



## Policy Manual

**Policy Number: CORPORATE—035**

**Subject: Public Art Policy**

### **Policy Statement:**

#### **Purpose / Objective**

- Increase the liveability and artistic richness of the municipality by making Public Art a permanent part of our shared environment and a legacy for future generations;
- Provide opportunities for the public to engage with and increase their awareness, appreciation, knowledge and education of Public Art;
- Develop a sense of place, community pride and identity through the creation of new Public Art;
- Integrate art and artists into a variety of public settings;
- Enhance the attractiveness of the city and promote cultural tourism;
- Provide opportunities for artists at all levels and career stages;
- Establish Guiding Principles to direct policy implementation;
- Articulate clear funding mechanisms;
- Provide stewardship for municipal Public Art Collection;
- Ensure that Public Art is included in the planning and design of publicly accessible spaces and projects;
- Ensure that Public Art continues to make the environment visually engaging, while reflecting the City's heritage and cultural diversity;
- Recognize the importance of Public Art;
- Increase public awareness regarding Public Art and the value it brings to the community and area; and
- To demonstrate that Public Art can significantly enhance the City.

#### **Policy Statement Details**

The City of Brantford recognizes the value of art in public places that reflects the diversity of our community, provides unique attractions for citizens and visitors, and strengthens community pride. Public Art celebrates our culture, history, people, events and locations while enhancing our economic vibrancy.

#### **Related Policy Guidelines**

## 1.0 Guiding Principles

This Public Art policy will endeavor to ensure that:

1. Public Art is integral to the civic planning and development process.
2. Public Art is accessible to all citizens by providing opportunities for participation that are equitable and inclusive.
3. Cultural links are created through the promotion of opportunities for community development, community engagement and community partnerships.
4. The significance of Public Art in community life is demonstrated.
5. A wide variety of creative expression, art practice and art work is encouraged, developed and considered for Public Art.
6. Excellence, quality and innovation are encouraged.
7. Adequate resources are developed and available to preserve existing and create new Public Art.

## 2.0 Definition of Public Art

“Public Art” is art that is acquired by the City of Brantford and displayed in municipally owned public space, or a space that has been classified under a Community Improvement Plan. Public Art may include, but is not limited to:

- Sculptures;
- Murals;
- Memorials, monuments or artefacts (e.g. Cenotaph/Brant War Memorial, the Bell Memorial);
- Fountains or water features that are made by, or in partnership with, an artist and contribute aesthetically to their surroundings;
- Special engineering or architectural features of new and existing capital projects, that are in collaboration with an artist, that contribute aesthetically to their surroundings;
- High quality community art projects related to neighbourhood beautification, which meet the standards of a Professional Artist but do not necessarily involve Professional Artists; and
- Art installations, which are temporary in nature, ranging from a few hours up to 10 years. This can be by artistic design, scope of the project or program or temporarily created for a commemorative or celebratory nature.

Public Art may be integrated into the design of the site, buildings and landscapes in publicly accessible and visible areas of a site. These areas can include the walls, floors and ceilings or other publicly accessible open space such as plazas, forecourts, courtyards, colonnades or setbacks. When integrated, Public Art must retain an interpretative aspect, as determined by the commissioned artist, and not be a mere extension of the design of the architecture, landscape architecture or interior design of the new development

## Other Definitions

**Accession** is to make a formal record of an addition to a collection.

**Acquisition** is the acquiring of Public Art through commission, purchase, donation, gift or bequest

**Artist** is someone who: is recognized as a professional practicing artist by other artists working in the same field; has completed basic training (formal or informal) in their field; spends a significant amount of time practicing their art; and seeks payment for their work. A Professional Artist is a person who is critically recognized as an artist; he or she possesses skill, training and/or experience in an artistic discipline, is active in and committed to his or her art practice and has a history of public presentation. Is recognized as a professional by his or her peers (artists working in the same artistic tradition) is committed to devoting more time to artistic activity, if possible financially has a history of public presentation or publication.

**Artist Mentorship** is an opportunity for an emerging artist to work with an established artist, on a project relevant to their area of work and interest.

**Artist's Moral Rights** include the right to the integrity of the work in regard to associations or modifications. They include the right to be associated with the work as its author by name, pseudonym or the right to remain anonymous. Moral Rights are non-transferable and endure even after copyright has been assigned. The rights may be waived by the artist agreeing to not exercise them in whole or in part.

Examples of violation of Moral Rights may include:

- Changing the colour of the artwork or adorning it with additional elements; and
- An act or omission performed on the artwork that affects the honour or reputation of the artist.

**Community Improvement Plan** is a provincial designation that allows Public Funds to be used on Private lands for the betterment of the community in publicly accessible spaces. A Community Improvement Plan enables the City to work with commercial and industrial property owners, and business tenants of such properties, to enhance building facades and improve exterior spaces that serve a business purpose. To qualify for funding, eligible improvements must be visible from a public street, public laneway or publicly-accessed private laneway. Eligible improvements of a cultural nature could be murals and wall art fixtures.

**Conservation** focuses on protection and care of cultural property, including artworks, architecture, archaeology, and museum collections. Conservation activities include preventive conservation, examination, documentation, research, treatment, and education.

**Copyright** grants the author of a work the sole right to reproduce, distribute, display, and alter their works of art. It expires 50 years after the artist's death. It may be assigned or licensed to another individual or institution and/or it may be assigned exclusively or jointly. Copyright also extends to the use of images of the artwork for promotional or educational purposes.

**Creative Place making** is a practice that intentionally leverages the power of the arts, culture and creativity to serve a community's interest while driving a broader agenda for

change, growth and transformation in a way that also builds character and quality of place.

**De-accession** is the formal process to permanently remove an object from the Public Art Collection.

**Emerging Artist** is an artist in the early years of their career that may have had some previous professional exhibitions, commissions, presentations or installations.

**Municipally owned public space** is considered to be any area frequented by the general public that is owned, maintained, operated or occupied by the City of Brantford. 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.

**Mural** is a design or work of art applied directly to a wall or building façade either painted or on affixed panels for the purpose of artistic expression, decoration, and Public Art.

**Preventive Conservation** any actions taken to minimize or slow the rate of deterioration and to prevent damage to collections; this includes activities such as risk assessment, development and implementation.

**Private Property** is any property, building or structure in the municipality not owned or managed by the City of Brantford.

**Privately Owned and Publicly Accessible** is any outdoor space accessible to the general public that is private property such as courtyards, entrance plazas, forecourts, lanes, etc.

**Privately Owned and Visible to the Public** is private property and features such as building facades, retaining walls and fences that are visible from a public place and contribute to the character of the adjacent public place.

**Public Art Collection** shall be defined as the works of Public Art belonging to the Corporation of the City of Brantford and held in trust for the People of Brantford.

**Public Art Installations** shall be defined as works that are created to last 10 years or less.

**Public Art on Construction Hoarding** is defined as temporary Public Art (e.g. wraps) on construction boarding.

**Public Space** is defined herein as any space on or within City property accessible to the general public, or any space that is accessible to the general public and approved by the City as a viable Public Art project site.

**Restoration** is returning something to an earlier and usually better condition.

Taking steps to restore or preserve the artwork would not be included as long as this work is performed in good faith. Also, changing the location of the work does not generally constitute a violation, but in the case of works of Public Art, the exact siting may be considered part of the work.

**Temporary Public Art** is an original artwork that lasts or is designed to last for a limited time, normally a few hours to under 10 years.

**Work of Art** is a work in any media created by one or more Artists

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

- Directional elements such as signage or colour coding, except where these elements are integral parts of an original work of art;
- Art objects which are mass-produced of standard design such as playground equipment, benches or statuary objects;
- Landscape architecture and landscape gardening except where these elements are an integral part of the original work of art, or are the result of collaboration among design professionals including at least one artist;
- Temporary artwork that does not meet the definition of Public Art for example;
  - aesthetic additions to offices spaces or City buildings;
  - mass produced reproductions artwork;
  - Easily movable art works (i.e. paintings, drawings, models and books) that are not part of an acquisition to the Public Art Collection;
  - Plaques and directional elements, such as super graphics, signage or colour coding, except where these elements are integral parts of the original work of art;
  - Commemorations that are not created by an artist and/or sited in public space; municipally owned museum, archival, or corporate art collections; or;
- Art works not owned or acquired by the City of Brantford but displayed on municipal property through an agreement with the owner of the art;
- Art that is located in City facilities that are leased or licensed to a third party (e.g. the Bell Homestead, Canadian Military Heritage Museum, Glenhyrst Art Gallery etc.);
- Archaeological materials;
- Weapons of War and War Trophies (e.g. Cannons);
- Art that is part of a beautification project or community art project;
- Art that is associated with or derived from school programs or art programs that are offered at City facilities;
- Art that is personally owned by a member of Council or an employee that is brought into City-owned work spaces;
- Donations of a tree or bench to a City park as a tribute to an individual or organization; and
- Art that is associated with or designed for auction or fundraising initiatives by external organizations.

### **3.0 Funding for Public Art**

Public Art is funded through an annual transfer to the Public Art Reserve. The Public Art Reserve funds new acquisitions, Public Art education and major maintenance that exceeds the Corporation's annual operating budget for preventative conservation and minor restoration.

Other departments beyond Economic Development, Tourism and Cultural Initiatives, are responsible for budgeting for Public Art in applicable capital projects (e.g. new parks, buildings and infrastructure that are publicly accessible). It is strongly advised that Public Art be incorporated into all major renovations and City improvement projects.

## **4.0 Murals**

All Murals in the City of Brantford will be guided by the following requirements:

- Artwork must be appropriate for display in public places and shall therefore not promote violence, hatred, or contempt against any identifiable person or group distinguished on the basis of colour, race, ancestry, religion, ethnic origin, sexual orientation, politics, age, language, gender, or disability.
- Artwork shall not be advertising therefore logos, phrases or branding for any business, product, service or private interest should be avoided, unless it is integral to the work.
- Artwork must not incorporate imagery resembling traffic signals or signage and/or any content that may pose a distraction to drivers.

### **4.1 Murals on Private Property**

Murals on private property are not considered part of the Public Art collection, but do contribute to the enhancement and beautification of the community by bringing colour to building walls and streets, and creating unique experiences for residents and tourists to engage with art.

All Murals in the City of Brantford will be guided by the following requirements:

- A mural on private property must be maintained for two years.
- Artwork must be appropriate for display in public places and shall therefore not promote violence, hatred, or contempt against any identifiable person or group distinguished on the basis of colour, race, ancestry, religion, ethnic origin, sexual orientation, politics, age, language, gender, or disability.
- Artwork must not incorporate imagery resembling traffic signals or signage and/or any content that may pose a distraction to drivers.
- If any of the above rules found to be violated, by-law has the right to issue a ticket, fine or the enforce the removal or alteration of the mural.

## **5.0 Acquisition of Public Art**

The City of Brantford may acquire Public Art through selection and purchase, commission, loan or donation.

When the City commissions a work of art, the artist selection process, acquisition criteria, schedule, budget, technical requirements, the art objectives unique to the circumstances, site characteristics and context are defined through the Public Art Program and approved by the City Staff.

The process for the selection of Public Art should:

- i. attract Professional Artists from a variety of artistic disciplines;

- ii. be meaningful, fair and equitable;
- iii. encourage opportunities for learning, participation, and experimentation in arts and culture; and
- iv. incorporate and integrate Public Art into the planning, design, and execution of selected civic development projects.

Public Art shall be selected on merit through a process informed by expertise and community input.

Proposals for the acquisition of Public Art shall be solicited through

8. Call for Artists Submissions (open competition);
9. Invited Competition; or
10. Direct Award.

The final selection shall be chosen by way of a jurying process coordinated by City staff and comprised of members from;

- Public Art Subcommittee (PAS)
- Representatives from the project team (design consultants)
- Art and design professional(s) and/or community member(s) with relevant expertise and interest, and
- City staff or external advisors selected for specific technical or cultural expertise\*

\*No City staff (with the exception above) or Council Members will act as voting members of the jury.

## **6.0 Role of Public Art Subcommittee (PAS)**

The PAS will be responsible for:

- promoting awareness and understanding of the benefits of art in public spaces;
- providing guidance and advice to the staff of the City of Brantford and Brantford City Council regarding the type and location of Public Art;
- assisting with the selection of Public Art;
- recommending any changes and/or additions to the evaluation criteria for section of Public Art, as required; and
- working with City of Brantford staff to identify potential sites and projects for future Public Art installations.

The selection of Public Art is a consultative process involving many different partners.

- The PAS will advise City Council on the implementation of the Public Art Policy through the EDT&CI Advisory Committee.
- The PAS will consist of a maximum of seven (7), and a minimum of five (5), members selected from the community and appointed by the EDT&CI Advisory Committee and staff.
- At least four (4) members shall have professional experience related to at least one of the following disciplines: urban planners, landscape architects, architects, visual

artists, art historians, art administrators, educators, curators, visual arts consultants, developers, civil engineers, art critics/writers, heritage professionals, literary artists, performing artists, or cognate disciplines.

- Members of PAS should demonstrate significant knowledge in the field of Public Art and be familiar with the Brantford community.
- A member of the EDT&CI Advisory Committee will chair the subcommittee and will be appointed every four years, or more often, if required.

## **7.0 Gifts, Awards and Donations of Art**

Gifts, donations and bequests of art shall be reviewed by City staff before being presented to the PAS to assess artistic merit, site suitability and context, durability and maintenance requirements, financial implications and public safety prior to any acquisition or installation as Public Art.

City Council, PAS, and/or the Economic Development, Tourism & Cultural Initiatives (EDT&CI) Advisory Committee may decline to consider or accept any gift, bequest or donation of art in their sole discretion with recommendations provided by the municipal staff.

The City's Gifts and Donations – External Acquisitions Policy provides that all items that have been donated to the City and being considered for de-accessioning must be approved by City Council.

## **8.0 Deaccessioning of Public Art**

The City of Brantford has the right and responsibility to deaccession Public Art. All reasonable efforts shall be made to resolve problems or re-site the Public Art, in consultation with the artist and/or donor, where appropriate. Reasons for deaccession include, but are not limited to:

- i. endangerment of public safety;
  - ii. excessive repair, maintenance or irreparable damage;
  - iii. inaccessibility;
  - iv. site redevelopment;
  - v. does not meet the definition of Public Art per the Public Art Policy; and/or
11. is not within the definition of the Public Art portfolio.

## **9.0 Implementation**

The implementation of the Public Art Policy will be coordinated by Economic Development, Tourism & Cultural Initiatives Department staff. This department also coordinates the artist calls either independently or in partnership with third party organizations (e.g. Glenhyrst Art Gallery of Brant, Mural Routes, or STEPS Public Art to name a few).

City staff manages the artist agreement from concept to completion for art commissioned for the Public Art Collection. This may include overseeing the technical review, safety, fabrication, permit approvals, installation, final inspection, formal acceptance and long-term maintenance.

Staff responsibilities will include, but will not be limited to:

- facilitating PAS regular meetings, circulating information, providing guidance, arranging for the recording of minutes;
- recommending to Brantford City Council an annual budget through the budget process;
- establishing and maintaining the Public Art Collection;
- coordinating preventative conservation and/or restoration of the City of Brantford’s Public Art collection, as required; and
- investigating Federal, Provincial, or other sources of funding to promote Public Art in Brantford.

A staff member will work in conjunction with PAS for artwork selection and ongoing, long-term Public Art planning including site selection and maintenance.

Brantford’s City Council will be responsible for:

- Approving the Public Art Policy;
- Acting as an ambassador for the promotion of Public Art in Brantford;
- Approving any changes to the Public Art Policy, as required;
- Receiving recommendations concerning the acquisition, loan, or deaccession of Public Art;
- Authorizing expenditures from the Public Art Reserve Fund; and
- Approving the annual Public Art budget; and
- Approving applicable by-laws and related policies that support the Public Art program.

<p><b>Date of Enactment:</b> (Month, Day, Year)</p>	<p><b>Related by By-law Number/ Staff Report Number:</b> Report Numbers</p>
<p><b>Review Date:</b> (Month, Day, Year)</p> <p><b>Amendment Dates:</b> (Month, Day, Year)</p>	<p><b>Department Responsible for Review:</b> Name of Department</p>
<p><b>Date of Next Review:</b> (Month, Day, Year)</p>	<p><b>Applicable Legislation/ Legislative Authority:</b> Legislation Title</p>

