

<b>City of Prince Albert Statement of POLICY and PROCEDURE</b>			
Department:	Community Services	Policy No.	
Section:		Issued:	
Subject:	<b>Public Art Policy</b>	Effective:	
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Issued by:	Judy MacLeod Campbell, Arts & Cultural Coordinator	Dated:	July 4, 2016
Approved by:			

## **1 POLICY**

1.01 Aligned to the City of Prince Albert's Strategic Plan, Official Community Plan, Municipal Cultural Action Plan, and Civic Arts Policy, The City recognizes the benefits of a Public Art Policy to address the acquisition and management of Public Artwork in public spaces. The goals of the City of Prince Albert's Public Art Policy are to:

- Build a visually rich environment;
  - Inspire community belonging and memory, enhancing quality of life and place;
  - Tell the story of and highlight the rich heritage including First Nations and Metis and the diverse cultural make up of Prince Albert;
  - Encourage the placement of public art throughout our City including large scale developments and residential neighbourhoods, identifying the unique character and/or history of that neighbourhood;
  - Offer an engaging option for commemoration of individuals, groups or events;
  - Provide art opportunities that are freely accessible to all;
  - Play a role in attracting, nurturing, and retaining creative businesses and workers, including artists;
  - Provide creative opportunities and recognition for Prince Albert, Saskatchewan, as well as Canadian and International Artists;
  - Strategically seek donors and funding opportunities for Public Art;
  - Serve as a catalyst to economic development and tourism;
  - Encourage public involvement, connections, and appreciation of the arts and cultural interaction; and,
  - Develop a City wide, including neighbourhoods, Public Art plan that considers various criteria.
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## **2 PURPOSE**

- 2.01 The purpose of the Public Art Policy is to provide a standardized and transparent process for the acquisition, placement, maintenance, relocation and de-accession of Public Art; and provide a sustainable funding model for the management of Public Art in Prince Albert.

## **3 SCOPE**

### **3.01 Funding**

The City of Prince Albert is committed to the long-term development of Public Art and will provide adequate funding for a Public Art Reserve Fund, including costs for planning, maintenance and acquisition. Specifically, the City will ensure that:

- a. The Public Art Reserve Fund and any interest it earns will be used for the provision of public art projects.
  - b. The Public Art Maintenance portion of the Reserve Fund will be used for the ongoing maintenance of public art projects, as well as for planning and acquisition of public art.
  - c. Of the annual budget to the Public Art Reserve Fund, 90% will be allocated for new Public Art and 10% for Public Art maintenance, planning & acquisition costs.
  - d. The annual budget may be carried over into future years in the Public Art Reserve Fund, i.e. to plan for a larger acquisition.
  - e. The Public Art Reserve Fund will be funded through an annual General Fund budget allocation of \$30,000.00.
  - f. In response to a significant community event or anniversary, City Council may consider a capital budget request for a major public art commission, community based public art projects, or to purchase an existing artwork. Commemorative public art such as monuments should have an artistic intent.
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### 3.02 Donations of Public Art

Donations of Public Art or funds for Public Art to the City of Prince Albert will be accepted subject to adjudication and recommendation by the Public Art Committee in consultation with City Department(s), and approval by City Council. Donors are recognized appropriately and are eligible to receive a charitable tax receipt for the fair market value of the artwork, as determined by a qualified independent appraiser at the expense of the donor.

### 3.03 Third Party Organization Public Art Initiatives

Third party organization public art initiatives will be subject to adjudication and recommendation by the Public Art Committee in consultation with City Department(s), and approval by City Council. Agreements will be developed with the City of Prince Albert regarding ownership, installation, and maintenance as recommended by the Public Art Committee and/or City Departments.

### 3.04 Encouraging Private Sector Public Art Initiatives

The Public Art Policy encourages the private sector to support the integration of public artworks into the community. This may be achieved through the inclusion of artworks in new and existing developments, gifts of artwork to the municipality, sponsorship of art production, and partnerships with Artists and community organizations. The care and maintenance of private artwork is the responsibility of the owner. Joint private and public projects may also be considered.

## 4 RESPONSIBILITY

### 4.01 Public Art Committee

- a. Facilitate the formation of a public art plan, outlining the priorities for Public Art in the City of Prince Albert based on the purpose, goals, and procedures of this policy.

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- b. Adjudicate and recommend works of art including commissions, purchases or community based projects, for which the funding has been approved according to the criteria outlined in the Public Art Policy to City Council for approval.
  - c. Depending on the Public Art being adjudicated, the Committee may request a non-voting art-specific outside expert or peer jury to provide advice.
  - d. Review offers of donations of works of art or third party Public Art initiatives based on the goals and procedures of this Public Art Policy and make a recommendation to City Council for their approval.
  - e. Provide a recommendation to City Council on the relocation or de-accessioning of public artworks as the committee deems necessary.
  - f. Assist in promoting and educating the public about the City's Public Art Policy including its purpose and goals, and about the City of Prince Albert's Public Art Collection.
  - g. Administer and oversee the budget assigned by City Council, and the Public Art Reserve Fund and Public Art Maintenance Reserve Fund.
  - h. Review and when necessary propose amendments to this policy, at least every four years.
- 4.02 City Council
- a. Approve the development of the Public Art Committee and its responsibilities as described in this policy (section 4).
  - b. Appoint the Public Art Committee each year (see Terms of Reference in Appendix 1).
  - c. Approve amendments to this policy based on a review and recommendations from the Public Art Committee.
  - d. Approve the yearly budgets for the acquisition and maintenance of public art as described in this policy (section 3).
  - e. Receive and resolve recommendations on the acquisition, relocation and/or de-accessioning of public art from the Public Art Committee.
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- 4.03 Community Services Department and Other Civic Departments
- a. Facilitation and Administration support to the Public Art Committee.
  - b. Maintain the Public Art Inventory as outlined in this policy.
  - c. Assist to ensure links to applicable City of Prince Albert plans are made, such as the Official Community Plan and Culture Plan.
  - d. Ensure there are public awareness and marketing plans and activities regarding the City of Prince Albert Public Art Policy and Public Art Collection.
  - e. Develop and maintain partnerships to implement public art projects.
  - f. Negotiate public art agreements on behalf of the City of Prince Albert.
  - g. Ensure there is insurance for Public Art.
  - h. Work with key stakeholders to implement public art installation and celebration ceremonies.
  - i. Contribute updates to the OCP, Culture Plan, and Community Services Master Plan as recommended.
- 4.04 City Manager
- a. Ensure that all City departments comply with the Public Art policy funding and procedures.
  - b. Allocate personnel and other resources to the program.
  - c. Promote the Public Art Policy with private developers.
  - d. Report Public Art projects in the city's Annual Report.
- 4.05 City Solicitor's Office
- a. Provide legal advice regarding agreements, public exhibition rights, copyright legislation and intellectual property rights.

## **5 DEFINITIONS**

- 5.01 Public Art – for the purpose of this Policy, public art is defined as an artwork created by an artist and acquired by the City with the specific intention of being sited on or staged in municipally owned public space, or in mutual public/private spaces, indoors and outdoors. Works of public art may be:
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- permanent acquisitions;
- temporary installations;
- functional such as street furniture and utility covers as designed by an artist; or
- creations using any material or any combination of media, including but not limited to sculptures, murals, paintings, drawings, textiles, sound and light installations, new media and performance.

- 5.02 Artist – an individual recognized by his/her peers, critics and other art professionals as committed to creating works of art.
- 5.03 Acquisition – refers to the process of accepting an artistic work into the City’s collection of Public Art through purchase, commission, donation, or third party agreements.
- 5.04 Copyright - in accordance with the Copyright Act, the City acknowledges the artist as full owner of copyright including moral rights and will negotiate the transfer of certain rights through individual artist contracts.
- 5.05 De-accession - the formal process to permanently remove an object from the Public Art Collection.
- 5.06 Public Art Committee - a City Council appointed body that adjudicates and advises on aspects of public art on behalf of Administration and City Council.

## **6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

- 6.01 Public Art Committee Terms of Reference.
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6.02 The following current and proposed plans are linked to the Public Art Policy:

- City of Prince Albert Strategic Plan
- City of Prince Albert Official Community Plan
- Neighborhood Plans
- City of Prince Albert Culture Plan
- City of Prince Albert Community Services Master Plan
- City of Prince Albert Civic Arts Policy
- Downtown Strategic Plan

## **7 PROCEDURE**

### **7.01 Planning for Public Art**

To include public art where it has the greatest benefit and meets the purpose and goals outlined in this policy for the City of Prince Albert requires planning. This planning may include key/priority locations, neighbourhood priorities, community demographics, be included in capital construction or renovation projects, honour our landscape, are interactive, and could align with major events or anniversaries. It should also be reflective of the community's readiness for public art and where deemed appropriate (i.e. major projects), in consultation with the general public.

- a. Capital Projects - Designated civic capital projects are required to consider the potential for public art as either physically embedded into the building, structure or space, or included as a standalone artwork that complements the project. Project Managers and Developers will be provided with information for this consideration of public art. They may also wish to consult with the Public Art Committee in the initial planning stages to assess the potential for public art in the types of capital construction or renovation projects noted in this policy.

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- b. Outdoor Locations for Public Art – Recommendations will be made from the Public Art Committee and in consultation with the general public as well as City departments to address compatibility with the plans and policies, public safety, and considerations of easements, right of way, line of sight, etc.
- c. Indoor Locations for Public Art – Recommendations will be made from the Public Art Committee in consultation with the City department that operates or programs that facility to determine the most appropriate public location for installation.
- d. Public Works Projects – Public Works will consider utilizing public art projects such as tree gates, utility boxes, bridge/viaduct and a photography fence.

#### 7.02 Acquisition of Public Art

- a. The City's Public Art Committee is responsible for the adjudication of public art on behalf of the Administration and City Council in adherence to the Public Art Committee Terms of Reference, plan and available budget. The Committee provides an open, fair, objective, and credible process when acquiring art, whether it is through purchase, commission, donation or third party agreements. Public Art Committee members are not eligible for art commissions or involvement in others' commissions during their tenure.
- b. Community based public art projects may be considered that are created as a result of a collaborative process between a professional, practicing artist and an identified community.
- c. The Committee, with input from Administration, will consider the proposal's materials, construction, durability, maintenance, public access, and safety.
- d. The Public Art Committee reviews and recommends to City Council on public art submissions with decisions being made on a consensus or majority vote, if necessary, on the basis of:



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- Artistic excellence;
  - Response to project criteria/terms of reference;
  - Artist's ability to advance the City of Prince Albert's Public Art goals;
  - Responsiveness to the site and community;
  - Technical feasibility and probability of success.
- e. Upon approval of the Public Art acquisition, the Artist will enter into a written agreement with the City which may include, but are not limited to the following obligations,

Of the Artist:

- Scope of work
- Materials
- Timelines
- Installation
- Maintenance
- Warranty
- Copyright and moral rights (usually remains with the artist)
- Payments to sub-contractors

Of the City:

- Payment including disincentives
- Adherence to the approved maintenance plan
- Insurance of the art work
- Community notification
- Artist recognition

\*See Appendix A for Acquisition Process.

### 7.03 Lifecycle Maintenance and Inventory of Public Art

- a. Public Art will be maintained as a Cultural asset to the City of Prince Albert. The City will be responsible for insuring and monitoring, and providing for annual maintenance and conservation in keeping with the integrity of the art.
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- b. Regular annual maintenance includes cleaning, preventative maintenance (i.e. waxing), graffiti removal and vandalism repair. Lifecycle repair could include minor repairs, component replacement, and minor restoration.
- c. The maintenance and lifecycle costs will be identified at the time of the request for proposals and will be funded through the City of Prince Albert Public Art Maintenance Reserve Fund.
- d. The artist should have the first right of refusal for Lifecycle repairs or alterations.
- e. The City of Prince Albert will maintain an inventory of public art including the Artists name, description of the artwork, photo of the art work, estimated value, date of acquisition, location of the artwork, and maintenance record.

#### 7.04 Relocation of Public Art

Communities, land uses, and environments change and the location of a public art may, in time, no longer be appropriate, and the city may determine that the artwork should be relocated.

#### 7.05 De-accessioning of Public Art

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

#### 7.06 Monitoring and Evaluation of this Policy

The Public Art Committee and the City of Prince Albert will review the Public Art Policy after its first year of operation, and then every four years to ensure the purpose, goals, policies and procedures reflect the current needs of the community. Any changes to the policy should include public engagement before forwarding to council for approval.