

Elements of a Public Art Policy
Planning Services Division
Report Date: April 23, 2018

Background

City Council passed the following motion on October 17, 2017:

“WHEREAS a strong public art program fosters creativity and innovation in a community;

AND WHEREAS public art animates the public realm through activities that benefit artists, residents and visitors alike;

AND WHEREAS public art enhances public spaces, architecture and landscapes;

AND WHEREAS a formal public art policy will encourage the creation of public art with both public and private development;

AND WHEREAS public art installations are currently being dealt with on an ad-hoc basis;

AND WHEREAS a public art policy is required to provide consistent standards regarding choosing locations, and the installation and maintenance;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury direct staff to prepare and present a report on a suggested policy for public art for our City by March 1st, 2018 for the consideration of this Council.”

Purpose

The purpose of this report is to present elements that would be included in a public art policy for Council's consideration, and subject to Council's further direction, prepare a policy for approval by September, 2018.

Current Status

Public art is present throughout the municipality. Examples of public art include the Big Nickel, the Miners' Memorial at Bell Park, the Stompin' Tom statue at the Sudbury Community Arena, murals, paintings located throughout municipal buildings, among other examples. Council's recent motion recognizes that the acquisition of public art has mostly been done on an ad hoc basis. There

currently is not a policy governing the commissioning, acquisition, maintenance, or the financing of public art.

The City has highlighted the need for public art, and for a public art policy, in recent policy documents, namely, the Downtown Sudbury Master Plan, and more recently, the Greater Sudbury Cultural Action Plan.

Downtown Sudbury Master Plan

The City's Downtown Sudbury Master Plan, received and endorsed by Council in April, 2012, identifies a public art strategy (project 49) as a Beauty and Pride project (See Reference 1). Specifically, project 49 states:

"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 regreening, 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."

Greater Sudbury Cultural Action Plan

The City endorsed the 'Greater Sudbury Cultural Plan 2015-2020' ('Cultural Plan') in April, 2015 (See Reference 2). The Cultural Plan produced four pillars: Creative identity; Creative People; Creative Places; and, Creative Economy.

The Cultural Action Plan, an accompanying document, provides goals and actions under each of the four pillars (See Reference 3). Goal #4 under the Creative Places pillar states the following:

- '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'

The Cultural Action Plan also identified a series of potential initiatives related to public art:

- "4.1 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

- 4.2 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
- 4.3 Form a public art jury to evaluate artists' submissions
- 4.4 Pilot the public art program with smaller functional pieces
- 4.5 Partner with organizations to display artwork on a rotating basis in public spaces and local institutions."

Council further supported the creation of a Cultural Action Committee (CAC), which reports to the Greater Sudbury Development Corporation, and acts as a leadership group for the implementation the Cultural Plan.

The CAC established a Public Art Subcommittee, which first met in October, 2015. The subcommittee discussed the following items:

- scope of a public art policy;
- short and long term goals of policy;
- process regarding acquisition, juries;
- current inventory of public art in Greater Sudbury;
- curating and safeguarding of municipal collections;
- review of best practices;
- next steps and timelines.

The discussion at the subcommittee level helped focus the municipal scan of best practices. The considerations raised at the subcommittee level, and through the municipal scan, were discussed with an internal staff team, with the public at key events such as the annual Cultural Forum, and should be reflected in a public art policy for the City of Greater Sudbury.

Elements of a Public Art Policy

Based on direction from Council, and informed by the Downtown Master Plan, the Cultural Plan and Action Plan, and discussions with the Public Art Subcommittee, staff conducted a scan of public art policies from comparable municipalities including Barrie, Calgary, Kingston, Waterloo, London, Ottawa, Peterborough, Kitchener, Waterloo, St-Catharines, Thunder Bay, and Toronto.

Common elements of the municipal scan of public art policy include:

1. Vision
2. Process and Protocol
3. Management of Collection
4. Administration
5. Glossary

The following sections outline each element and identify possible directions of a public art policy. These options are based on successful practices in comparable municipalities. Staff recommends that the policy be designed to be flexible, since it would be a new service provided by the City.

1. Vision

Public art policies such as those for Kingston, Barrie and Burlington establish both a vision and guiding principles. The City of London's Public Art policy establishes a series of policy statements. It is recommended that the City of Greater Sudbury use its Cultural Plan as both the basis of its vision and guiding principles.

Greater Sudbury's Cultural Plan's vision highlights the importance of geographic landscape, the multicultural history of the region and of our individual communities. Specifically, the vision states: "Greater Sudbury is a Northern cultural capital celebrated from coast to coast to coast for its artistic excellence, vibrancy and creativity. Sudbury's diverse cultural sector helps breathe life into the entire community through a range of programs and events which showcase the immense talent of local artists who draws inspiration from the land, and the rich multicultural heritage of the region."

As noted above, the Cultural Plan provides four pillars for strategic direction: creative identity; creative places; creative people; and, creative economy. The vision and guiding principles should be modified as necessary for a public art policy context, and prompted throughout the policy, for example: when selecting a site, selecting an artist, or determining whether to accept a donation.

2. Process and Protocol

Public art policies help define consistent standards. Process and protocol sections outline how art can be acquired, how the City will select sites, select artists, lend or borrow art.

Acquisition

It is recommended that a public art policy rely on the City's procurement by-law. Through the City's procurement by-law, the City could purchase or commission public art by open call, invited/limited competition, direct commission or direct purchase, artist on design team, or community art. The policy would allow the City to acquire public art by donation and by the creation of community arts projects. Comparable means to acquire public art is found in Barrie and Burlington.

Barrie's public art policy sets standards by which it acquires public art. For Greater Sudbury, these standards could include the following:

- Consistency with the vision and guiding principles of the public art policy (taken from the Cultural Plan);
- Compatibility with the Public Art Master Plan and/or Collections Mandate, if established;
- The quality of the art;
- Artistic merit;
- 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 requirements;
- Ethical and legal considerations regarding ownership; and,
- Other criteria established by the City from time to time.

Barrie's public art policy also sets standards by which it receives donations of public art. For Greater Sudbury, these standards could include the following:

- 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 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;

Having policy in this regard would also give the City clear direction as to when to decline to receive donations of public art.

Establishment of a Public Art Advisory Panel

Municipalities such as Kingston make use of a Public Art Advisory Panel (PAAP). It is recommended that a public art policy enable the City to form a PAAP. The policy would rely on the City's procedural by-law. If and once established, the

PAAP could advise on site selection, artist selection, project plans, the public art implementation plan, policy review, etc.

It is recommended that such a panel would represent the diversity among the city's residents, business, education and its arts and cultural communities. Staff recommends that panel members be selected, similar to when the City selects art jurors, with consideration to fair representation of cultural and artistic disciplines, gender, geography, and cultural diversity.

There may be situations where a Public Art Jury may be more appropriate. For example, the City may seek to form a jury to help select an artist and/or art piece to commemorate a special event, or have the jury sit for a short amount of time. The public art policy should therefore enable the City to form a public art jury from time to time.

Site Selection Criteria

Burlington's public art policy sets out a process whereby the City coordinates and prioritizes sites through the capital project planning process. The City of Greater Sudbury could require new public art for the following capital projects:

- New buildings
- Additions to an existing building
- Regional Park Design or Redesign
- Select major infrastructure projects
- Establishment of Gateway Features

Staff further recommends that the City prioritize sites based on the following criteria:

- Accessibility
- Visibility
- Compatibility, and
- Safety

Artist Selection Criteria

The City, in consultation with the Public Art Advisory Panel, if established, should 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

Role of artist

Municipalities such as Calgary require the artist, once selected, to engage with the community, and undertake public consultation, in the development of site-specific artwork. The City of Greater Sudbury should also employ this method when appropriate.

Staff recommends that the role of the artist be established by the City on a per-project basis. Specific duties could include, without limitation:

- Review of public art project plan;
- Development of 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 site-specific artwork;
- Responsibility to obtain a maintenance plan;

Lending Public Art

The public art policy could establish standards by which the City can consider loan requests of its public art collection. Similar to Burlington's Public Art Policy, Greater Sudbury's policy could also provide guidance when the City is considering borrowing works of art for public display.

Legal Graffiti Walls

Legal graffiti walls are increasing in popularity across the province as graffiti abatement programs (e.g. Ottawa, Gatineau, Toronto). Municipalities approach legal graffiti walls in several ways. One way is to specifically identify which walls are legal and to set standards regarding the maintenance of these walls (e.g. walls will be painted four times a year).

Another way to regulate graffiti is to legalize it after it is installed. For example, the building owner would present graffiti to an advisory panel to officially recognize and legalize the art (i.e. a graffiti permit/certificate is obtained).

Typically, as in Greater Sudbury, graffiti is subject to the municipality's property standards by-law (e.g. graffiti is to be removed within a number of days of receiving a notice). The public art policy could introduce the idea of legal graffiti walls, given that the City could permit it under specific circumstances by amending its property standards by-law, accompanied with specific departmental programming elements.

3. Management of Collection

Public art policies set out standards for the inventory and maintenance, insurance, and removal, of public art (e.g. Barrie). These policies envision that the municipality may have both a Public Art Inventory (e.g. Burlington) and a Public Art Asset Management Plan. This means that each art piece would be catalogued, and would have information such as the maintenance plan and schedule tied back to the art. This information would also be useful for insurance purposes.

A public art policy should also provide direction on the removal, or de-accessioning, of public art. Typically, municipalities remove public art from the public domain if the art poses a health and safety risk, if the art is damaged beyond conservation efforts or repair, no longer suitable, etc.

4. Administration and Financing

Administration sections of public art policies usually prompt annual funding for public art, established through the annual budget process. These sections also consider that the municipality may establish further plans and guidelines, such as a public art master plan, to guide the acquisition of public art in the community.

Waterloo, Barrie, and London, for example, have established a Public Art Reserve Fund. In London's case, annual funding is allocated to the fund for the purchase, commission and donation of public art. An annual drawdown of up to 10% is permitted for the administration of the policy. This reserve fund also accepts funding donations from the community.

In Kingston, staff recommended (in 2015) that public art be a regular line item on an annual basis as part of the capital budget commencing in 2016, rising on an incremental basis to reach a target of \$250,000 annually by 2019. Further to this, staff recommended an allocation of \$125,000 as part of the annual operating budget to implement three focus areas of the public art program: Temporary Public Art, Street Art and Public Art Platforms; Community Arts, Public Engagement and Education; and, Artist and Arts Sector Development.

The City of Toronto employs the "Percent for Public Art" principle. This is a common practice found within numerous public art programs throughout North America. The recommended minimum public art contribution for a development is based on one percent of the gross construction cost of that development. This 1% budget includes all of the various costs associated with the commission, administration, etc of acquiring public art.

5. Glossary

A glossary provides definitions of select terms used throughout the policy. Where a term is not specifically defined, the normal meaning of the word is to be applied. Staff recommends the inclusion of a glossary to clarify the intent and desired outcomes of the public art policy.

Proposed Consultation Strategy

Once a draft policy has been prepared, Staff would seek direction to commence focused public consultation on the proposed public art policy. Staff proposes an online and paper format consultation strategy (including at Libraries and Citizen Service Centres), coupled with focused one-on-one stakeholder consultation with local artists and community groups interested in public art.

Summary and Recommendations

Council directed staff to prepare and present a report on a suggested policy for public art. Staff undertook a municipal scan, based on recent City-endorsed plans and discussions with the Public Art Subcommittee and community (Cultural Forums).

Staff has found that the following elements have been included in most municipal public art policies:

1. Vision
2. Process and Protocol
3. Management of Collection
4. Administration and Financing
5. Glossary

The above considerations should be included in a Public Art Policy, and augmented as described in more detail in this report. Staff will, if approved, return in September 2018, with a Public Art Policy for Council's consideration.

References

1. Downtown Sudbury Master Plan
http://www.greatersudbury.ca/content/div_councilagendas/documents/Attachment%20B.pdf
2. "Greater Sudbury Cultural Plan 2015-2020"
<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=13466.pdf>

3. "Greater Sudbury Cultural Action Plan"
[http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file
&attachment=13438.pdf](http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=13438.pdf)