

Public Art Policy DRAFT October 2022

POLICY STATEMENT	1
CONTEXT	1
PART I: Objectives, Guiding Principles, Key Definitions and Exclusions.....	1
1.1 Objectives.....	1
1.2 Guiding Principles.....	1
1.3 Key Definitions.....	2
1.4 Exclusions.....	2
PART 2: Funding Mechanism	3
2.1 Funding Goals.....	3
2.2 Percent for Public Art.....	3
2.3 Public Art Reserve.....	3
PART 3: Acquisition	4
3.1 Purchase or Commission	4
3.2 Donation	5
3.3 Loan.....	5
PART 4: Roles and Responsibilities	5
4.1 Municipal Staff.....	5
4.2 Municipality of Chatham-Kent Council	5
4.3 Public Art Advisory Committee	6
4.4 Interdepartmental Public Art Team	6
4.5 Public Art Selection Panel	6
PART 5: Selection Process	6
5.1 Methods of Selection.....	6
5.2 Calls for Artists.....	6
5.3 Artist Eligibility	7
5.4 Artist Selection Criteria	7
PART 6: Site Selection, Installation, Maintenance, Storage and Insurance.....	7
6.1 Site Selection.....	7
6.2 Installation	7
6.3 Maintenance.....	7
6.4 Storage.....	8
6.5 Insurance	8
PART 7: Agreements and Deaccessioning.....	8
7.1 Agreements	8
7.2 Deaccessioning	8
PART 8: Community Engagement and Awareness.....	9
8.1 Community Engagement.....	9
8.2 Community Awareness.....	9
PART 9: Championing Public Art.....	9
PART 10: Conflict of Interest.....	9

Appendix A: Public Art Definitions

Appendix B: Public Art Administrative Procedures Manual

Appendix C: Public Art in Private Development - Manual and Checklist

Public Art Policy for the Municipality of Chatham-Kent

POLICY STATEMENT

The Municipality of Chatham-Kent recognizes the role of public art in fostering vibrant communities. Through its Public Art Policy, the Municipality of Chatham-Kent will endeavor to create an atmosphere that encourages and supports the development of public art throughout all communities, increases cultural vibrancy and diversity in the community, and encourages public engagement in arts and culture. The Public Art Program will be realized through processes that engage the community, foster neighbourhood sustainability, and stimulate creativity and engagement in the built environment.

CONTEXT

Public Art is a force for “place-making:” it defines spaces, creates landmarks, and builds upon the meaningful connections between people and their environment. Public Art may interpret the natural or human history of a site; connect new populations to historic buildings and older communities; unite neighbourhoods by expressing shared experiences and aspirations; or simply beautify existing spaces. It can imbue urban constructs -from buildings and bridges to courtyards and parks - with a sense of human spirit, wonder and curiosity, encouraging those who visit to reflect on their surroundings. Through the creative vision of artists, public spaces become gathering places, creating a sense of civic pride and engagement.

PART I: Objectives, Guiding Principles, Key Definitions and Exclusions

1.1 Objectives

This Public Art Policy guides the development and implementation of the Municipality of Chatham-Kent's Public Art Program, as well as annual Public Art Plans by project. This policy is intended to provide Council, staff and the community with a clear and consistent framework for decision-making and to ensure that a lasting legacy for future generations will be created through a sustainable Public Art Program. It provides the mechanism through which the Municipality of Chatham-Kent assesses and acquires pieces of Public Art, and outlines a process for the evaluation and selection of potential artworks in public spaces, as well as a sustainable funding model.

1.2 Guiding Principles

This Public Art Policy is built on the following ten principles:

- i. Art contributes to the health and vibrancy of a community
- ii. Public art can be integral to the civic planning and development process
- iii. Public art must be accessible to all, through placement in public space, content and/or community knowledge and experience as context for creation
- iv. Artistic excellence and innovation are encouraged through careful adjudication and selection
- v. Effective community engagement stimulates an artistic process that reflects and interprets people's experience and aspirations
- vi. Artistic work can highlight the Municipality of Chatham-Kent's landscape, history and cultures, as well

of issues of importance to residents of the area

vii. Public Art can be shape the community fabric through functional pieces and integration into infrastructure, as well as independent site-specific artworks

viii. Diversity, equality and inclusiveness, through the selection of artists, committee members, artistic medium, scale and style will guide both the processes and the selection of Public Art

ix. Instigating major works to serve as municipal landmarks, as well as smaller scale community-oriented works, which may be temporary or mobile in nature, will lead to a diverse and rich Public Art inventory

x. A Public Art program must prioritize the commitment to the long-term care of Public Art works

1.3 Key Definitions

Acquisition: The acquiring of Public Art through commission, purchase, donation, gift or bequest.

Artist: A person who is critically recognized as an artist; possesses skill, training and/or experience in his/her artistic discipline; is active in and committed to his/her art practice; has a history of public presentation; is not exempted by the Conflict of Interest provision included in this Policy.

Public Art: An original work of art in a publicly accessible location, created with the intention of reflecting and/or engaging the community; it may be permanent, temporary or mobile. Public Art is located in a Public Space and can take a variety of forms and media; it may have functional as well as aesthetic qualities, it may be integrated into its site, or it may be a discrete piece.

Public Art can exist in any of a vast number of genres and media, including, but not limited to, the following:

- Sculptures, murals, memorials or monuments
- Fountains or water features that contribute aesthetically to their surroundings
- 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
- Artist-led community art projects
- Temporary and/or mobile installations featuring digital media, live or recorded performance, either in “pop-up” or festival formats.

Public Space: Municipality of Chatham-Kent owned areas available and frequently used by the public; may include parks, open spaces, trail systems, waterways, road allowances, tunnels, boulevards, streets, courtyards, squares, bridges, building exteriors, foyers and publicly accessible interior areas.

For a complete glossary of Public Art terms used in this document, please see Appendix A.

1.4 Exclusions

For the purpose of this policy, Public Art does not include:

- Art in areas not accessible to the general public
- Directional elements such as signage, except where these elements are integral to an original work of art
- Art objects which are mass produced of standard design, such as playground equipment, statues and monuments

- Landscape architecture and design, except where these elements are an integral part of an original work of art, or are the result of collaboration among landscape design professionals and at least one artist
- Temporary displays or exhibitions of artwork
- Artworks not owned or acquired by the Municipality of Chatham-Kent but displayed on municipal property through an agreement with the owner and/or creator of the art

PART 2: Funding Mechanism

2.1 Funding Goals

The Municipality of Chatham-Kent will establish a funding mechanism for the development, acquisition and management of public art in, or adjacent to, new or existing municipal buildings, infrastructure projects, parks and other municipally owned land and facilities, by providing adequate funds for the:

- Implementation of the Public Art Policy
- Acquisition, planning, design, fabrication, purchase and installation of public art in new and existing spaces
- Development and management of the Public Art Program
- Maintenance and conservation of existing and future acquisitions

2.2 Percent for Public Art

The funding mechanism for the Public Art program is based on the “percent for public art” model. The allocation for public art shall be calculated at 1% of the total costs for each eligible Municipality of Chatham-Kent capital project over \$1M. The 1% allocation shall be divided as follows:

- 75% toward project costs (artist fees, design, fabrication, installation, etc.)
- 15% toward administration costs
- 10% toward a fund for ongoing maintenance of the Public Art inventory

Eligible capital costs include those directly related to the construction. Ineligible costs include land purchase, rolling stock, portable equipment {furniture, computers, etc.}, and maintenance budgets for capital projects.

2.3 Public Art Reserve

The Public Art Reserve will fund:

- Management, administration and promotion of the Public Art Program
- Maintenance and conservation of the Public Art Inventory
- Initiation of projects under the Public Art Program

The reserve will ensure that a variety of public art projects can occur throughout the Municipality of Chatham-Kent, in addition to larger projects funded by the capital budget, and that ongoing maintenance and conservation of public art occurs in a responsible and timely manner to preserve these assets.

The Public Art Reserve will be financed through the Percent for Public Art model outlined in section 2.2, as well as donations, grants and other raised funds. Surplus funds from designated capital projects will be held in the Public Art Reserve for future projects.

PART 3: Acquisition

The Municipality of Chatham-Kent may acquire works of art for its Public Art inventory by:

- Purchasing an existing piece of art or commissioning a piece of art through a competition or proposal call
- Accepting a donation of an existing piece of art, where the ownership is transferred to the Municipality of Chatham-Kent from an individual, organization, group, corporation or other municipality
- Securing an artwork on loan on a temporary basis

3.1 Purchase or Commission

Public Art may be purchased, or artists may be commissioned to produce artworks through a competition or a proposal call. The purchasing and commissioning of Public Art will involve a fair and transparent process, according to the guidelines set forth in Part 5 below.

The selection criteria will be available to all participants prior to the commencement of the acquisition. Each piece of art that is being considered for purchase by or donation to the Municipality of Chatham-Kent's Public Art Inventory will be evaluated according to the following criteria:

- Relevance to the Public Art Policy and Inventory
- Relevance to the Municipality of Chatham-Kent's natural or built environment, cultural heritage and/or history
- Artistic Quality: Excellence of craftsmanship, originality and appropriateness of concept, and integrity of materials used
- Authenticity of the artwork
- Permanence: For permanent works of art or design elements, due consideration shall be given to the work's structural soundness, surface integrity, and to inherent resistance to theft, vandalism, weathering, public safety and maintenance or repair costs, sufficient to endure 30 years
- Suitability of the artwork for display in a public space
- Compatibility with the site, with regard to such considerations as traffic flow, visibility and public access; function/use of the facility or site; and the relationship of the work to the site's existing or future architectural features, natural features, historic, geographical and socio/cultural context
- Condition of the artwork
- The Municipality of Chatham-Kent's ability to safely display, maintain and conserve the work
- Ethical and legal considerations regarding ownership
- Public Safety: All works of art, design elements, or temporary installations shall be evaluated to ensure their compliance with public safety requirements
- Nature of the surrounding neighbourhood and potential impact of the Public Art Project on residents, businesses, existing works of art or design elements within the site's vicinity
- Future development plans for the area which may affect the Public Art Project
- The feasibility of the budget and material list relative to the available funding
- Diversity, both aesthetic and cultural, of the work, including artist ethnicity; geographic distribution throughout Chatham-Kent; style, scale and media
- Potential for community engagement/participation

The Municipality may also facilitate the purchase or commission a work of Public Art on behalf of a private developer. (See Appendix C for guidelines related to Public Art in Private Development)

3.2 Donation

All donations of existing artworks considered for the Public Art Inventory will be subject to a juried process. All donations will have an accompanied maintenance plan, provided by the donor, in accordance with the maintenance policy and to the satisfaction of the Municipality of Chatham-Kent. All donations must be unencumbered. No work of art will be accepted if the donor requires the Municipality to locate the work of art in a specific location in perpetuity. The donor is responsible for meeting Government of Canada criteria to receive a tax credit for the work of art. Donated Public Art works will normally include a funding donation for the maintenance and conservation/restoration of the work being donated, the amount of which will be negotiated as part of an acceptance agreement.

3.3 Loan

The Municipality of Chatham-Kent may secure on a temporary basis works of Public Art for display in municipally owned spaces. All artworks to be displayed in public spaces will be evaluated against the following criteria:

- Artistic quality of the piece of art
- Relevance to the Public Art Policy and Inventory
- Suitability of the artwork for display in a public space
- Condition of the artwork
- The Municipality of Chatham-Kent's ability to safely display and conserve the work
- Exposure provided for Chatham-Kent artists
- Promotion of Chatham-Kent's cultural heritage
- Degree of fit with existing mandates or programs in public exhibition spaces

In the event that unsolicited works of art are found in public spaces, the Municipality of Chatham-Kent, at its discretion, may have these works removed. Ownership of Public Art on loan to the Municipality will remain with the owner.

PART 4: Roles and Responsibilities

4.1 Public Art Staff

The Arts and Culture division manages the Public Art Program. Specific responsibilities include:

- Developing, managing, auditing, maintaining and promoting the Municipality of Chatham-Kent's Public Art program and inventory
- Overseeing the art and artist selection processes, contract negotiations, site planning and preparation, installation, insurance and maintenance of Public Art works
- Mediating between the artist or donor, community groups, staff of other municipal departments and the Municipality of Chatham-Kent's agencies, boards and commissions
- Providing primary administrative support for the Public Art Policy
- Reporting policy recommendations to the Municipality of Chatham-Kent Council

4.2 Municipality of Chatham-Kent Council

The members of the Municipality of Chatham-Kent Council shall:

- Advocate for Public Art in the municipality and its wards
- Approve the Public Art Policy and any future amendments
- Authorize expenditures from the Public Art Reserve Fund

- Approve the annual Public Art budget through the budget process

4.3 Public Art Advisory Committee

A Public Art Advisory Committee will be established in order to:

- Review acquisition and de-accession processes, policies, plans and donation requests in order to make recommendations to administration
- Nominate individuals to be members of Public Art Selection Panels
- Review the criteria for selection of the artist and/or artwork, competition brief and Call to Artists

The Arts and Culture Division will appoint a staff liaison to the Public Art Advisory Committee.

4.4 Interdepartmental Public Art Team

An inter-departmental staff team shall assist in the identification and annual review of public art sites and opportunities as part of the annual allocation to the Public Art Reserve. This team will comprise representatives from various municipal departments, including Parks and Outdoor Spaces, Engineering, Planning and Community Development. Arts and Culture division staff will chair the inter-departmental team and coordinate project reviews. The interdepartmental Public Art team, with input from the Public Art Advisory Committee, will:

- Determine sites for Public Art
- Assess risk management issues regarding safety and maintenance of projects that have been short-listed in competitions
- Provide feedback to the Public Art Selection Panel on any safety or risk management concerns

4.5 Public Art Selection Panel

A project-specific, ad-hoc Public Art Selection Panel will be established once the terms of reference for a Public Art Project have been developed by staff. The Panel for a particular project shall be responsible for the review and assessment of all competition entries and for selecting the successful artist. Staff will coordinate the review and selection process.

PART 5: Selection Process

5.1 Methods Of Selection

Artists (or artwork) may be selected for public art projects by one of the following methods:

- Direct selection: artist or completed artwork chosen directly by the Public Art Committee or by a Selection Panel
- Invitational selection: a limited number of artists are invited to submit proposals, a completed artwork, or otherwise participate in a public art project selection process. Direct recruitment methods may be used to solicit qualified artists for a project
- Open competition: any professional artist is eligible to participate, subject to limitations established by the Public Art Committee in a Call for Artists.

5.2 Call for Artists

For invitational and open competitions, administration shall develop a Request for Qualifications (RFQ), a Request for Proposals (RFP), or a Call for Artists. This document shall include:

- A description of the project, including its goals; work scope, including the site's physical description; potential approaches to the project; and any physical or legal restrictions that may apply to the project
- Application procedures, including materials requested, eligibility and timelines.
- Selection procedures (if appropriate)
- Criteria for the selection of artist(s) and artwork(s)
- Project budget

5.3 Artist Eligibility

Specific eligibility requirements will be established at the initiation of each project and will be described on the RFQ/RFP or Call for Artists. In general:

- Artists shall be considered for commission on the basis of their qualifications, as demonstrated by past work, relevant experience, the appropriateness of a specific proposal to the project goals and the likelihood that the artist can successfully complete the project
- Excluded from consideration are works of art or proposals submitted by the project architect and/or members of the design team, and artists who are members of or immediate family of the Public Art Program staff and Municipal City Council.

5.4 Artist Selection Criteria

In evaluating proposals for public art projects, the Public Art Selection Panel shall consider criteria in Section 5.3 above and:

- An evaluation of the artist's proposed budget and the artist's ability to successfully complete the project within the proposed budget
- An analysis of the artist's proposed method of installation of the artwork and an evaluation of safety and structural factors involved in the installation

PART 6: Site Selection, Installation, Maintenance, Storage and Insurance

6.1 Site Selection

The Municipality of Chatham-Kent and the Chatham-Kent Public Art Committee will coordinate the site selection of appropriate locations for the installation of Public Art on municipally owned public space. Identification of appropriate sites through a Public Art Master Plan will allow for the strategic placement of Public Art in the Municipality of Chatham-Kent.

6.2 Installation

The Municipality of Chatham-Kent, in consultation with the Artist(s), is generally responsible for the installation of all works of art that the Municipality of Chatham-Kent has acquired. All contractual requirements with the Artist(s) will be overseen by the Chatham-Kent Public Art Committee and Municipality of Chatham-Kent, and will be identified in advance through the agreement of purchase, or commission, donation or rental contract. All acquired works will be condition-reported upon receipt, and any problems found will be referred to the artist/lender for resolution. Proper signage identifying the artwork and Artist will be the responsibility of the Municipality of Chatham-Kent.

6.3 Maintenance

It is the responsibility of the Municipality of Chatham-Kent to maintain all permanent works of art

within the Public Art Inventory, in accordance with the approved maintenance plan and/or conservation plan required for each piece. Development of the maintenance plan and/or conservation plan is the responsibility of the artist and must be submitted with the proposal at the time it is being reviewed and considered through the Public Art Program. The plans will include, but not be limited to, a maintenance dossier, shop drawings, manufacturers' lists, key contacts including the artist, maintenance and/or conservation specifications and budgets.

The Municipality of Chatham-Kent will be responsible for the care and maintenance of the artwork, in accordance with the approved maintenance plan. Municipality of Chatham-Kent staff will monitor the existing inventory for maintenance requirements. The appropriate Municipality of Chatham-Kent department will undertake an inspection of the artwork according to a pre-determined schedule. The Municipality of Chatham Kent may choose to retain a qualified professional to undertake the inspection, if deemed necessary. If located on private property, continued maintenance of the artwork will be the responsibility of the owner.

6.4 Storage

The Municipality of Chatham-Kent will take reasonable steps to ensure appropriate short-term and long-term storage, as needed, for all works within its Public Art Inventory. This does not include new works being created by an artist.

6.5 Insurance

All permanent, temporary or mobile Public Art works owned by the Municipality of Chatham-Kent through purchase, commission and/or donation are the property of the Municipality of Chatham-Kent and are insured under the Municipality of Chatham Kent's Insurance Policy.

PART 7: Agreements and Deaccessioning

7.1 Agreements

The Artist will enter into a written agreement with the Municipality of Chatham-Kent following the approval of the acquisition of the artwork. This agreement will address the artist's obligations, which will include, but not be limited to:

- Materials
- Timelines
- Installation
- Maintenance and/or conservation plans
- Warranty
- Copyright
- Payments to sub-contractors

7.2 Deaccessioning

The deaccessioning of Public Art will only occur after a comprehensive assessment is undertaken by the PAAC and Public Art Program staff and approved by the Municipality of Chatham-Kent Council. A work of Public Art may be deaccessioned for any of the following reasons:

- The Public Art is deteriorating and restoration is not a feasible solution
- The Public Art is no longer relevant to the Public Art Inventory

- The Public Art is discovered to have been stolen, or was offered to the Municipality of Chatham-Kent for acquisition using fraudulent means

The PAAC and Public Art Program staff will prepare a report providing the justification for recommending deaccessioning and the method of disposal.

In the event of accidental loss, theft or vandalism, the Municipality of Chatham-Kent retains the right to determine whether replacement or deaccessioning of the artwork is appropriate. The deaccessioned art may be moved, sold, gifted to another institution, or destroyed, with any monies received through the sale of the work(s) being placed in the Public Art Reserve Fund for new acquisitions.

PART 8: Community Engagement and Awareness

8.1 Community Engagement

The Public Art Program staff will ensure that the community has the opportunity to engage with Public Art through:

- providing opportunities for community input and involvement
- including community art projects led by professional artists when appropriate
- expanding the level of knowledge of the Public Art Inventory in the community
- maintaining a dedicated social media page to highlight public work projects, artists and goals

8.2 Community Awareness

The Municipality of Chatham-Kent will be responsible for ensuring that the community is aware of any Public Art components in association with buildings or any installations or deaccessioning in outdoor public spaces (e.g. parks and open spaces) as part of the Municipality of Chatham-Kent's normal business practices. When appropriate, official unveilings will be undertaken in order to allow all citizens of Chatham-Kent to take part in celebrating new additions to the Public Art Inventory.

PART 9: Championing Public Art

The Municipality of Chatham-Kent will:

- Encourage the inclusion of Public Art on properties under the jurisdiction of the Municipality of Chatham-Kent, its agencies and boards. The Municipality of Chatham Kent Council may require a Public Art component in specific types of municipal capital projects.
- Encourage the inclusion of Public Art in all significant private sector development across the Municipality of Chatham-Kent, using applicable planning tools and processes. Private sector developers will be encouraged to follow the best practices established by the Municipality of Chatham-Kent for the acquisition and selection of Public Art. The Municipality of Chatham-Kent will provide assistance in the application of these practices where resources and staff time are available.

PART 10: Conflict of Interest

Staff of the Municipality of Chatham-Kent, members of Council, any directly related citizen committee, staff, board and members of related committees of any external designate, and members of the jury selection panel shall declare a conflict of interest and remove themselves in all cases from a juried selection process where a project comes before the committee in which he or she is involved either directly or indirectly.