

<b>Procedure Title: Public Art Policy</b>			<b>Policy Number CUL 130</b>
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<b>Approval: Chief Administrative Officer</b>		<b>Point of Contact</b> Supervisor, Cultural Services	

## Policy Objective

The City of Pickering is a vibrant community, rich in diversity, heritage, environment and the arts. As the City continues to grow and intensify, public art will play an integral role in creating an inviting and livable City.

This Policy establishes the framework for a sustainable Public Art Program that will deliver public art throughout the City that will:

- create attractiveness;
- promote community identity;
- reflect diversity and community landscape ;
- celebrate heritage;
- create a sense of place and attract interest;
- provide amusement, reflection and intrigue to a community, and,
- be selected through an objective and professional public art selection process that has a commitment to artistic merit.

The Public Art Policy and supporting Public Art Program will enhance the public realm, demonstrate the City's support for the arts and culture sector, and provide economic benefits.

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## **01 Definitions**

- 01.01 **Accession** – the act of recording and processing artwork to the City’s Public Art Collection.
- 01.02 **Acquisition** – obtaining ownership of public art through purchase, commission, donation, gift or bequest.
- 01.03 **Archiving** – the act of long-term storage and preservation of public art in a location owned by the City of Pickering. Archiving of public art may include storage and preservation of the original art piece, or a photographic/digital record of the original art piece.
- 01.04 **Artist** – the designer/creator of an artistic work and can include, but is not limited to, a professional artist, graphic designer, collaborative team, architect, or landscape designer.
- 01.05 **Borrowed** – refers to an artistic work that is borrowed by the City, through a loan agreement, for a defined period of time from a lender who owns and retains ownership of the artistic work.
- 01.06 **Call to Artists** – a request that outlines the scope of the Public Art that the City wishes to acquire or borrow/rent. The Call to Artists will outline aspects such as project theme, context, timeline, compensation, and location.

- 01.07 **Commissioning** – the act of requesting and paying an artist to design and create a specific piece of art.
- 01.08 **Community Art** – artistic work created collaboratively between an artist and an identified community. Community members actively participate in the creation of the artistic work. The artistic process is of equal importance to the artistic product.
- 01.09 **Community-Based Public Art** – created as a result of a collaborative process between community members; which may or may not include the use of a professional, practicing artist, engaged in a collective method of art making.
- 01.10 **Conservation** – the maintenance and preservation of works of art and their protection from future damage and deterioration.
- 01.11 **Copyright** – the exclusive legal right to produce or reproduce, publish, print, sell, or distribute the matter and form of something or any substantial part thereof, such as literary, musical, or artistic works (e.g., drawings, paintings, photographs and sculptures).
- 01.12 **Creative Place-Making** – a practice where an artist(s) or people are inspired collectively and collaboratively to reimagine, reinvent, and shape public spaces to maximize the shared value, as the heart of the community.
- 01.13 **Cultural Advisory Committee** - The Cultural Advisory Committee (CAC) will identify opportunities for stakeholder and community engagement and provide community input on matters relating to the provision of cultural services. The CAC will assist City staff with the development, consultation, and implementation of the Cultural Strategic Plan.
- 01.14 **Deaccession** – the act of permanently removing, relocating to another jurisdiction, or disposal of artwork from the City’s Public Art Collection.
- 01.15 **Intellectual Property** – the legal right to ideas, inventions and creations in the industrial, scientific, literary and artistic fields.
- 01.16 **Moral Rights** – the artist has the right to the integrity of the work and the right, where reasonable in the circumstances, to be associated with the work as its author by name or under a pseudonym and the right to remain anonymous. Moral rights are non-transferable and endure even after copyright has been assigned.
- 01.17 **Municipally Owned Public Space** – includes but is not limited to parks, road allowances, tunnels, boulevards, streets, courtyards, squares and bridges, as well as building exteriors, foyers, concourses, and significant interior public areas of municipal buildings.
- 01.18 **Permanent Public Art** – an original artwork which is situated at a particular site for longer than five years.
- 01.19 **Public Art** – art developed and designed by a professional artist that is displayed on municipally-owned public space. Public art may include, but is not limited to:
- sculptures;
  - murals;
  - memorials or monuments;

- fountains or water features that contribute aesthetically to their surroundings (not splash pads);
- hard and soft landscaping components; which are not a mere extension of the landscape/architecture;
- architectural components, specialized lighting; and
- Community art projects related to neighbourhood beautification.

01.20 **Public Art Jury** – is a group of residents, and professionals selected who evaluate and recommends artist proposals in accordance with the Artist Evaluation Criteria and Acquisition Criteria. The Public Art Jury is responsible to narrow down and/or selections for acquisition.

01.21 **Professional Artist** – a person who is critically recognized as an artist, they possess skill, training and/or experience in an artistic discipline, is active in and committed to their art practice, and has a history of public presentation. May also be classified as emerging, mid-career, or established.

01.22 **Public Space** – space available for use by the public that includes, but it is not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges, gateways, streetscapes, civic squares, interior and exterior public areas associated with buildings, or structures owned, operated, occupied or used by or for the City.

01.23 **Restoration** – the repair or renovation of artworks that have sustained injury or decay to something approaching their original undamaged appearance.

01.24 **Signage** – any medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction or information, identification, advertisement business promotion or the promotion of a product activity, service, or idea.

01.25 **Short-Term Public Art** – artwork that is temporary (1 day to 12 months) which could include a variety of mediums and can incorporate experimental public art projects.

01.26 **Transitory/Temporary Public Art** –artwork that is temporary (1 to 5 years), which could include a variety of mediums and can incorporate experimental public art projects.

## 02 Guiding Documents & Policy Context

02.01 The City of Pickering Cultural Strategic Plan (2014) sets a vision for arts, culture and heritage in the City; and, identifies strategic directions for policy and programs. One of the Plan’s strategic directions is to cultivate opportunities for the creation, education and enjoyment of the arts, including:

- developing and implementing a Public Art Policy, program, and funding streams;
- using art to enhance public spaces, particularly within the City Centre;
- assigning a one percent contribution to public art from the capital budgets of applicable new or renovated facility and park projects; and,
- establishing a Public Art Reserve Fund.

02.02 The City of Pickering Official Plan acknowledges that the quality of the built environment can be enhanced by promoting the integration of art in public places. Specifically, the Official Plan:

- promotes art in publicly-accessible and visible locations such as parks, prominent street corners, plazas and on buildings;
- encourages public art in a broad range of media, themes and formats in order to engage the observer, foster civic identity and promote social interaction; and,
- considers integrating public art in the early stages of the design and planning of developments.

02.03 The City Centre Urban Design Guidelines encourage permanent and transitory/temporary artworks to promote a sense of identity for the City Centre.

02.04 The Seaton Sustainable Place-Making Guidelines recognize that public art should be highly visible and serve as accents to the community by encouraging public art to be located at community core gateways.

### **03 Policy Statement**

03.01 The City of Pickering is committed to and supportive of the benefits of public art and recognizes that art in public spaces is a valuable asset that enhances the social/cultural, built heritage and natural environments. Through public art, we beautify our environment; engage the community in Creative Place-Making; and, celebrate our values, stories, culture, heritage, and diversity while defining our unique identity. Public Art enhances quality of life for citizens and visitors; and, strengthens community pride, tourism and economic growth. The commission and acquisition of Public Art is exempt from the City's Purchasing Policy PUR 010 and must therefore be conducted in accordance with the processes outlined in this Policy.

### **04 Public Art Exclusions**

04.01 Examples of Public Art excluded under the scope of this policy are:

- i. Directional elements such as graphics, signage or color coding, except where these elements are an integral part of the original work of art or public art project;
- ii. Art objects which are mass-produced of standard design such as playground equipment;
- iii. Landscape architecture and landscape gardening, except where these elements are in integral part of the original work of art, or are the result of collaboration among design professional including at least one artist;
- iv. Easily movable artworks such as paintings, drawings, models and books;

- v. Placemaking initiatives that may include interpretative signs, street light banners or graphics that may be created by an artist, where the design or, theme and overall aesthetics of the artwork is controlled by the City; and
- vi. Short-Term Public Art installations.

## **05 Purpose and Objectives**

05.01 The purpose of the Public Art Policy is to:

- i. Establish, for the City, a standardized and transparent process for the selection, acquisition, maintenance and deaccession of Public Art; and,
- ii. Provide, for the City, a sustainable funding model for the management of Public Art.

05.02 The Public Art Policy applies to temporary and permanent installations, including community art. The City may authorize public art that it does not own, to be placed on municipally owned public space through an agreement between the City and the owner of the art.

05.03 The framework for a Public Art Program established in this Policy is intended to provide a standardized and transparent structure for these processes to include:

- long-term planning;
- establishing a funding framework;
- creating an administrative structure;
- identifying opportunities for public art;
- initiating completions and a selection process;
- implementing and/or assisting with public art projects; and,
- ongoing maintenance, management, deaccession and disposal of the public art collection.

## **06 Ethics**

06.01 The City will not purchase or display art that:

- violates any City policy;
- conveys a negative message that might be deemed prejudicial;
- promotes alcohol and other addictive substances;
- presents demeaning or derogatory portrayals of individuals or groups or contains anything, which in light of generally prevailing community standards, is likely to cause deep or widespread offence; or,
- is in direct competition with City of Pickering services, programs or initiatives.

## **07 Administration**

- 07.01 The Public Art Policy and Program will be administered by City of Pickering, Community Services staff in collaboration with City Development staff, the Public Art Jury, and the Council of the City of Pickering.
- 07.02 Any member involved in the administration of the Public Art Policy shall declare a conflict of interest, pecuniary or otherwise, and remove themselves in all cases from a juried selection process or any decision regarding the acquisition of public art in which they are involved either directly or indirectly.

## **08 City Representation**

### 08.01 Council

The Council of the City of Pickering to:

- approve and uphold the Public Art Policy and any amendments;
- approve annual Public Art funding and expenditures in the Capital and Current Budget; and,
- act as an advocate for art in Public Spaces, and Private Developments in the City.

### 08.02 Chief Administrative Officer

Chief Administrative Officer (CAO) to:

- approve and uphold the Public Art policy, along with any amendments;
- approve any changes to the Public Art policy, as needed;
- act as an advocate for Public Art in Public Spaces, and private developments; and,
- support Public Art budget through the budget process.

### 08.03 Director, Community Services

Director Community Services to:

- uphold the Public Art Policy, along with any amendments;
- recommend any changes to the Public Art Policy, as needed; and,
- recommend the Public Art budget annually via the Capital and/or Current Budget.

### 08.04 Community Services Staff

The Community Services Department has the primary responsibility for administering the Public Art Policy, and will work in cooperation with all other City departments to ensure its appropriate implementation. The City Development, Capital Assets, Parks, Roads, Finance, Procurement and Engineering Services Departments have a supporting role in implementing the Public Art Policy and Program.

Community Services Department staff to:

- oversee and implement the management, development, monitoring and evaluation of the Public Art Policy and Program;
- manage the Public Art collection including acquisitions, maintenance, conservation, research, interpretation and deaccessions;
- develop standards and procedures to ensure consistent implementation of the Public Art Policy and Program,
- facilitate Public Art Jury meetings, circulating information, providing guidance and arrange for the recording of minutes, as may be required;
- develop “call to artists” and coordinate the selection process;
- establish artist selection processes, manage artist contracts, and compensation;
- liaise with selected artists to oversee installation;
- establish, maintain and promote Public Art opportunities in the City;
- identify, prepare, and incorporate amendments to the Public Art Policy that do not have a financial impact, with approval from the CAO;
- advise Council, staff and residents on the Public Art Policy and related initiatives;
- develop the Public Art budget through the City’s annual budget process; and, investigate Federal, Provincial, or other sources of funding to promote and support the development of Public Art in the City.

#### 08.05 City Development Department

City Development staff to:

- work with Community Services Department staff to identify appropriate locations for public art;
- ensure public art is considered in the planning of new communities, development of community design guidelines, and design of corporate and community facilities; and,
- encourage and secure public art funding through the review and approval of development applications.

#### 08.06 Engineering Services Department

Engineering Services staff to:

- work with Community Services and City Development staff to ensure the safe and proper installation of public art on City owned property;
- incorporate public art into parks, landscaping, and streetscapes; and,
- ensure site lines are maintained in locating and positioning of public art on City owned and private property.

An inter-department Public Art planning team will be established for ongoing long-term Public Art planning, including site selection, restorations, conservation and maintenance. This planning team will include staff representatives from:

- Community Services;
- City Development; and,
- Engineering Services.



The Interdepartmental Public Art Planning team may also be comprised of the following, as appropriate:

- City of Pickering Library staff;
- City of Pickering Heritage Planner; and,
- Representatives (e.g. department heads) from other City of Pickering departments that may be impacted by the location of a public art project.

## **09 Selection Process**

### **09.01 Public Art Jury**

The Public Art Jury will be formed on an as-needed basis. The Public Art Jury will evaluate artist proposals and artwork donations in accordance with the Artist Evaluation Criteria in Section 9.04 and Acquisition Criteria in Section 10.0 of this Policy. The Public Art Jury is responsible to review artist submissions and narrow down selections for acquisition and present the top-ranked proposals to the Cultural Advisory Committee, for final recommendation.

While the ultimate objective of the Public Art Jury is to reach a unanimous decision, members may be divided in their evaluations and as such, a Public Art Jury will consist of uneven numbers to enable a majority vote.

Appointees to a Public Art Jury may consist of:

- A minimum of two resident members from the Cultural Advisory Committee.
- A minimum of one professional artist or curator.
- Stakeholders of the project. This may include program participants that are related to the project, architects, designers or consultants associated with a project, community group representation, or other relevant representatives.
- A minimum of 5 and maximum of 9 people on the Jury. These members can be stakeholders in the projects, and are not required to be residents.

City Staff will not be voting members of the Jury.

In certain circumstances, members of a Public Art Jury with external expertise may be compensated for their time on the Public Art Jury.

The Public Art Jury will:

- i. Evaluate and select artwork, in accordance with the Artist Evaluation Criteria in Section 9.04 and Acquisition Criteria in Section 10.0 of this Policy.
- ii. Advise on the development and implementation of selection, acquisition, maintenance, and deaccession of artistic works to which this Policy applies.
- iii. Advise and or review to the City, on proposed gifts, donations and bequests to the City in accordance with established guidelines.

- iv. Review and put forward a recommendation to acquire for endorsement of the Cultural Advisory Committee to acquire the proposal with the best marks, or put forward for community consultation.

The Jury will be subject to City policies to ensure fair and equitable treatment of all participants in the process and to ensure their recommendations are without bias.

Specifically, the City will not purchase or display art that:

- violates any City policy;
- conveys a negative message that might be deemed prejudicial;
- promotes alcohol and other addictive substances;
- presents demeaning or derogatory portrayals of individuals or groups or contains anything, which in light of generally prevailing community standards, is likely to cause deep or widespread offence; and,
- is in direct competition with City of Pickering services, programs or initiatives.

All decisions made by the Public Art Jury shall be endorsed by the Cultural Advisory Committee.

09.02 The Cultural Advisory Committee will review and endorse Public Art proposals and donations recommended by the Public Art Jury. The Cultural Advisory Committee is responsible to review artist submissions and recommends public art to Council, where appropriate.

09.03 For large commissions in public spaces, the Cultural Advisory Committee may choose to provide the top-ranked selections for community comment prior to finalizing the selection process.

09.04 Artist Evaluation Criteria

When evaluating specific artwork proposals, the Public Art Jury will consider the vision, mandate and objectives of the Public Art Policy and the specific aims in the project brief. The Public Art Jury (as per section 09.01) will also consider the artist's:

- artistic excellence of previous work;
- ability to achieve the highest quality of contemporary artistic excellence and innovation;
- professional qualifications and relevant working experience as related to the public art project brief;
- ability to manage a project and experience working with a design team, project team and/or community group, as appropriate;
- potential to comprehend, access and interpret relevant technical requirements; and,
- interest in and understanding of the public art opportunity and the context.

## 10 Acquisition

The City may acquire works of Public Art through purchase, commissioning, or donation. All works to be purchased, commissioned or donated will be subject to the terms and conditions of the Public Art Policy and incorporated into the Public Art Inventory.

#### 10.01 Purchase or Commission of Public Art

The process for purchasing and commissioning Public Art will be fair, transparent and will be in accordance with the City's Purchasing Policy.

Depending on the nature of the artwork, it may be secured through:

- The issuance of an Open Call where a "Call to Artists" developed and issued. A "Call to Artists" can be geared towards local, provincial, national and/or international artists, and/or art collectives and includes specific guidelines, criteria and eligibility based upon each Public Art Initiative identified by staff. An Expression of Interest (EOI) may be used to pre-qualify artists for general or specific public art projects. When an open call public art competition results in two equally weighted proposals, consideration will be given to the Ontario-based submission.
- Request for Proposal (RFP) competition occurs when a select group of artists and/or collectives are invited to submit a proposal for consideration towards a specific Public Art initiative. The applicants must adhere to the guidelines and criteria established by the City of Pickering.
- Direct Invitation/Commission or Purchase (Single/Sole-Source) occurs when a single artist is identified to complete a Public Art project, or when an existing piece of Public Art is purchased. In the instance of the purchase of an existing piece of art, the Purchase must be endorsed by the Cultural Advisory Committee. An appraiser or outside expert may be consulted to determine authenticity.

For large Public Art commissions, Staff may choose to provide the three top-ranked Public Art Jury selections for Community comment prior to finalizing the selection process.

#### 10.02 Donations

On occasion, the City may be offered donated works of art in the form of a bequest or a gift. When public art is acquired through donation, in accordance with the criteria established in the *Income Tax Act* (Canada), the City of Pickering may issue a tax receipt to the donor. The donor is responsible for meeting Government of Canada criteria to receive an income tax credit for the artwork. Independent appraisal costs will be the responsibility of the donor.

Donated art must follow the City's Financial Control Policy FIN-030 and be subject to an evaluation process based on the criteria outlined below:

- information about the artwork including photographs of the artwork; maintenance and conservation plan, including the condition of the work and any repairs needed;
- site installation requirements of the artwork;
- projected budget for installation and ongoing maintenance of the artwork; and

- legal proof of the donor's authority to donate the work.

Tax receipts may be made available upon request by the donor.

For objects less than \$1,000.00, an independent appraisal is not required. An original bill of sale or receipt is acceptable to use to determine value if the item was purchased within the last 12 months.

Qualified Staff may provide current fair market value for objects under an estimated value of \$1,000.00. Items estimated to be worth more than \$1,000.00 must be independently appraised at the donor's cost.

- I. The appraisal must reflect the current fair market value of the object(s).
- II. The appraisal must be conducted by a member of the Certified Personal Property Appraisers Guild of Canada or equivalent.
- III. The donor may not be the appraiser.
- IV. Upon transfer of ownership by signed Deed of Gift, and issuance of a tax receipt, gifts will not be returned to the donor

All donations of Public Art will be subject to a review process outlined in this policy. . All donations must be reviewed by the Public Art Jury and endorsed by the Cultural Advisory Committee. All donations should be unencumbered, free and clear of conditions and restriction imposed by the donors. Donations will be evaluated against the selection criteria in 09.04 and 10.0. The City is not required to accept donations of Public Art that are offered.

The individuals or organizations proposing to donate artwork will be notified of the City's decision to accept or decline the donation. Accepted donations of Public Art will be documented, a release form signed by both the City and the donor, and the artwork insured at time of acquisition. Any documents pertaining to ownership of the donation must be transferred to the City and filed by City staff accordingly. Once accepted, the donation may be stored, exhibited, loaned, deaccessioned or disposed of at the discretion of the City.

Should a donation from an Individual or Business be received for the City's Public Art program, the donation will be deposited in the Public Art Reserve Fund.

#### 10.03 Transitory/Temporary Public Art

The City may secure on a temporary basis, through acquisition, loan or lease, works of public art for display in public spaces. All artworks to be displayed in public spaces will be evaluated in accordance with the Artist Evaluation Criteria in Section 09.04 and Acquisition Criteria in Section 10.0 of this Policy.

Temporary installations of artwork will be documented, and included in the City's inventory of public art exhibitions; listing the dates of display, and a project/artist statement.

#### 10.04 Short-Term Public Art

The City may secure Short-Term Public Art installations for display in public spaces from 1 day to 12 months, through acquisition, loan or lease. These installations are exempt from Artist Evaluation Criteria in Section 09.04 and Acquisition Criteria in Section 10.0 of this Policy and may be secured by City Staff, with approval from the Director, Community Services.

## 11 Selection Considerations

Artwork being considered for acquisition regardless of the acquisition method should take into account the following:

### Community Relevance and Impact

- Suitability for display in a public space
- Reflects the City's heritage, and/or history, culture and diversity, and/or natural elements and landscapes
- Builds appreciation for public art

### Overall Quality and Authenticity

- Originality of design
- Intrigues viewers and stimulates imagination
- Artist reputation, demonstrated and related experience
- Condition of the artwork

### Location

- Site suitability
- Response to or complements the location's uses and users

### Economic Value

- Short and long term costs
- Tourism potential

### Installation Maintenance & Conservation

- City's ability to accommodate installation requirements
- City's ability to safely display, maintain and conserve the work
- Long-term maintenance cost
- Longevity of the artwork
- Environmental impact

### Submission

- Compliance with guidelines outline in the Public Art Policy and accompanying "Call to Artist"
- Quality of the approach/work plan and methodology
- Ability to meet budgetary estimates and timelines

## 12 Site Selection

The selection of sites for public art shall be made by City staff using the following criteria:

- visibility of artworks to the public;
- distribution of projects across the City;
- community benefit;
- geographic justification;
- quality, scale and character of the public art are suitable for the location and audience;
- environmental conditions, site servicing and safety; and,
- does not interfere with existing or proposed artwork, buildings or structures in vicinity.

Public art may be installed in the following areas, as required and as pieces become available:

- public areas in municipally owned, leased or managed spaces including community centres, municipal facilities, museum, library, parks, roads, sidewalks and public spaces.

#### 12.01 On Lands Owned and Managed by the City of Pickering

Installation of Public Art is encouraged in public spaces owned by the City of Pickering; and in public areas of City of Pickering owned office buildings, community centres, and libraries.

Proposals for Public Art installations by the private sector or other public agencies on infrastructure (e.g. roads, bridges, buildings, etc.) or land owned by the City of Pickering must adhere to the City of Pickering Public Art Policy and all other relevant City policies, by-laws, standards, and procedures.

Easements may be provided to the City for purposes of installation and maintenance of City-owned Public Art.

### 13 Collections Management

13.01 The City has the authority to determine the length of time a work of public art will be displayed in Public Spaces. The City shall consult, where possible, on the restoration or removal of public art, but shall retain the right to restore, relocate, or archive a work of public art without the artist's and/or donor's consent.

13.02 Accessioning/Registry/Inventory:

The City shall document all works in the Public Art Collection and maintain a registry/inventory of the Public Art Collection; which shall be made available to the public.

### 14 Maintenance & Conservation

14.01 It is the responsibility of the City to maintain all permanent works of art within the Public Art Collection in accordance with the approved maintenance plan and/or conservation plan required for each piece.

14.02 All public art submissions valued over \$25,000 must include a maintenance and/or conservation plan from the artist outlining care of the artwork. The maintenance and conservation plan template is included in Appendix 2.

## **15 Insurance**

15.01 All artistic works owned by the City through purchase, commission and/or donation are the property of the City of Pickering and are insured under the City's Insurance Policy.

15.02 For all Borrowed Public Art, the Artist will submit proof, satisfactory to the City, of insurance coverage for the artistic work, and a waiver freeing the City from liability in case of accidental loss, theft, damage or vandalism. In addition, the Artist will submit a complete list of displayed artistic work(s); which will include the title(s), dimensions, medium/media and appraised value(s).

## **16 Storage**

16.01 When storage of Public Art, whether short-term or long-term, is required, the City will ensure that such storage meets appropriate standards. Whenever possible, existing City and community resources will be used for the storage and management of the City's Owned Public Art.

## **17 Agreements & Installation**

17.01 The Artist will enter into a written agreement with the City of Pickering in the form of the Letter of Understanding (Appendix 1). This agreement will address the Artist's obligations, which include, but are not limited to:

- Materials
- Timelines
- Installation
- Maintenance and conservation plans
- Fabrication schedule

17.02 The Artist is responsible for the installation of the artwork. All contractual requirements with the Artist(s) will be overseen by the City and identified, in advance, through the agreement of purchase, commission or donation. The condition of all acquired artworks will be reported upon receipt, and any problems found will be referred to the artist for resolution.

## **18 Deaccession & Disposal**

18.01 The City may deaccession and/or dispose of Public Art when necessary. All reasonable efforts will first be made to resolve problems or re-site the Public Art, in consultation with the Artist and/or donor, where appropriate. Public art may be deaccessioned and/or disposed of under any of the following situations:

- endangerment of public safety;

- excessive repair or maintenance;
- irreparable damage;
- inaccessibility;
- site redevelopment;
- art is no longer relevant ;
- works that endanger public safety;
- possibility of upgrading through exchange;
- no appropriate location for exhibition of work;
- copies, forgery or reproductions lacking authenticity or archival value;
- the public art is no longer relevant to the City’s Public Art Collection, or
- the public art is discovered to have been stolen, or was offered to the City for acquisition using fraudulent means.

18.02 The City of Pickering will be responsible for preparing a report providing the justification for recommending deaccessioning of the artwork, to be endorsed by the Cultural Advisory Committee and received as correspondence by Council, as appropriate.

18.03 In the event of accidental loss, theft or vandalism, the City retains the right to determine whether replacement or deaccessioning of the artwork is appropriate.

18.04 The deaccessioned art may be moved, sold, returned to the artist or destroyed, with any monies received through the sale of the artwork being placed in the Public Art Reserve Fund.

## **19 Copyright and Intellectual Property**

19.01 Artwork acquired for the Public Art Collection shall become the property of the City of Pickering except those artworks subject to the parameters for Temporary Public Art as outlined in Section 08.03.

19.02 Copyright of the artwork shall remain with the Artist unless the City has acquired the copyright in full from the Artist or has an agreement in writing for limited usage.

19.03 Except in very rare circumstances, the Artist(s) shall own all Intellectual Property in the work developed. Following best practice in North American Public Art Programs, they will not be asked to waive their Artist Moral Rights or assign their copyrights. Artist(s) will be asked to provide a royalty-free non-commercial license to the City of Pickering for images of their work in perpetuity.

19.04 In cases where the artist is not contracted directly to the City, but is a sub-contractor (e.g. for integrated artworks or artist on a design team) or for developer-provision of public art, the City shall stipulate that the contract must include terms related to intellectual property rights, ownership, and maintenance obligations, as appropriate.

## **20 Artist Remuneration**

20.01 Artists shall be fairly compensated for their time and work. Compensation shall be determined on a case by case basis, adhere to the Canadian Artists Representation



(CARFAC) and adhere to the Canadian Artist Representation, RAAV Minimum recommended Fee Schedule.

## **21 Community Engagement & Awareness**

- 21.01 The City will be responsible for ensuring there is an opportunity for community input and involvement in public art and expanding the level of knowledge of the City's Public Art Collection in the community.
- 21.02 City staff will be responsible for ensuring the community is aware of any public art installations or deaccessioning in public spaces. When appropriate, the community will be asked to comment on the selection of a commissioned work or official unveilings will be undertaken in order to allow residents to take part in celebrating new additions to the Public Art Collection.

## **22 Public Art Development by the Private Sector**

- 22.01 The City actively encourages private sector applicants to include public art in development projects through the Site Plan application process. The provision of public art will be secured through a Site Plan Control Agreement that will be registered against the title of the lands.

## **23 Funding**

- 23.01 Public Art may be funded through the following methods:
  - i. Public Art Reserve Fund

## **24 Five percent of annual surplus**

- i. Grants
- ii. Community Benefit Charge
- iii. Sponsorship
- iv. Donations

Please refer to all associated Procedures and Standard Operating Procedures, if applicable, for detailed processes regarding this Policy.

## Appendix

1. Letter of Understanding
2. Maintenance and Conservation Template for Public Art