

# OAK BAY

## Public Art Policy

### Introduction

The Oak Bay Official Community Plan (2014) addresses Arts and Culture through its objectives and priorities and specifically recommends the development of a Public Art Policy.

The District of Oak Bay has identified Arts and Culture as one of its strategic priorities and is committed to building the necessary internal capacity and providing appropriate financial resources and systems to facilitate the successful implementation of the policy.

### Section A: Vision, Purpose, Definitions & Principles

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#### A1. Vision

Oak Bay's Public Art Policy will:

- increase the livability and artistic richness of the municipality by making art a permanent part of our environment and a legacy for future generations.
- provide opportunities for the public to increase their awareness, appreciation, knowledge and education of Public Art.
- develop a sense of place, community pride and identity through the creation of new works.
- integrate art and artists into a variety of public settings.
- enhance the attractiveness of the municipality, and promote cultural tourism and the associated economic impact.
- provide opportunities for artists at all levels and career stages.

#### A.2 Purpose

The purpose of the Public Art Policy is to address how the municipality will provide the cultural leadership to promote the creation and inclusion of works of art in its public buildings and public spaces.

Specifically, the Public Art Policy serves as a basis for the acquisition, installation, maintenance and programming of Public Art for the Municipality of Oak Bay. The policy will apply to all visual art under the stewardship of the Municipality including all temporary and permanent visual Public Art works.

#### A3. Definitions

##### *Public Art*

The Public Art Policy considers "Public Art" to be an original artwork selected, commissioned, created or donated for location in the public domain, and created by an artist.

Public Art may include, but is not limited to:

- Sculptures, murals, and mosaics
- Painting and photography
- Memorials, monuments or artefacts
- Fountains or water features that contribute aesthetically to their surroundings
- Installations of sound and light works
- Interactive installations
- Hard and soft landscaping components, which are not a mere extension of the landscape architecture
- Special engineering or architectural features of existing capital projects that contribute aesthetically to their surroundings (e.g. site specific paving, street furnishings etc.)
- Community Public Art related to neighbourhood beautification.
- Artworks presented for possible donation by a private citizen or group
- Functional art which has a functional component (example a bench, bike-rack, gateway, or windscreen).
- Temporary art created for a specific occasion, time frame or event.

### *Artist*

An artist is defined as “any person, who by virtue of professional training, exhibition history and/or critical review is recognized as skilled in making works of art.” (UNESCO)

### A.4 Statement of Principles

The Public Art Policy shall:

- respond to the natural, social and built environment of Oak Bay.
- ensure artistic excellence.
- include processes which are inclusive and transparent to the public.
- support innovation and diversity.
- ensure that once a work is installed on public space, the public shall have free and unobstructed access to the Public Art installation.
- ensure that the implementation process follows established guidelines and procedures.

## **Section B: Governance**

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### B.1 Public Art Administration and Program Development

The Public Art Program will provide a cohesive plan under which all Public Art in the District is developed and procured. The program will be consistent with, have regard for, and support the District’s strategic directions and related strategies. The program will select works in an equitable manner and will uphold the following principles in its operation:

### *Collaborative Approach*

The implementation of the Public Art Program will be a joint effort between the Parks, Recreation, and Culture Department and the Public Art Committee.

Recommendations arising from this program shall be brought to the Parks, Recreation, and Culture Commission and Municipal Council for approval.

### *Community Representation*

The Public Art Program will give representation to artists and the community, with regard to the selection of Public Art. This representation will be reflected in the membership of the Public Art Committee.

### *Program Sustainability*

The Public Art Program will be funded annually by the District of Oak Bay to an appropriate level as approved by Municipal Council to secure long term sustainability. The Public Art Fund will provide a vehicle for community donations towards public art. When available and appropriate staff will pursue provincial and federal grants.

## **Section C: Municipal Funding Mechanisms for Public Art Policy**

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### C.1 Establishment of a Public Art Reserve Fund

The Municipality of Oak Bay, through the annual budget process, will allocate a total of \$20,000 annually for capital and maintenance of Public Art to the Public Art Reserve Fund. Ten percent (10%) of the annual contribution (\$2,000) will be committed to maintenance of existing works; the balance (\$18,000) will be used for the purchase, planning, design, and fabrication/installation of Public Art.

#### *Percent for Art in Municipally Owned Buildings*

The Municipality of Oak Bay will allocate one percent (1%) of the budget for municipal building construction/renovation projects in excess of Two Hundred and Fifty Thousand Dollars (\$250,000), towards the purchase or commission of Public Art to be displayed in public areas, and/or may incorporate artists' designs or concepts into the design of the building or structure.

In the future, Council may consider a *percent for Art for private construction projects* as part of the development of a District Community Amenity By-law.

## Section D: Guidelines

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### D: 1 Roles and Responsibilities

#### *Municipal Council*

Council must approve the Public Art Policy.

#### *Municipal Departments*

A Public Art inter-departmental staff team shall assist in the identification and annual review of Public Art sites and opportunities as part of the annual allocation of the Public Art Fund. This team is comprised of representatives from municipal departments: Parks, Recreation, and Culture, Engineering, Public Works, and Planning. The Manager of Recreation Program Services, or designate, will chair the team and coordinate projects.

The staff team, with input from the Public Art Committee will:

- determine and review sites for Public Art installations
- assess risk management issues (re: safety and maintenance) of proposed projects that have been short-listed by the Public Art Committee, and will provide feedback to the selection Panel on any safety/risk management concerns.

The Planning Department and the Public Works Department may identify Public Art opportunities in conjunction with upcoming municipal projects throughout the year.

#### *Public Art Committee*

The Public Art Committee shall be comprised of seven community members as well as representation from staff and Council. It shall be appointed by Council through the standard public committee process (see Addendum One - Terms of Reference). It will be composed of people knowledgeable in the visual arts and in Public Art.

Committee members will be drawn from the following backgrounds:

- Art Professional (curatorial and/or gallery experience, conservation background, art historian)
- Landscape Architect, Architect, Design Professional or Civil Engineer
- Visual artist
- Community representative
- Business community representative
- Youth representative
- The Arts Laureate
- One representative of Council (non-voting member)
- Arts and Culture Programmer (non-voting member)

The committee has four functions:

- Develop a Public Art Strategy for the acquisition of Public Art to be brought to the Parks, Recreation and Culture Commission annually for review
- Develop calls for artist proposals and select artwork for display and acquisition;
- Prepare art selection for evaluation and review by the Public Art Inter-departmental Staff Team;
- Advise and consult on specific issues, such as proposed gifts, donations, bequests, de-accessions and loans of artworks to the Municipal collection.

## **Section E: Project Recommendation**

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### E: 1 Project Recommendation

The Inter-departmental Staff Team will review the selection(s) made by the Public Art Committee to determine the best method of artwork procurement and evaluate the art work in terms of risk management using the following Project Parameters before any recommendation for approval:

- Location/site selection for the installation
- Safety and maintenance
- Type of artwork being installed
- Process by which the artwork will be procured
- Funding source for the project

## **Section F: Project Procurement**

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### F: 1 Implementation of Public Art

The Inter-departmental Staff Team will oversee the implementation of the Public Art on municipally owned public space. Implementation will include overseeing processes, site planning, and installation of acquired Public Art.

Parks, Recreation and Culture staff will confirm the budget as part of the annual budget process. The Inter-departmental Staff Team will determine locations as part of the annual funding approval. Parks, Recreation and Culture and Public Works will provide the administration and project management for civic projects.

### F: 2 Ownership of Public Art

The District of Oak Bay solely owns all Public Art works acquired through the Public Art Program. The District will respect the artist's right of authorship and the integrity of Public Art. For temporary installations, all artists will be required to sign an Art Display Agreement.

### F:3 Care and Maintenance

The District of Oak Bay shall preserve the integrity and security of Public Art through collection management systems, standards and procedures that include:

- Maintenance Reserve Fund.
- Cleaning and general maintenance of the art based on information from the artist.
- Repair to a damaged work shall involve input from the artist as to the best way to proceed.
- Evaluation of the costs of repairs for a work and the likelihood of positive results.

## **Section G: Gifts and donations**

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### G:1 Gifts and Donations

The Municipality of Oak Bay may consider the offer of donations and gifts of artwork for placement in a public space.

The Public Art Committee and the Inter-departmental Staff Team shall evaluate each proposal using established criteria that considers artistic merit, site suitability, significance of the subject, municipal liability and maintenance.

Consideration of a proposal to gift an artwork shall be made on the understanding that no civic funds shall be required for production or installation of the artwork, except when the municipality itself decides to act as a sponsor or co-sponsor. Cost of installation shall be determined by the Inter-departmental Staff Team.

Donors shall be obliged to provide funds of 10 per cent of the value of the artwork with the municipality for maintenance and repair in the Public Art Fund.

The municipality must be satisfied that the appraised amount is an accurate determination of the fair market value of the artwork. As such, an appraisal of the artwork must be conducted by an independent, qualified arts professional and submitted to the municipality.

All sections of this policy apply to considerations of art proposed as gifts to the municipality.

Protocol gifts shall be vetted through the Public Art Committee and the Inter-departmental Staff Team on placement and appropriateness of the site.

## **Section H: De-accession of Public Art**

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The District of Oak Bay has the right and responsibility to de-accession Public Art. All reasonable efforts shall be made to rectify problems or re-site the artwork where appropriate. The municipality shall consult with the Public Art Committee, and the artist or their estate to consider de-accessioning.

Reasons for de-accession include:

- Endangerment of public safety.
- Excessive repairs or maintenance, or repair is not feasible.
- Public accessibility is no longer available.
- Demolition of a structure incorporating Public Art or redevelopment of site incorporating Public Art.