserve Fund** to cover regular maintenance and future conservation of the Public Art Collection.
- \$50,000 increase every second year to art grants for a **Public Art Grant Program** to match-fund at least five to eight small, locally-led public art and community art projects each year (\$100,000 over four years could cover at least one project in all Wards). These could be integrated into City sites and programs.
- One **medium scale public art commission** (\$50,000 - \$100,000 each) over four years (up to \$100,000 over four years)

Note: Funding Option 2 could be combined with 5.2: up to one percent funding for public art to be integrated in key major projects.

Option 1					
\$1,000,000 over 4 years					
	Inventory + Maintenance Backlog	10% Public Art Maintenance Reserve	Public Art Grant Program (Annual)	Medium-scale Public Art Commission	Large-scale Public Art Commission
2024 \$250K	\$50K		\$50K	\$50 - \$100K	\$250 - 500K +
2025 \$250K	\$25K		\$50K		
2026 \$250K		\$50K	\$50K	\$50 - \$100K	
2027 \$250K		\$50K	\$50K		

Option 2					
\$350,000 over 4 years					
	Inventory + Maintenance Backlog	10% Public Art Maintenance Reserve	Public Art Grant Program (Biennial)	Medium-scale Public Art Commission	Large-scale Public Art Commission
2024 \$50K	\$50K				
2025 \$75K	\$25K		\$50K		could be funded through 5.2: up to 1% of key major projects
2026 \$100K		\$17.5K		\$50-\$100K	
2027 \$120K		\$17.5K	\$50K		

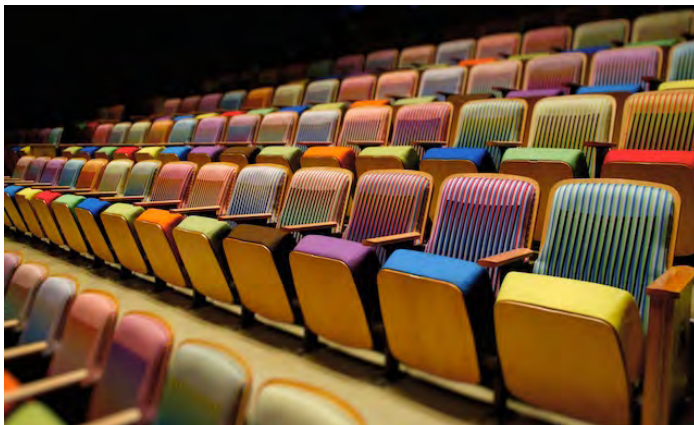


## 5.2 Contribute up to 1% of the capital budget of selected major City capital projects to integrate public art.

Identify major capital projects to include up to 1% of the capital budget (to a maximum of \$500,000) for public art in the facility. Facilities may include parks, trails, community centres, libraries, streetscapes and infrastructure (bridges, walls, waterworks, etc.). Projects would be identified and selected through the Interdepartmental Public Art Working Group to coincide with Infrastructure Capital Planning's one to five year plans and would go through the annual Council-approved budgeting process. Furthermore, the Tourism Development Fund may be used and/or leveraged to support significant public art projects that meet the Tourism Strategy goals.

Many Ontario municipalities with public art programs have policies to invest up to 1% of major capital projects towards public art projects. For best results and coordination, public art shall be included within the capital budget and project planning process at the earliest possible stage.

Note that annual funding for a public art program is still required because if one percent of new capital projects is the only mechanism used to invest in public art in Greater Sudbury, neighbourhoods without new capital work and without major private developments will not see any investment in public art. As the funding is attached to where capital projects are located, it is difficult to share the public art investment across locations in the City that are not seeing capital investment. The funding in this case would be tied to capital budgets and therefore, the budget could not be used for operating costs that could support local mentorships, temporary art projects, digital art content, educational activities, marketing material and events, legal graffiti walls. Also, annual funding is required to address the maintenance backlog of the existing Public Art Collection.



Ambientación Cromática Concert Hall Seating, Carlos Cruz-Diez, Centro de Acción Social por la Música, Caracas, 2007



Hand Holding a Bowl of Rice, April Greiman, Koreatown, LA, 2007

## 5.3 Encourage public art investments in private developments

Through the Planning and Development process and Planning Act tools available, the City of Greater Sudbury may encourage private developers to contribute up to one percent of the development's above-ground construction budget for public art projects. If language delineating how public art supports urban design aims and guidelines is included in the Official Plan or Community Improvement Plans, then Planning and Development staff may negotiate for public art provision in a development through processes such as Site Plan Application (SPA).

Language encouraging public art could be included in Section 1.4. (Vision), Section 1.5 (Part V: Developing Quality of Place); the Preamble to Part V; (note: text on allocating infrastructure funds to public art is already in 14.10.3), or a new section addressing public art could be added with text to align with Council's Strategic Plan, 5.6. Align Initiatives with Goal of Community Vibrancy.

Please note: Due to Bill 108, changes were made to Section 37 of the Planning Act and other planning tools that were previously used to secure community benefits such as public art. Therefore it is unclear at this time the details of which tools/processes may be used to encourage Public Art in developments.

Where the art is to be installed on City-owned land (i.e. streetscape or parks), the City will request that the artist selection process follow the City's Public Art Policy and will request that at least 10% of the funds be allocated to the City Public Art Reserve Fund for future maintenance and conservation costs.



## PUBLIC ART SCALE / INVESTMENT LEVEL EXAMPLES

### MICRO-SCALE (under \$1000 artist fee, materials + install)

Note: the budget levels are approximate and meant as a starting point to visualize scale and media that may be achieved for the funding investment. It is important to note that the actual value of an artwork may not coincide with its material costs as an artist's standing will also affect an artist fee or artwork price.



Air Bear, Joshua Allen Harris, New York City, 2008.

### SMALL-SCALE (\$2000 - 25,000 artist fee, materials + install)



Left: WithArt Community Art Project, Winnipeg (top and middle); Minimum Monument, Nele Azevedo, Berlin, 2008, temporary art of 1000 ice figures drawing attention to climate change (bottom).

Below: A Lake A Lane A Line A Lone, poet bpNichol, bpNichol Lane/Coach House Books, Toronto, 2005 (top); SeeSawSeat by Germaine Koh made from a Vancouver transit bench, located close to a transit shelter. Funded by transit agency Translink, 2018. Photo credit: Dani Boynton/germainekoh.com (bottom).



## WORKSHOP



MEDIUM-SCALE (\$50,000 - 150,000 artist fee, materials + install)

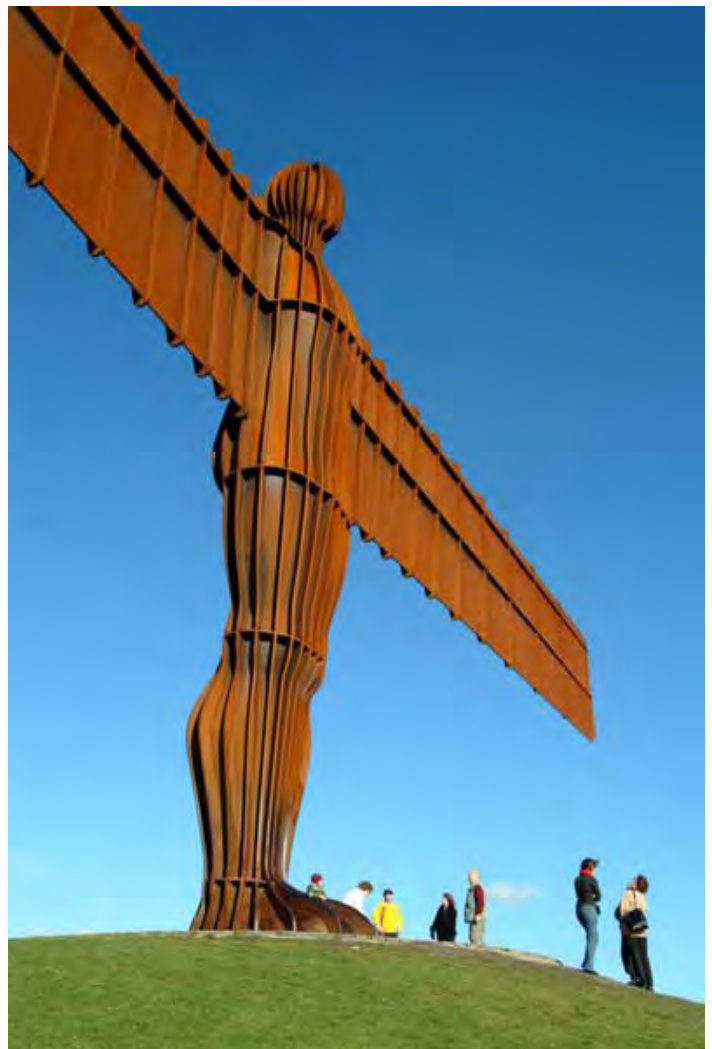


Top: The Great Picnic, Mark Reigelman II, Museum of Contemporary Art, Cleveland, 2014. Middle left: Tappeto Volante, Daniel Buren, for the Luci D'Artista light festival in Turin, 2004. Middle right: The People You Love ... Robert Montgomery, Basel, 2010. Bottom right: Horse and Cart, Nicholas Crombach, Victoria Park, Kingston, budget: \$100,000 in 2021. Photo source: nicholascrombach.com

WORKSHOP



LARGE-SCALE (\$250,000 - 500,000 + artist fee, materials + install)



Left: Turtle Pond, Fastwurms, Metro Toronto Convention Centre, Toronto, 1997 (top); Sultan's Elephant, Royal de Luze Theatre Company, three day public performance in Amiens and Nantes, 2005 (middle); Vaulted Willow, Marc Fornes + THEVERYMAN, Borden Park, Edmonton, budget: \$212,000 in 2014 (bottom).

Right: Possibilities, Michel de Broin, Duke of York Roundabout, Mississauga, budget: \$250,000 in 2010. Photo source: micheldebroyin.org (top); Angel of the North, Antony Gormley, Newcastle, budget: £800,000 in 1998. 54m wing span, 20m tall (bottom).

# WORKSHOP

## CHART 5.0 PUBLIC ART INVESTMENT AND SUPPORT OPTIONS

### REGULATE (ENCOURAGE OR ADVISING OTHERS, NO FUNDING)

#### **NEW Public art in private developments**

Encourage private developers to invest in public art through the planning process / using appropriate planning tools.

#### **NEW Private donations of public art**

Donations of art or sponsorship funding for art are encouraged from individuals or corporations, to be reviewed through the Public Art Application process.

### LEVEL B. SUPPORT (FUNDS OR SHARED RESOURCES FOR PROJECTS INITIATED BY OTHERS)

#### **B1. Façade Improvement Program**

The Façade Improvement Program provides a grant to private businesses/landholders to cover up to 50% of the cost to improve any building façade visible from the street, to a maximum of \$20,000. Art is one of the applicable investments.

#### **NEW B3. Public Art Grant Program**

A new grant dedicated to public art projects shall invest in projects in every Ward of the City. To be run concurrently with the Arts + Culture grants. Terms to allow professional artists, arts collectives, art organizations and/or non-profits to apply. Terms could limit the work to public facilities such as neighbourhood parks and libraries, and can prioritize applications for projects in Wards that have not been previously funded.

#### **B2. Arts + Culture Grant Program**

Approximately \$80,000-100,000 is invested annually in project grants. Some projects include public art or community art. There are also operating grants totalling approximately \$450,000 annually with some of the organizations using a small portion to fund public art programming. If the applicant is not incorporated and/or they have not received the grant at least three times, they can receive a maximum of \$3000. The three year criteria can limit new applicants who may be able to show that they have the capacity for larger projects.

#### **NEW B4. Partnerships**

Develop Partnerships with local arts or non-profit agencies to share resources for public art initiatives that meet shared goals. This could be in the form of funds, staff time, approvals (vetted through Public Art Application process). For example, the City itself cannot apply for certain grants (i.e. Ontario Arts Council), but can provide an arts collective a support letter or approvals for a City location, where appropriate.

### LEVEL C. INITIATE AND MAINTAIN (FUND AND RESOURCE PROJECTS INITIATED BY THE CITY)

#### **NEW C1. Public Art Maintenance Reserve Fund**

Completion of a Public Art Collection Inventory with a qualified collections management professional (internal City staff or external expertise) and address the backlog of deferred maintenance and repair on existing work in the collection. At least 10% of Public Art budget to go into a maintenance reserve to cover regular maintenance and future conservation needs of the Collection.

#### **NEW C2. Public art commissions**

Funds to commission public art either stand-alone art or integrated in capital projects (e.g. parks, streetscapes, libraries, community centres) that have been identified by the IPAWG with approved program plans. Investment level to be determined from small to large scale.



# APPENDICES



Students from four area schools (Marymount Academy, College Notre Dame, Sudbury Secondary School and St. Albert) are involved annually in the Sudbury Green Stairs Artwalk program. Photo credit: Sudbury News.



# APPENDIX A: CONSULTATION MEETING SUMMARIES

## INDIGENOUS STAKEHOLDERS MEETING (Notes by City staff)

Prior to the two meetings with external stakeholders, Ed Landry, Senior Planner at the City of Greater Sudbury met with N'Swakamok & Better Beginnings / Better Futures on June 16, 2022. He briefly introduced and went over the details of the Public Art Master Plan proposal.

Discussion ensued, with suggestions of artwork surrounding Ramsey Lake to honour water and women. As for only hiring local artists, members of the meeting agreed that there is no need to limit to Sudbury-only artists, and that artists from elsewhere such as Manitoulin Island should be welcomed to participate.

In terms of art and location, it was echoed that the artwork displayed must be representative of the community - with connections to Indigenous peoples and artists. The community should first get an understanding of Indigenous artists and art by hosting an event that showcases 'who' and 'what' is out there. The venue itself was proposed to be somewhere central so that it can be easily accessed. All media styles would be welcomed, but should highlight and focus on "identity, community, awareness and unity".

## INTERNAL STAKEHOLDER DISCUSSIONS

June 13, 14 and 15, 2022

Facilitator: Helena Grdadolnik, Workshop

16 staff members from 15 departments or divisions (21 staff members were invited)

- Ed Landry, Senior Planner, Strategic and Environmental Planning
- Emily Trottier, Business Development Officer, Arts + Culture
- Sophie Baysarowich, Web and Office Assistant, Strategic and Environmental Planning
- Michael Loken, Acting Director, Water/Wastewater Treatment
- Robert Walz, Coordinator, Insurance and Risk Management
- Lara Fielding, Manager, Tourism and Culture
- Angie Roy, Property Administrator, Real Estate Management
- Tony De Silva, Road Operations Engineer
- Samantha Morel, Curator, Museums
- Stefany Mussen, Manager, Corporate Security and By-

law Services

- Kelly Gravelle, Deputy City Solicitor
- Cheryl Brisson, Purchasing
- Nick Najdenov, Coordinator, Capital Projects (left early)
- Steph Mathieu, Coordinator, Leisure Services
- Barb McDougall, Community Development Coordinator
- David Kalvanian, Infrastructure Capital Planning

## Discussion points

- Need standardized artist agreements
- Insurance is often through neighbourhood associations
- Streamline a clear and consistent process for external artist/groups' public art requests. Who vets and responds? Public Art Advisory? City technical committee? What are the criteria?
- Update Public Art Advisory with new Terms of Reference
- Public Art Advisory: involve unions as well as art organizations; include youth member(s). How to get a cross-section of reps? Pay/cover costs/remote meetings ... what are the barriers?
- How are public art assets inventoried and managed?
- There was a balance of opinion on whether the focus for new public art should be outlying communities that currently have less cultural provision (at least one artwork in each Ward), or if downtown or other destinations should be prioritized.
- From Levaack to Coniston where are the public art deserts? (like saying sea to sea in Sudbury)
- New buildings or infrastructure could be a place for public art investment. The Library Art Gallery is approx \$80-90 million budget. 1% may be too high, a maximum budget amount could be established.
- Libraries and neighbourhood parks were put forward as potential locations for art
- Legal graffiti walls are popular in Sudbury. Some walls could have a budget to be re-painted 3x per year. Currently Operations only paints over offensive graffiti.
- Need standards for maintenance. Walls that are in bad shape should not be allowed to be painted as it is difficult to maintain.
- Need art to be recognizable (not esoteric) for community support and buy-in.
- Small to medium-sized projects would be a better place to start than larger art investments. Build a business case to grow an art budget over time.
- Up Here music and mural festival is popular. They typically use privately-owned walls because process is easier.

- Bus ads: there is an exclusive contract with third party for bus shelters, but inside bus the ad space is run by City and could be available. When updating procurement, ask for % of ad space for art/cultural uses? This is typical in other municipalities
- Art budget a very small amount of major infrastructure projects. Could be integrated but need to have a process for who decides on the art and how. Detailed design is the time in the process when art is best integrated.
- Infrastructure Capital Planning 1-5 year plans, but Council approves funds annually.
- Facilities and Infrastructure would require involvement from other staff, assistance with identifying locations for art and artist/artwork selection.
- There will be new roundabouts but staff were divided on whether this location would benefit or distract from road safety
- For procurements under \$100,000 lowest price is the only criteria unless there is a full RFP process, but then it has to go through Bids and Tenders
- There are revisions to procurement by-laws currently underway
- Direct commission is allowed but there are transparency issues
- Recently ran a roster but only two artists responded
- Community Action Networks (CANs) work under the auspices of the City, have been provided liability insurance coverage by the City. They have volunteer policies instead of agreements
- There is a CAN in every Ward but the individuals involved can delineate their own focus.
- There are currently staff in different departments that work with artists/murals/CANs. New staff is not needed for these projects, but processes such as agreements should be streamlined.
- Arts project grants approximately \$100,000 per year but many for annual projects like the Up Here Festival. First three years can only get smaller grant of \$3000.
- Healthy Community Initiatives (HCI) grant funds may be applied for to be used toward events or small-scale initiatives. The evaluation and eligibility are based on a by-law.
- Sometimes CANs have the artist donate their time/unpaid.
- Potential to use the Special Events Advisory, which are approximately a dozen contacts across the City. There is already a subgroup for film .

## EXTERNAL STAKEHOLDER DISCUSSIONS

June 20 and 22, 2022

Facilitator: Helena Grdadolnik, Workshop with Ed Landry, Senior Planner, Strategic and Environmental Planning, Emily Trottier, Business Development Officer and Sophie Baysarowich, Web and Office Assistant, Strategic and Environmental Planning

9 stakeholders from 5 organizations and 3 independent artists (16 people were invited to participate)

Judi Straughan, Sudbury Arts Council  
 Sylvie Mainville, Project Coordinator, Places des Arts  
 Jean-Gilles Pelletier, General Manager, Place des Arts  
 Johanna Westby, Artist and educator at Cambrian College  
 Monique, Legault Artist  
 Will Morin, Artist  
 Demetra Christakos, Art Gallery of Sudbury  
 Christian Pelletier, Up Here Festival  
 Wallace Gillard, Live Love Louder

### Goals and Priorities:

- Public art should represent Sudbury and Sudburians first and foremost, while also keeping in mind the interest of tourists and visitors
- Local artists should be considered first, but artists from out of town should also be considered if needed.
- City's role can be (1) to encourage; (2) to regulate; (3) instigator/supporter/funder
- How will artists, artworks, etc. be chosen for public art in the City? Need to be fair, inclusive and informed process.
- Art should be more visual and less scripted as this has a greater opportunity to reach people with various cultural and linguistic backgrounds.
- Community as the champion, Sudbury as the support.

### Challenges and Opportunities:

- The biggest opportunity is the passionate and talented art community
- The City was perceived to get in the way
- Agreements are too long and complicated, too much bureaucracy for most artists -- can scare off artists, especially newer ones
- Can Arts Council be used as a middle-man to cut paperwork and contracts?
- It was noted there are generally no plaques on public art pieces to help citizens identify the art and artist.
- A public art inventory has been started but it is a work in progress and will have an asset management plan to assist with cataloguing and maintenance.
- The idea of having a "Sudbury Walk of Fame" was mentioned, which posed both a challenge and

opportunity. However, due to various issues such as salt/weather conditions, vandalism and location constraints, it may be difficult to implement.

- It would be beneficial and informative to have a place where residents can browse all sorts of artwork by local artists in Sudbury.
- Place des Arts may be able to promote participation from their artists/community and hosting events but would not likely be able to assist with funding.
- The Art Gallery of Sudbury has works of public art but building is moving downtown. What happens to the public art in the move?
- City sites for long-term or temporary work/events can be more challenging than private ones. Recently an event was held in a private parking lot instead of Bell Park for this reason.
- Community members may not understand restrictions like moral rights, audience members changing artwork or film crews paint over
- City needs to go from “can’t do” to “can do”, be an arts-friendly place.
- Need to find opportunities for emerging artists.
- Bring art to the people, Ray Laporte artist who has passed was attributed as saying, “get down to the bottom of the mine shaft”
- Need to think of different scales in the public art master plan from large to smaller/emerging.
- Allow a conversation to continue, not a fixed master plan.
- Need standardized artist agreements
- Insurance is an issue and other bureaucratic hoops

#### Funding:

- There are four City departments that have funding for public art.
- There are not many funding options for public art available outside of the arts and culture grants and Healthy Community Initiatives and Facade Improvement Program (many of the artists on the call worked on projects under these initiatives, but in some instances with Community Action Networks were not paid for their work).
- Similar to the Facade Improvement Program, can there be more programs for businesses to hire artists as this can be less bureaucracy. Good that now can be any facade visible from street, up to \$20,000.
- The City itself cannot apply for certain grants (i.e. Ontario Arts Council), but can assist artists who wish to apply with support letters or approvals for locations.
- There were suggestions of incorporating art in other City projects, such as road work / capital as a way to bring art into the City in different ways.

#### Types of Sites and Approaches:

- Various sites around Sudbury were brought up as good examples for public art to be displayed. Due to the fact that Greater Sudbury is so large, it is difficult to have art geographically across the City, or in every Ward.
- A focal point for public art investment is downtown Sudbury. There were many advocates for art downtown first.
- It is also vital for the whole community to have access to public art, including areas of town such as the Donovan, Flour Mill, etc.
- The boardwalk also came up as an area to invest in art
- Ongoing community projects such as the “Up Here” festival and newer Live Love Louder (geared to youth) were mentioned; however, it was noted that most of these artworks are completed on private property without any assistance from the City. Often this is because it is easier, less red tape.
- Question regarding who will maintain the work created by third-party festivals on private land?
- There is a focus on mural work in Sudbury.
- There were some suggestions to consider other art mediums, such as digital.



## ONLINE SURVEY FINDINGS

The survey link was emailed to 37 people, the same invite list as the focus group discussions. There were 14 completed surveys, 7 external stakeholders and 7 internal stakeholders. This is a small sample size, but it will be further tested through meetings and consultation later in the public art master plan development process.

### A. What places are comparable to the City of Greater Sudbury?

- Five responses: North Bay, ON
- Three responses: Barrie, ON, Sault Ste Marie, ON, Thunder Bay, ON
- Two responses: Kingston, ON, Peterborough, ON, Timmins, ON
- One response: Hamilton, ON, Mississauga, ON, Oshawa, ON, Windsor, ON, Moncton, NB, Rouyn-Noranda, QB, Northern Quebec, Finland (smaller Cities & Towns)

### B. What places do you want Sudbury to be more like?

- Five responses: Toronto, ON
- Four responses: Montréal, QB
- Three responses: Ottawa, ON
- One response: Barrie, ON, Hamilton, ON, Kingston, ON, Oshawa, ON, Peterborough, ON, Sault Ste. Marie, ON, Thessalon, ON, Banff, AB, Halifax, NS, Moncton, NB, BC, Barcelona, Spain, Berlin, Germany, Finland, New York, USA, Melbourne, Australia, Paris, France, Unique unto itself.

### C. Priority locations/sites for art

- Four responses: Parks/playgrounds
- Two responses: Junction East (Library and Art Gallery), Public buildings, Recreation buildings, Beaches/boardwalk
- One response: Library branches, Education buildings, Downtown bus terminal, Anderson Farm Museum stable building, Kingsway, Entertainment District, Tom Davies Square, Bell Park, Victory Park, Public high-density places, Arts and culture related sites, Downtown historic sites, Historic town centres, Entrances to neighbourhoods, Geared to income neighbourhoods, Downtown outdoors, Walkways/trails, Community gardens, Shopping areas, Commercial buildings / privately owned, Areas that are accessible by everyone

### D. Locations/sites that should NOT be considered

- Three responses: Locations that are not barrier-free/not easy to access by various modes
- Two responses: Roads/roundabouts/car-centric locations, Locations that are not well-visited/visible to

public, Places that are not free to the public (unless arts venue), Unsafe locations

- One response: Places that already have public art, Deteriorating structures/ facilities, Ramsay lake area, Downtown crosses, New Sudbury/Timberwolf area, Loellen, Bridges, Water tower, Cemeteries, Hospital, Sidewalks, Heritage buildings

### E. Top six Corporate Strategic Objectives that a public art program should tie into:

1. Support the artistic, cultural and creative expression of local citizens and groups (84%)
2. Revitalize Downtown Sudbury (77%)
3. Promote Indigenous economic development opportunities (69%)
4. Enhance vibrancy of new municipal facilities and infrastructure (69%)
5. Enhance the experience of parks and natural areas (62%)
6. Develop authentic engagement opportunities for citizens (62%)

### F. Goals to be prioritized for a public art program:

Very high ranking

- Art to include a diversity of cultural experiences
- Art to showcase the immense talent of local artists
- Art to contribute to a vibrant public realm
- Art processes that engage local people

High ranking

- Art that builds on Sudbury's multicultural heritage
- Art to support Sudbury as a regional and/or national destination
- Art integrated into the City's key capital projects
- Art that draws inspiration from the land

Lower ranking

- Art to showcase the best in Canadian and international artists
- Art that marks the gateways to the City or improves wayfinding

### G. Forms of art all ranked highest for inclusion in the public art program:

- Murals and legal graffiti walls (92%)
- Long-term, stand-alone artwork (e.g. sculpture) (92%)
- Art integrated with infrastructure (buildings, sidewalks, etc) (92%)
- Community art and beautification projects (92%)

#### H. Funding options to consider:

- Partnerships with local art organizations (75%)
- Distinct budget line in City's annual budget (67%)
- Budgeted within the City's major capital projects (58%)
- Partnerships with other public organizations (58%)
- Partnerships with businesses (58%)
- Donations of art or funding for art are encouraged from individuals (58%)
- Developer provision of public art (50%)
- Budgeted within the Arts and Cultural Grants (42%)
- Budgeted within relevant City programs (42%)

#### I. Staffing options ranked in order:

1. Existing City staff
2. New City role
3. Public Art Advisory Committee to advise City staff and City Council
4. Local arts organizations
5. External consultants to manage projects as needed

#### J. Key audiences to engage ranked in priority highest to lowest:

- Artists (92%)
- Indigenous community (83%)
- Art patrons (75%)
- Youth (75%)
- Downtown audience (75%)
- Recent immigrant communities (67%)
- Older adults (58%)
- Families (58%)
- Francophone community (58%)
- Anglophone community (58%)
- Community nodes / Town centres (58%)
- Tourists / visitors (50%)
- Business owners (50%)
- Development community (42%)

#### K. Perceptions of current champions of public art ranked:

- Local artists (91%)
- Local arts organizations (91%)
- Local museums and galleries (55%)
- City staff (36%)
- Citizens (27%)
- Local businesses (27%)
- Local non-cultural organizations (18%)
- City Council (0%)
- Development community (0%)

#### L. Community member involvement

- Experience public art (92%)
- Suggest potential locations for public art (75%)
- Attend a public art walk or talk (67%)
- Serve on an advisory board or working group
- Advocate for public art
- Attend a temporary public art event (50%)
- Participate in events to construct art with others in the community (50%)
- Contribute money and time (41%)
- Serve on an art selection committee (33%)
- Crowd fund public art initiatives (33%)

#### M. Locations to prioritize for public art

- Outdoor public space and parks (100%)
- Exterior of public buildings (100%)
- Indoor public places (82%)
- City gateway locations (73%)
- Select major infrastructure projects (64%)
- Trails / active transportation routes (64%)
- Privately-owned outdoor spaces and building exteriors (55%)
- Privately-owned indoor spaces open to the public (45%)

#### N. Areas of the city to prioritize for public art

- Spread across Greater Sudbury (73%)
- Transit hubs (64%)
- Downtown Sudbury (55%)
- Regional Parks (45%)
- Municipal buildings (45%)
- Neighbourhood / Community Parks (36%)
- Trails / Streetscapes (36%)
- Commercial / Employment areas (9%)
- Universities / Colleges (9%)
- New private development sites (0%)

#### O. Siting criteria

- Located in a high used or publicly active area (72%)
- Accessible to people of all abilities (72%)
- Visited by diversity of people (ages and cultures) (64%)
- Easily accessed from elsewhere in the city by a variety of transportation methods (64%)
- Has the space and capacity for public artwork (e.g. environmental conditions, heritage, safety, site servicing) (64%)
- Adds to the variety of types of public art experiences (55%)
- Experienced by a wide audience (55%)
- Maximizes public benefit (55%)
- Holds interest for an artist (36%)

# APPENDIX B: LITERATURE AND PROGRAM REVIEW

The following City policies, strategic plans and programs related to public art either directly or indirectly were reviewed to identify gaps and opportunities.

## Public Art Policy (PL2018-170A + CC2018-254)

- Strong definition, vision, guiding principles to be reconfirmed
- Site selection criteria to be reconfirmed and to consider locations/priorities for murals and other community-based work
- Potential funding options/sources are not included.
- Funding for public art projects is currently available through several programs including Arts + Culture Grants through Economic Development, Community Improvement Plans (facade improvement murals) and the Legal Graffiti Wall Pilot Project. Funding amounts are limited and are expected to cover a wide variety of other priority areas. There is currently \$25,000 per year over four years earmarked to start the public art program.
- Artist protections (e.g. copyright, fair compensation) are not included.
- There is no exemption for art from the procurement by-law
- Limitations currently preclude a developer public art program where art is on private land/buildings.
- Limitations currently preclude applying this policy to private buildings that may seek investments through the Downtown Facade Improvement program or other City programs.
- The process could include more details on the approval/decision-making process including any community engagement/input and how Council is or is not involved.

## Public Art Webpage

- The webpage is new and can be improved with the inclusion of a public art inventory map.
- On the website the Public Art Master Plan (PAMP) is defined as follows: *is a document that prioritizes sites for public art on municipally-owned land and makes recommendations for art on these sites. The PAMP would help guide the “what and the where” in the public art acquisition process. It is a tool used in many municipalities that have a public art program.* Note: the wording is currently being updated to reflect the current work.

## Public Art Application

- The application form for public art requests can be further developed with guidance similar to the Filming Handbook.

- It should be clear that this process is for external applicants only, unless the process is intended to also be for City departments interested in public art investments.
- State how often the applications get reviewed - annually, every six months, quarterly?
- The review should reference the acquisition criteria from the Public Art Policy and include any technical reviews required
- Make the point contact department and staff member clear to applicants, and establish a consistent group to review the applications (internal working group, Public Art Jury, Public Art Advisory)
- Page 2, it may be better to remove #1 Name of Artist and change #2 to Name of Applicant (could be the artist or a donor).
- Consider whether the acknowledgement may be signed by the applicant OR the artist but not both. It could be a requirement that the applicant has an artist sign a consent form as part of the process, but not necessarily for the review. That gives more leeway to projects that may not have an artist on board on day one. Also, the artist should not be ultimately responsible for the application if they are not the applicant.
- #7 should include a request for a funding plan and a budget, instead of just a budget.

## Public Art Advisory Panel Terms of Reference

- The initial panel Terms of Reference was related to creating the Public Art Implementation Plan. A new/updated panel could have a revised mandate to include review of applications or acquisitions.
- To “ensure participation by a range of diversity” as it states, it may be good to consider the current barriers to participation from people who may be under-represented, for example offering a stipend to cover the costs of being involved such as travel, caregiving and/or allow for hybrid meetings and accommodations as needed.
- To be more welcoming, as Indigenous Peoples were the first ones on the land, you may consider listing them first in the membership bullet point.

## Cultural Plan 2015-2020 + Culture Action Plan

### Strategic Direction #3: Creative Places.

- Quality of place is a powerful driver in attracting and retaining talent in a global world. Goal: Grow beautiful environments that reflect the cultural richness and heritage of the city. Design infrastructure with intention



and create a cultural estate.

Creative Places actions:

- 4. Develop a public art program with a standard policy and dedicated funding. Encourage the creation of public art in conjunction with private and public development.

Potential initiatives:

- 1.1 Develop a public art policy that outlines: commissioning process; priority/local themes; identifies key areas around the city; streamlines municipal approvals; and sets annual target levels.
- 1.2 Following adoption of public art policy, identify and meet with private and public funders to explore additional revenue sources for a public art budget to cover costs
- 1.3 Form a public art jury to evaluate artists' submissions
- 1.4 Pilot the public art program with smaller functional pieces
- 1.5 Partner with organizations to display artwork on a rotating basis in public spaces and local institutions

#### Arts + Culture Grant Program Policy, Arts + Culture Grants By-law

- There are approximately \$80-100,000 annually in project grants. Some projects are related to public art.
- There are also operating grants totalling approximately \$450,000 annually with some of the organizations using a small portion to fund public art programming.
- If the applicant is not incorporated and/or they have not received the grant at least three times, they can receive a maximum of \$3000.
- The three year criteria can limit new applicants who may be able to show that they have the capacity for larger projects.
- Could public art investment also run through a dedicated grant process similar or part of this program, rather than be managed by the City?

#### City Budget (from website)

- "The \$162.4 million capital budget (excluding water and wastewater) ensures the best investment choices are made by ranking projects based on standard criteria and moving forward with the highest priorities. Nearly one-third of the capital budget is dedicated to roads and drainage projects."
- Many Canadian municipalities base their annual public art budget on 1% or 0.5% of a rolling average of their capital budget, minus roads and below grade infrastructure investments.

#### Strategic Plan 2019-2027

Priority is to advance Sudbury's standing as a centre of excellence in economic, social, and environmental innovation.

Actions related to public art directly or indirectly include:

- 7. Strengthen Community Vibrancy: Vibrancy is the collection of policies, activities and investments that create a 'sense of place' and makes Greater Sudbury distinct. Vibrancy is the result of efforts to make positive contributions to lifestyles and economic activity provided by community amenities, events, facilities and municipal policies. ... This objective will build upon the successes of our cultural and arts sectors and our neighbourhood actors and support further development and strengthening of our vibrant city."
- 7.1 Develop a Public Art Implementation Plan
- 7.3 Strengthen the framework of programs that support the artistic, cultural and creative expression of local citizens and groups
- 7.4 Review the Official Plan and other corporate policies to ensure they are appropriately aligned with the strategic objective of community vibrancy
- 7.5 Where relevant, incorporate the objective of community vibrancy into the development of new municipal facilities and infrastructure

#### Official Plan - redline version Feb 8, 2022

- Public Art Implementation Plan has an action to include Public Art in City Policies and in Phase Two of the Official Plan Review (launched in June 2019)
- The most recent Official Plan (OP) redline version does not include any specific mention of public art, including in the Urban Design section which is where it is typically found.
- The OP states that "Greater Sudbury consists of a large, central urban area surrounded by more than 20 smaller urban and non-urban settlements that are all tied together through an extensive network of hard and soft infrastructure. ... the dispersed pattern of growth poses challenges for the creation of a cohesive urban form" This dispersed growth also poses a challenge for public art provision across the City, so priorities on locations will need to be set.
- Downtown Sudbury is recognized as the heart of Greater Sudbury with a concentration of arts and culture uses.
- The OP is based on and informed by four broad principles: A Healthy Community, Economic Development, Sustainable Development, Focus on Opportunities
- Under Community and Neighbourhood Design the City will encourage community and neighbourhood design, the first bullet is : (a) creates a distinctive community character and strong sense of place.
- The Development Control section may be an area where

guidelines regarding developer provision for public art through Community Benefit Charges (CBC) may be added, if CBC are deemed to be applicable to public art .

#### **Downtown Master Plan**

- Vision for the future states that Downtown is a centre for creativity and that art installations that reflect the Spirit of Sudbury have found pride of place across the Downtown.
- “Public Art Strategy : Public art helps to define a city’s image to the outside world. Public art can take the form of sculptures, murals, fountains, lighting, landscape design, street furniture or architectural elements. Master Plan initiatives that require a public art component include the Elgin Greenway, Paris Street greening, Durham Street and Elm Street rebuild, Station Plaza, Tom Davies Square and Memorial Park upgrade. To bring more art into the Downtown, the Master Plan recommends the development and implementation of a comprehensive municipal Public Art Policy. In the more immediate term, the City should work with the BIA, DVDC, the Greater Sudbury Development Corporation, the Sudbury Arts Council, Le ROCS, local galleries, independent artists and other partners to develop a Public Art locational plan.”

#### **Strategic Core Areas Community Improvement Plan 2022**

- “Façade Improvement Program: a grant of 50% of the cost to improve a building façade, to a maximum of \$20,000 is available to private business. Art is one of the applicable investments”

#### **Procurement By-law**

- There is no mention of art in the exemptions to the by-law.
- Low value procurements (under \$100,000) must be by lowest price, therefore for low value acquisitions of art the Public Art Policy acquisition criteria cannot be followed unless a full Request for Proposal process is followed. In some cases an RFP process is too onerous/unnecessary for artist/art selection.
- Three quotes are required for \$25,000 and above, but only one quote is required below \$25,000. There is a process in 15-3 of the policy for awards NOT made to the lowest bid, but it is unclear if this would be accepted in practice.

#### **Tourism Strategy 2019-2023**

- Potential for funding through the Tourism Development Fund: up to \$1M to promote and grow the tourism industry supported by funds from the Municipal Accommodation Tax
- A proposal for public art investment from the fund would need to be for significant artwork that meets the Tourism Strategy goals. A proposal could be connected one of the large infrastructure projects currently underway.

- This fund had been used to invest in the promotion of public art experiences.

#### **Parks Master Plan Review 2014**

- Under Action 56, “encourage public art” is one of the 10 bullets following “In designing parks, continue to:”

#### **Library Services Strategic Plan 2011-2015**

- Goal 5: Build the Library’s role in providing access to cultural and heritage programs and services. Planned Actions include “support[ing] local artists by providing space to display works for public viewing.”

#### **Greater Sudbury Development Corporation Diversity Statement**

- The statement relates to public art through considering how public art opportunities can “includes economic opportunities and community vibrancy for all.”

#### **From the Ground Up: A Community Economic Development Plan for Greater Sudbury, 2015-2025**

Goal Six: Nationally recognized for artistic excellence, vibrancy and creativity

- Objective 6.1: Develop environments that reflect the cultural richness and heritage of greater Sudbury
- 6.1.3 Develop a public art program that encourages the creation of public art in conjunction with public and private development

#### **Community Action Network (CAN) Terms of Engagement**

- “Up to 25% of the annual grant may be spent on CAN projects. This may include capital expenditures”
- “CANs may not donate community grant funding to other groups or initiatives.”
- Resources available to CANs (at no direct cost) through CGS includes liability insurance coverage for approved CAN activities and events.
- There is no rule that CANs need to pay at least CARFAC artist rates where they use grants to hire artists.

#### **Healthy Community Initiatives Policy Revision June 2018**

- Not-for-profit groups or local organizations with a bank account are eligible to apply. Individuals and groups including artists and art collectives that are not incorporated as a not-for-profit or affiliated with a not-for-profit are not able to apply.

- Planned for development or redevelopment in City's capital budget (27%)
- Identified in the City's planning documents and strategic plans as a key site (18%)
- Planned for private development (9%)

#### Anything else to share?

*"This plan absolutely requires dedicated staff time to succeed. The plan absolutely must recognize the significant amount of care that will be required for new pieces of public art owned by the City. The plan should also include provisions for creating a full inventory of the City's current public art assets and allocate resources for their care moving forward."*

*"I would love to be more aware of the funds available for public art yearly, since sculpture and other forms, may come at a greater cost, than murals"*

*"We must consider the risk of outdoor, static artwork being used as climbing apparatus for children. The attraction to a child creates a hazard that can become a serious injury."*

*"I'd like to see the research about public art from a number of cities similar to ours. "*

*"Speaking as a local artist trying to create more opportunities for local artists, I find it odd seeing potential opportunities for artists from outside of our community/region to be highlighted through this planning. It seems odd to me as opportunities for these artists are already in place, and plentiful in a number of capacities, through a multitude of local organizations and performance bookers. Is it necessary to implement another access opportunity for these individuals, when artists in our own community have little/no other avenue to create/display/contribute to public art? Again, I wonder; is the focus too diluted."*

*"We need to be careful with the public art budget if and when it's established. We need to be specific as to what it will be used for. To complement the public art program, certain capital projects (to be defined) need to include a consideration/\$ set aside for public art - rather than taking from a public art budget."*



# City of Greater Sudbury

## Public Art Policy

DRAFT (PL2018-170A & CC2018-254)

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# 1.0 Vision and Guiding Principles

## 1.1 Vision

Greater Sudbury is a Northern cultural capital celebrated from coast to coast to coast for its artistic excellence, vibrancy and creativity. The city's public art helps breathe life into our entire community, showcases the immense talent of its artists, draws inspiration from the land, and builds on the city's rich multicultural heritage.

## 1.2 Guiding Principles

"Greater Sudbury is a growing community, recognized for innovation, leadership, resourcefulness and a great northern lifestyle." Greater Together, 2015-2018 Corporate Strategic Plan

### Creative Identity

Greater Sudbury is multicultural and has a unique historical relationship with its geographic landscape. Cultural resources help define the identities of individual communities as well as the shared identity of Greater Sudbury as a whole.

### Creative Places

Quality of place is a powerful driver in attracting and retaining talent in a global world.

### Creative People

Creative individuals are at the heart of the creative economy, and also foster social development. Nearly everyone participates in creative pursuits in some aspects of their lives **and there are Professional Artists with specialized skills and who seek compensation for their work.**

### Creative Economy

Creativity and culture impact the economy in many ways, from directly employing people to being a component of almost any employment sector. There has been increasing recognition of the powerful role creativity and culture play in economic restructuring and generating wealth for our communities.

1.2.1 The **City** will support the binding effect that culture contributes towards maintaining a shared sense of community and identity.

1.2.2 The **City** will grow beautiful environments that reflect the cultural richness and heritage of the city.

- 1.2.3 The City will design infrastructure with intention and create a cultural estate.
- 1.2.4 The City will foster and promote local talent within the creative cultural sector.
- 1.2.5 The City will nourish dynamic and diverse cultural experiences for all levels within the community.
- 1.2.6 The City will build awareness and public engagement in cultural activities.
- 1.2.7 The City will strengthen a diverse economy of cultural resources to maximize their contribution to economic development.
- 1.2.8 All Public Art projects that the City initiates and supports will respect Professional Artists' Moral Rights and Copyrights and will compensate Professional Artists' work in line with or above the Canadian Artists Representation (CARFAC) Minimum Fee Guide.

## 2.0 Process

### Acquisition

- 2.1 Public Art, collected for municipally-owned public space, may be acquired through:
  - Purchase, commission or donation; or,
  - ~~Creation of community art projects.~~
- 2.2 Each piece of art that is being considered for acquisition or donation to the City's Public Art Inventory will be evaluated according to the following criteria:
  - Consistency with the Vision and Guiding Principles of the **Public Art Policy**;
  - Compatibility with Public Art Master Plan and/or Collections Mandate, if established;
  - ~~The quality of the art;~~
  - Artistic merit **and quality of the art**;
  - **Artist's professional standing and/or connection to the community**;
  - **Suitability of the artwork to the site and context**;
  - Suitability of the artwork for public display, including but not limited to public health and safety;
  - Authenticity of the artwork;
  - Condition of the artwork;
  - Maintenance and conservation **costs and** requirements;
  - Ethical and legal considerations regarding ownership;
  - **Donor's standing and no conflict of interest** and,
  - Other criteria established by the City from time to time.

### Purchase or Commission

- 2.3 **Public Art acquisitions are exempt from Pursuant to** the City's Procurement By-law and will follow municipal best practices in Canada as per the processes outlined in the **Public Art Master Plan**.



1. Public Art acquisitions over \$10,000 shall be reviewed by a Public Art Jury except where they are selected through an existing grant program or through the Public Art Application Process. The selected Artist or artwork shall be recommended by the Public Art Jury to City staff.
2. The selection and commissions of Public Art shall involve Artists at the earliest possible stages and be undertaken through a range of fair, open and informed processes.
3. Council and staff, Public Art Advisory Panel members, and all members of a Public Art Jury shall declare a conflict of interest, pecuniary or any other interest, and remove themselves in all cases from any decision regarding the acquisition of Public Art in which they are involved either directly or indirectly.
4. The City may purchase or commission Public Art by the following means:
  - Request for Qualification (RFQ) or Request for Proposal (RFP)
  - Open Call
  - Invited/Limited Competition
  - Direct Commission or Direct Purchase
  - Artist on design team
  - Community Art
  - Artist residencies
  - Direct purchase
  - Alternative approaches
  - Development initiatives

The process used to purchase or commission Public Art will be determined by City Staff, in consultation with the Public Art Advisory Panel, if established.

## Donation

2.4 The City may accept donations of Public Art, subject to **the criteria in 2.2 above and** the following considerations:

- That donations be unencumbered;
- That the City is not required to locate the work of art in a specific location in perpetuity;
- That donated art is accompanied by a maintenance plan prepared by a qualified person;
- That donated art includes funding for the **installation**, maintenance and conservation/restoration of the work being donated, the amount of which will be established as part of an acceptance agreement;
- That funding donations must be free and clear of conditions and restrictions imposed by the donors regarding the City's use of these funds for the City of Greater Sudbury's Public Art Program;
- That maintenance requirements are feasible;
- That there is a safe and appropriate space to display and/or store the art until such time that it will be displayed;
- That, for insurance purposes, the monetary value of the artwork, or appraisal conducted by a qualified person, is provided;
- That the City has permission to display the work under Copyright matters, or that the permission to display the artwork can be established;

2.5 The City may decline to receive a donation of Public Art if it does not meet the above criteria **or other criteria established by the City from time to time.**

## Artist Selection

2.6 The City, in consultation with a Public Art **Jury Advisory Panel, if established,** will consider the following criteria when selecting an Artist:

- The Vision and Guidelines of this Public Art Policy, and the specific aims of the Public Art project;
- Artistic excellence of previous work;
- Professional qualifications;
- **Relevant working** Experience as related to Public Art, project management and working with a design team, project team and/or community group, as **appropriate-relevant to the project.**

## Role of Artist

- 2.7 The role of the Artist may be established by the City on a per-project basis, and may include, without limitation:
- Review of a Public Art project plan;
  - Development of a Public Art vision;
  - Public consultation;
  - Collaboration with the community and City staff;
  - Responsibility to obtain any required permits (e.g. building permit, road occupancy, etc);
  - Research and understanding of local knowledge and experience;
  - Development of a site-specific artwork;
  - Responsibility for delivering a maintenance plan

## Community Art

- 2.8 The City will continue to encourage Community Arts projects as a means to ~~grow public art~~ engage community members in creative pursuits, and to increase local capacity for creative work in the community.
- 2.9 Community Art is an important component of the City of Greater Sudbury's Public Art Program but the administration processes can be more inclusive and flexible for Community Art to reduce unnecessary barriers and regulations for projects that may seek to involve youth, community members and designers in creative work. Therefore, the resulting work may or may not be insured or included in the Public Art Collection and it may not be subject to Artist Moral Rights and Copyrights.

## Public Art Advisory Panel

- 2.10 The City may establish a Public Art Advisory Panel pursuant to the City's Procedural By-law.
- 2.11 The panel will represent the diversity among the city's residents, business, education and its arts and cultural communities. Panel members will be selected with consideration to fair representation of cultural and artistic disciplines, gender, geography, and cultural diversity.
- 2.12 The role of the Public Art Advisory Panel may include advising Council on the following Public Art matters:
- Site selection;



- ~~Artist selection;~~
- De-accessioning;
- Public Art project plan;
- Implementation plan;
- Themes;
- Public Art Master Plan;
- Public Art Policy review.

## Public Art Jury

The City may establish a Public Art Jury from time to time to evaluate and select an Artist or artwork for a Public Art Project or Program. The Public Art Advisory Panel, in part or in whole, may also act as the Public Art Jury. A Public Art Jury will be composed of a majority of art professionals. It will include local citizens and/or experts relevant to the Public Art project or program they are evaluating, but will not include City staff and Council members.

## Site Selection Criteria

- 2.13 Public Art and Community Art will be located in a diversity of sites across all of Greater Sudbury.
- 2.14 The City will coordinate and prioritize sites where capital projects are compatible with a commissioning of Public Art and the projects meet the acquisition criteria established in this policy. ~~are of a high profile~~. Examples of ~~high profile~~ capital projects that may be considered for public art locations include:
- a. New buildings
  - b. Additions to an existing building
  - c. Regional park design or redesign
  - d. Select major infrastructure projects
  - e. Establishment of Gateway Features
- 2.15 The City will encourage or support private landowners to invest in Public Art on their sites where the artwork would help to realize the Public Art Policy Vision and Guiding Principles and the project meets the acquisition criteria and approvals processes.
- 2.16 Sites for Public Art will be selected based on the following criteria:
- a. Accessibility
  - b. Visibility
  - c. Compatibility
  - d. Safety, and
  - e. Maintenance
- 2.17 The City will consider the installation of Public Art at Gateways.

## Lending or Borrowing Public Art

- 2.18 The City may consider third party requests for loans from its Public Art Collection, provided that the borrower guarantees that appropriate standards and terms be met.
- 2.19 The City may secure, on a temporary basis, works of Public Art for display in public spaces, which are not owned by the City. The City will have regard to the Public Art Policy and the Public Art Collections Mandate, if established.

## Legal Graffiti Walls

- 2.20 The City may pass a by-law to regulate legal graffiti walls in certain instances.
- 2.21 Refer to Site Selection Criteria above for review of appropriate locations.

# 3.0 Management of Collection

## Inventory and Maintenance

- 3.1 The City will maintain its Public Art Collection in a good and safe condition.
- 3.2 The City may create and maintain a Public Art Inventory and a Public Art Asset Management Plan.
- 3.3 All Public Art will be catalogued and included in the Public Art Inventory, if established.
- 3.4 The Public Art Inventory will include information on installation, maintenance, correspondence, contractual agreements, research, and other information required.

## Insurance

- 3.5 ~~All permanent, temporary or mobile~~ All Public Art in the Public Art Collection whether works are owned by the City through purchase, commission and/or donation are the property of the City and are insured under the City's Insurance Policy, which has a deductible that may be higher than the art value.
- 3.6 The City may seek additional insurance coverage for specific Public Art.
- 3.7 The City may decide not to insure works of Community Art or works of Public Art under \$5000.

## De-accessioning

- 3.8 Public Art may be de-accessioned by the City.
- 3.9 The City will consider de-accessioning if the Public Art, **in consultation with a qualified person:**
- ~~in consultation with a qualified person~~, has deteriorated or has been damaged beyond conservation efforts or repair;
  - endangers public safety;
  - is considered to be no longer relevant to the collection;
  - is of questionable quality or authenticity;
  - cannot be reasonably maintained, or the security of the art work cannot be guaranteed;
  - is no longer suitable for its current location, and there is no other appropriate location in which to display or store the artwork until such time as an alternate display location is determined; or,
  - no longer meets the terms of the Public Art Policy;
- 3.10 Unless public health and safety considerations require the immediate removal of the Public Art, the City will consult with **the Artist (where available) and** the Public Art Advisory Panel, if established, prior to de-accessioning Public Art.

## 4.0 Administration

### Funding

- 4.1 The City may establish funding for Public Art through the annual budget process.
- 4.2 **The City may establish a Public Art Reserve Fund to hold municipal investments or private donations for the purpose of Public Art Acquisitions and Asset Management.**
- 4.3 Costs associated with Public Art Program include but are not limited to the following:
- Acquisition
  - Repair and Maintenance
  - Honoraria
  - Storage
  - **Project and Program Management**
  - Administration
- 4.4 The City will continue to encourage the development of partnerships, grants and sponsorships from local organizations and businesses to further support the development of Public Art in public spaces.
- 4.4.1 The City will encourage the private sector to develop and grow Public Art in **privately-owned spaces in the public realm.**



## Implementation

- 4.5 The City may establish guidelines and plans from time to time to help implement the Public Art Policy. Without limitation, these guidelines may include:
- Public Art Master Plan
  - Public Art Inventory
  - Public Art Asset Management Plan
  - Public Art Collections Mandate

## Policy Review

- 4.6 This City will review this policy from time to time in a manner consistent with the City's policy review procedures.

## Limitations

- 4.7 The Public Art Policy does not apply to:
- Privately-owned works on private lands ~~or private space~~ that are not City-supported and that do not require City approvals;
  - Public Art or Community Art under \$5000 in value;
  - ~~Community Arts Program (except where they result in the provision of public art);~~
  - Building, Property and Park Naming Policy;
  - Corporate Sponsorship Policy
  - Alteration or Maintenance of Heritage Buildings or Artifacts
  - Matters considered under the Sign by-law
  - Urban Design Features that do not involve an Artist, such as gateways and beautification projects

## 5.0 Glossary

### Definitions

**Community Arts:** refers to collaborations between a Professional Artist and community members in the creation of a new work engaging community in the development process (source: Ontario Arts Council).

~~**Gateway Feature:** public art located at the entrance of a community which contributes to a sense of identity for a community, helping to define community boundaries.~~

~~**Public Art:** art, either permanent or temporary, created by professional artists or in collaboration with professional artists through a public process and existing in publicly accessible property owned by the City of Greater Sudbury.~~

for the purposes of the City of Greater Sudbury Public Art Collection, is an original work in any medium that meets all the following criteria: the work is created by one or more Professional Artists; the work has been planned and executed with the specific intention of being sited or staged in the public realm; and the work has been acquired following the City of Greater Sudbury's established processes.

**Public Art Collection:** shall be defined as the works of Public Art belonging to the City of Greater Sudbury. The Public Art Collection will only include work that is defined as Public Art and that will be maintained and insured by the City of Greater Sudbury for more than one year. The Public Art Collection may include Stand-alone Public Art, Integrated Public Art, Public Art Platforms, Social Practice Art and two-dimensional works of art. It will include Commemorations and Street Art when they are conceived by a Professional Artist. The Collection will not include Temporary Art, Non-sanctioned Public Art, Community Art, Commemorations, Gateway Features and other Public Realm Elements that are not by a Professional Artist.

**Public Realm:** is defined as all privately and public owned spaces, indoors and outdoors, which are generally accessible, either visually or physically, to the public free of charge. Also referred to as Public Places; when referred to as Public Domain it can act a social space, a forum for discussion, a place to reach consensus.

**Public Space:** publicly-accessible property owned by the City of Greater Sudbury

~~**Professional Artist:**~~ a professional who has developed skills through specialized training in the arts discipline and/or through practice, and has significant history of professional public exposure and presentation, is recognized by professional peers and is paid professional fees for service. Short breaks in artistic history are allowed. (Source: Ontario Arts Council)

## ACQUISITION TERMS

**Acquisition:** procuring of Public Art through commission, purchase, donation, gift or bequest.

**Accession:** procedure of acquiring and recording an artwork as part of the Public Art Collection.

**De-accession:** procedure for removing an object from its site and from the Public Art Collection.

**Art Maintenance Plan:** a plan created by the Artist (or by a qualified agent working with the Artist) and agreed by the City at the time of commissioning a work that lays out the process for maintenance and conservation for an artwork that will be included in the Public Art Collection.

**Public Art Jury:** refers to a group of people composed of a majority of art professionals, and including local citizens and/or experts relevant to the art project, that are selected to serve as members of a jury to evaluate an Artist or artwork for selection.

**Copyright:** grants the author of a work the sole right to reproduce, distribute, display, and alter their works of art. It expires 50 years after the Artist's death. It may be assigned or licensed to another individual or institution and/or it may be assigned exclusively or jointly. Copyright also extends to the use of images of the artwork for promotional or educational purposes. Upon commissioning a work, the City should ask an Artist to provide an irrevocable non-exclusive license in perpetuity for the City to reproduce images of artworks for non-commercial purposes.

**Artist's Moral Rights:** includes the right to the integrity of the work in regard to associations or modifications. They include the right to be associated with the work as its author by name, pseudonym or the right to remain anonymous. Moral Rights are non-transferable and endure even after copyright has been assigned. The rights may be waived by the artist agreeing to not exercise them in whole or in part, but this is something that should only be asked for in very specific and rare circumstances. Examples of violation of Moral Rights may include:

- An act or omission performed on the artwork that affects the honour or reputation of the Artist; and
- Changing the colour of the artwork or adorning it with additional elements.
- Taking steps to restore or preserve the artwork would not be included as long as such work is performed in good faith. Also, changing the location of the work does not generally constitute a violation, but in the case of works of public art, the exact siting may be considered part of the work, so this should be clarified in the contract.



## PROFESSIONAL ARTIST TYPES

- Established Artist:** an Artist who has an extensive body of work, a history of national and/or international presentation and who has achieved wide recognition by their peers.
- Emerging Artist:** an Artist in the early years of their career who may have had some previous professional exhibitions, commissions, presentations or installations.
- Local Artist:** an Artist who lives or works in the City of Greater Sudbury, or who can demonstrate a strong connection to the City of Greater Sudbury.

## PUBLIC ART CATEGORIES

- Stand-alone Public Art:** a work of Public Art that is not a physical part of a building, structure or landscape.
- Integrated Public Art:** forms a physical part of a building, structure or landscape. If the site were to be redeveloped, the art would be as well.
- Temporary Public Art:** created for a specific occasion, specific time frame or event and which is situated at a particular site on a temporary basis.
- Public Art Platform:** a place and/or infrastructure in the Public Realm that is reserved for a rotating exhibition of artwork. An art platform can take many forms including a physical podium (e.g. Trafalgar Square's fourth plinth), a sanctioned street art wall or a digital screen. An art platform could be dedicated exclusively to Public Art or shared with other content (e.g. transit ad space used for Public Art programming). To ensure success for an art platform, there should be a plan for regular funding or an endowment in place for new works of art before it is established.
- Commemoration:** a work that is designed to honour a particular idea, individual or to commemorate a particular event. If a Commemoration is created by a Professional Artist and sited or staged in public space, it may also be a work of Public Art.
- Street Art:** an urban style of temporary art on walls, sidewalks and roadways that is sanctioned and permitted. It is distinct from graffiti which is not-sanctioned or permitted and is a form of vandalism.
- Social Practice Art:** work that is led and conceived by a Professional Artist, but that may involve community members in its development or creation. Social Practice Art is a type of Public Art and would therefore be subject to Copyright and Moral Rights considerations.
- Public Realm Elements:** artistic elements in the Public Realm, that may or may not also serve a functional purpose, that are not conceived or created by a Professional Artist.
- Non-sanctioned Art:** is work that did not follow the City of Greater Sudbury's established Public Art processes. Therefore, such works are not sanctioned and are not included in the Public Art Collection.

## ACQUISITION METHODS

**Artist on Design Team:** Artists can be contracted to collaborate with architects, engineers and designers during the early stages of the design of a building, infrastructure or master plan. As a member of the design team, the artist can contribute to the overall design process, may identify specific opportunities for integrated artwork, or be responsible for a distinct area of design in consultation and coordination with the other team members. An Artist should be selected based on the quality of their work, but also their experience and desire to work in a collaborative way. Artists should be compensated for their time to attend meetings and develop their ideas. They may also be responsible for a distinct art budget, or they may be asked to contribute ideas that fall within the full project budget managed by the prime consultant.

**Artist Proposal Call:** Artists are asked to develop a proposal that includes their art ideas, budget, schedule and team. Artists shortlisted for a proposal are paid a stipend to cover some or all of the proposal costs. The call may be open, invited or limited.

**Artist Credential Call:** Artists are asked to submit examples of their previous work, answer why they are interested, and how their art practice is suited to the opportunity. The call may be open, invited or limited. This may be the first stage in either a proposal call or interview selection process.

**Artist Interview Selection:** A final selection of an Artist from those who are invited or shortlisted from a credential call, may be selected through an interview process based on their previous works, their suitability and approach to the opportunity.

**Artist Residency:** A residency is when an Artist works closely with a host organisation or a community, often over an intensive period of time, to create artwork. Artists can be invited to reside on a full or part-time basis and in some cases accommodation or studio space is offered. Artists for a residency are typically selected through a credential call and/or interview selection process.

**Artist-initiated:** At certain times, Artists may propose their own ideas for Public Art projects, or they may be invited to propose an idea for a Public Art project without a defined site and parameters. An Artist-initiated call could ask Artists to respond to a specific topic of community interest or importance; encourage Artists to address topics that motivate their work; or ask for proposals within a large park or neighbourhood but with no specific site selected.

**Artist Mentorship:** is an opportunity for an Emerging Artist to work with an Established Artist, on a project relevant to their area of work and interest. Mentee Artists should be selected by the Established Artist together with an art professional or administrator. Both the mentor and the mentee should be duly compensated for their time. The goal is to develop productive matches that help to develop Emerging Artists' professional skills and experience.

**Curated Selection:** will involve a Curator using their expertise and knowledge of Artists' practice to select one or more Artists for a Public Art opportunity.

## APPENDIX D: PUBLIC ART ADVISORY PANEL TERMS OF REFERENCE - SUGGESTED UPDATE

DRAFT July 2023

### **Mandate:**

To advocate for the public art program with Council, citizens and potential partners.

To advise Tourism and Culture Services staff and Council on the Public Art Program including:

- Reviewing public art policies and plans to provide advice to staff in advance of reports to Council; and
- Reviewing and giving staff feedback on public art program activity.

### **Membership:**

To fulfill the mandate, the Public Art Advisory Panel (PAAP) will have no fewer than 5 members and no more than 7, comprised of broad representation of the arts and culture sector, including representation from, but not limited to:

- Indigenous, Anglophone and Francophone people
- Independent artists and arts/cultural/heritage organizations
- Variety of artistic disciplines present within the City
- Private, not-for-profit, education and public sector
- Professional, emerging, community and commercial arts
- Geographical dispersion across the City of Greater Sudbury

In addition to the members outlined above:

- One or two Councillors may be appointed. They will be responsible for advocating for the Public Art Program with Council, stakeholders, staff and residents.
- A maximum of two further members of the City of Greater Sudbury staff may sit on the panel. These members should have relevant knowledge and interest in contemporary art and/or the public realm, but they should not also be members of the Interdepartmental Public Art Working Group.

Care should be taken in formulating the PAAP composition to ensure participation by a range of diversity in the areas of gender, ethnicity, age, and abilities, as well as geographic location within Greater Sudbury.



**Operations:**

A Chair and Vice-Chair will be appointed from among the citizen members.

Meeting material will meet AODA standards and reasonable accommodations will be offered.

Meetings to be either remote or hybrid (a combination of in-person and remote).

**Time Commitment:**

The PAAP will meet quarterly, with meetings for the full year scheduled in September. Extra meetings may be at the call of the Chair.

**Term:**

Terms will be three-years and staggered so that there will always be new perspectives and institutional knowledge.

City of Greater Sudbury

# Public Art Application



## Planning Services

200 Brady Street, Tom Davies Square  
Sudbury, ON P3A 5P3

T: (705) 674-4455 Ext. 4295  
F: (705) 673-2200

# PUBLIC ART APPLICATION GUIDE

## APPLYING FOR FRONT-ENDING AGREEMENT

The City of Greater Sudbury has adopted a Public Art Policy. The policy has been developed to provide guidelines and outline policies for a coordinated approach to Public Art and Community Art on properties under the jurisdiction of the City of Greater Sudbury. The policy can be read in its entirety here:

<https://www.greatersudbury.ca/play/arts-culture-and-heritage/public-art/pdfs-public-art/public-art-policy/>

### A Public Art Approval is required for:

1. New Public Art and Community Art projects on rights of way, parkland or other property under the jurisdiction of the City of Greater Sudbury;
2. Art projects on private property where municipal approvals are required, i.e.: noise, emergency personnel, etc;
3. Legal graffiti walls;
4. Donations of art to the City.

Public Art and Community Art applications by the donor, artist and/or production company will be accepted by the Public Art Curator] and channeled through the necessary City departments for review through the Interdepartmental Public Art Working Group.

All applications should be submitted via email to [publicart@greatersudbury.ca](mailto:publicart@greatersudbury.ca).

The purpose of this application process is to confirm the appropriate approvals and that the applicant has the funding in place required for the project. This process may also identify required drawings, supporting studies and reports that are necessary for the application(s) to be deemed complete. The applicant is also providing the opportunity to find out the policies which apply to the project, processing timelines, as well as potential areas of concern. The applicant is advised that the Interdepartmental Public Art Working Group will review complete applications quarterly for compliance and merit, based on Public Art Policy criteria. They may also seek external advice depending on the artwork location and content.

For applications that successfully pass the screening process, the Tourism and Culture Section will complete the Public Art Project Understanding form which will be signed by relevant City staff and the Applicant. This form will set out any additional information requirements, based on the information then available. The Applicant may, for example, be asked to provide supporting documentation and materials in support of the application, or evidence of required third-party approvals. Additional terms, requirements or conditions may be imposed as the application moves through the approval process. Where an applicant fails to comply with and/or satisfy the criteria outlined in the Public Art Policy, the City of Greater Sudbury reserves the right to reject the proposal, or if it was previously approved, to terminate the approval.

The City of Greater Sudbury also reserves the right to not display, to remove from display, or to otherwise deaccession public art, as set out in the Public Art Policy.

There is no charge for the application, however, all out-of-pocket expenses and fees related to the use of municipal properties and services are the responsibility of the applicant. These may relate to training, parking, roads, facilities, parks, insurance, equipment, or additional staffing such as janitorial, security and site preparation.

**NOTE: All initial comments and direction offered by City staff and outside agencies are preliminary and based solely on the information available at the time of the initial application. Additional information may be required during the processing of the application.**



# City of Greater Sudbury PUBLIC ART APPLICATION

## For Office Use Only

Date Received: \_\_\_\_\_ File Number: \_\_\_\_\_

Circulation Date: \_\_\_\_\_

Comment Deadline: \_\_\_\_\_

## Applicants must submit the following information to the Tourism and Culture Section

**1. Name of Applicant (Artist, Team, Donor or Agent)** \_\_\_\_\_

Telephone Numbers \_\_\_\_\_

Home \_\_\_\_\_

Mailing Address \_\_\_\_\_

Business \_\_\_\_\_

City \_\_\_\_\_ Postal Code \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

## 2. Type of Public Art Application?

New public art on City property  Art requiring City approvals  Legal graffiti wall  Art donation

## 3. For new public art on City property, art projects requiring City approvals, and art donations please submit the following:

- Artist and artwork name and artwork concept (submit preliminary sketches/maquettes/ideas/themes/materials or photos of existing art) or, where an artist is not yet selected, outline the artist/artwork selection process
- Proposed location (with pictures) – Note: the City prioritizes sites that are safe, accessible, visible, compatible with proposed artwork.
- Proposed Public Art Project Plan (dates and time for installation, team and needs:electrical, water, lighting, washroom, road occupancy)





#### **4. For legal graffiti walls, please submit the following:**

- Specify if it is a City-owned Property or if not, provide the Property/building owner name and contact information
- Proposed graffiti wall location (with pictures) – Note: the City prioritizes sites that are safe, accessible, visible, compatible with proposed artwork.
- Proposed maintenance plan (e.g. quarterly maintenance, twice a year, , duration of work, funding)
- Matters of copyright (See Part C: Image Use Permissions.)

#### **5. For Donations of Public Art to the City, please submit the following:**

- Title of piece
- Name of artist
- Name of donor (and indicate whether the donor wishes to remain anonymous)
- Monetary value of artwork
- Recommended location for display (if applicable)
- Include maintenance plan (materials, media)
- Amount of funding to be donated for the installation, insurance, maintenance and conservation/restoration of artwork
- Matters of copyright (See Part C: Image Use Permissions)
- Artist statement (include limitations)
- Provenance (e.g. proof of purchase)
- Any other additional information and documentation as may be required by the City to process the application.

#### **6. The additional information may also be required. You will be advised by the City which, if any, of the following are required:**

- An artist resume or CV and examples of artist's previous work
- An artist concept statement and overall concept drawing (plan and elevation) and/or rendered 3D presentation drawing showing the work
- A site plan with building and grade elevation showing the placement of the proposed artwork
- An installation plan with stamped engineering drawings, where applicable (details of foundations or attachments)
- Suggested plaque wording and translations
- Proposed budget and funding sources
- Consultation plan
- Proof of insurance
- Proof of completion of the City's health and safety training
- Road Occupancy Permit
- For art on private land, permission from the Property owner
- Matters of copyright (See Part C: Image Use Permissions).
- Evidence of the value of the proposed artwork (appraisal for existing work and/or contract draft showing contract value and payment schedule)
- Maintenance plan (including frequency and anticipated costs of maintenance and description of materials)
- Any other additional information and documentation as may be required by the City to process the application.

**If there is any additional information which may be relevant to the request and which should be considered by the City in reviewing this application, please attach outlining the particulars of same.**

**NOTE: If this application form is not fully completed, signed and submitted with the required supporting documentation it will not be considered by the City.**



# PART B: APPLICANT ACKNOWLEDGEMENT AND CONSENT

I/We, \_\_\_\_\_ (please print all names), the applicant of the public art project(s) described as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

in the City of Greater Sudbury:

### Collection, Use and Disclosure of Information:

- a. acknowledge that personal information collected on this form is collected pursuant to the Municipal Act, 2001, R.S.O. 1990, c.P.13 for the purpose of processing this public art application;
- b. grant the City permission to reproduce, in whole or in part, the application and Supporting Documentation for internal use, with the purpose of review and implementation of the application;

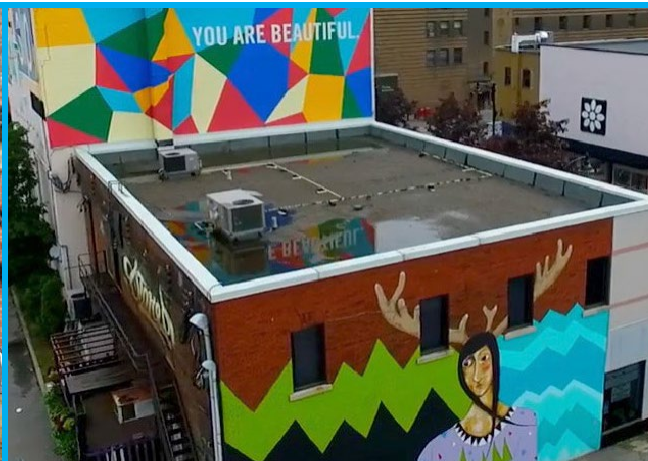
### Authority to Enter Land and Photograph

- c. grant the City permission to attend, photograph and conduct inspections of the lands subject to this application as part of the City's review and processing of this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(witness) signature of Applicant

Print Name: \_\_\_\_\_



# PART C: APPLICANT DECLARATION

I/We, \_\_\_\_\_ (please print all names), the applicant for the public art project(s) described as \_\_\_\_\_

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in the City of Greater Sudbury:

solemnly declare that all of the statements contained in this application and in the Supporting Documentation are true and complete, and I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

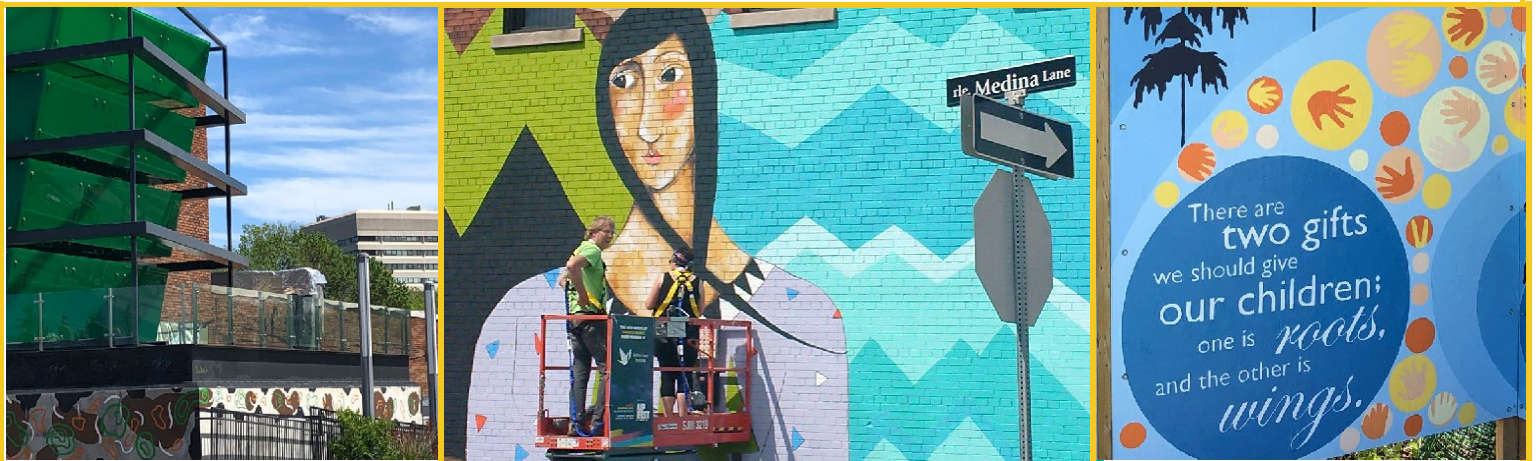
Commissioner of Oaths \_\_\_\_\_

Signature of the Applicant \_\_\_\_\_

Print Name: \_\_\_\_\_

## NOTES:

- Questions regarding the collection of personal information should be directed to the Manager of Strategic and Environmental Planning, City of Greater Sudbury, 200 Brady Street, Sudbury, ON, P3A 5P3
- Where an applicant is not the artist or artist team, the applicant must be authorized in writing by the artist(s) to act on their behalf or in the case of existing artwork, to hold a proof of purchase and/or copyright to the work. Unless otherwise requested, all communication will be sent to the applicant.
- Where an applicant is not the Property owner, the applicant must be authorized in writing by the Property owner on their behalf. Unless otherwise requested, all communication will be sent to the applicant.



## PART D: IMAGE USE PERMISSION

The Copyright Holder of the Public Art piece(s) listed in the table below grants the City of Greater Sudbury permission to do the following (checked items only):

Use images of the public art piece(s) in all media including but not limited to print or online publications for commercial and non-commercial purposes. Protection of Privacy Act.

Allow others to use images of the public art piece(s) in all media including but

not limited to print or online publications for non-commercial

purposes only.

Identification #	Public Art Piece Description

I (We), \_\_\_\_\_, hold copyright for the public art piece(s)

Name of Copyright Holder (Printed) \_\_\_\_\_

listed in the table above, agree to the terms laid out in this agreement.

\_\_\_\_\_  
Signature of Copyright Holder(s) \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of City Representative \_\_\_\_\_  
Date





**Protection of Privacy Act.**

## APPENDIX F: MUNICIPAL PUBLIC ART FUNDING COMPARISON CHART

<b>Ontario</b>	<b>City budget for public art</b>	<b>Population</b>
Sault Ste. Marie	Various arts and culture projects, but no specific public art program/policy/funding	13,000
Timmins	Various arts and culture projects, but no specific public art program/policy/funding	41,000
North Bay	Funding may be through Growth Community Improvement Plan - Downtown Target Area	53,000
Waterloo	1% (City & Region, Region population is 535,000)	99,000
Thunder Bay	1%	113,000
Kingston	up to \$250,000 per year	132,000
Barrie	1% (projects over \$1 million)	159,000
Greater Sudbury		165,000
Peterborough	1%	184,000
Burlington	\$200,000-\$250,000 annually	197,000
Richmond Hill	1.5% (projects over 500 sqm)	202,000
Kitchener	1% (projects over \$100,000)	257,000
Windsor	1% (considered on selected capital)	340,000
Markham	\$250,000 annually (plus 1% of capital budget for major projects)	360,000
Oshawa	\$89,000 annual investment (of which \$9,000 is for maintenance)	406,000
London	1%	515,000
Hamilton	per project funding, contact for annual average	570,000
Mississauga	\$100,000-\$200,000 annually, plus specific projects	718,000
Ottawa	1% (projects over \$2 million)	1,423,000
Toronto	\$250,000 annually (plus 1% for relevant projects)	6,313,000
<b>Other provinces</b>	<b>City budget for public art</b>	<b>Population</b>
Moncton, NB	1%	79,000
Rouyn-Noranda, QB	unclear from website, contact for info	42,000
Montreal, QB	1% of public buildings	1,763,000
Saskatoon, SK	1% of selected capital projects over \$5M in budget, up to \$500,000 for art	283,000
Banff, AB	Various arts and culture projects, but no specific public art program/policy/funding	9,000

Note: where percentages are mentioned, this is calculated on construction costs, but not on land and servicing costs.