



The Corporation of the District of Peachland

Council Policy

POLICY NAME **Public Art Policy**

POLICY NUMBER: PRO-225

Council Approval – Resolution No. RC-22/03/22-011

PURPOSE

The purpose of this Policy is to establish a standardized and transparent process for the acquisition, selection, installation, maintenance and deaccessioning of all public art located on District owned public property.

SCOPE

This Public Art Policy applies to:

- All permanent, transitory or community based public art for installation on District owned property;
- All art that is funded wholly or in part by the District, or part of a District-endorsed arts program (e.g. a mural festival); and
- Murals or any signs painted upon a building or structure that is owned by the District.

DEFINITIONS

“Acquisition” means the acquiring of public art through commission, purchase, donation, gift or bequest.

“Borrowed” refers to an artistic work that is borrowed by the District, through a loan agreement, for a defined period of time from a lender who owns and retains ownership of the artistic work;

“Council” means the municipal Council of the District of Peachland;

“De-accession” means the formal process to permanently remove an object from the Public Arts Collection.

“District” means the Corporation of the District of Peachland.

“Owned” refers to an artistic work that is owned by the District for the benefit of this and future generations.

“Public Art” means an original artwork located in the public realm which is free and accessible to all.

Public Art is used to describe art which take place outside traditional gallery spaces. It may be placed in the natural environment or within publicly accessible buildings.

Generally, there are three main categories of public art:

Permanent – Public Art can be integrated, discreet (independent of its placement site or context), functional. Mediums can include, but are not limited to sculpture, installations, paintings, and murals. Within the District of Peachland functional public art may include items related to public works or services such as bus stops, benches, sewer cover, cement parking bollards and so on.

Transitory – Public Art that is exhibited temporarily which may include the mediums of light, sound, urban street art, virtual or interactive arts, in addition to temporary sculptures or installations or other forms of visual art.

Community-based – Public Art that is co-produced by an artist and a community group. It can address social issues, celebrate heritage, or culture or beautify neighborhoods. It may include sculpture, murals, or other forms of art. Community based art can either be permanent or transitory.

“Public Property/Spaces” means areas frequented by the general public, which are in the public domain. Public spaces should include, but are not limited to parks, boulevards, streets, bridges, exteriors of District-owned buildings, interiors of District Owned buildings.

POLICY

1.0 Policy Statement - A Vision for Public Art in Peachland

The District of Peachland (The District) believes that Public Art plays an integral role in providing points of interest, contemplation, and a unique sense of place. The District believes Public Art should mirror the distinctiveness and authenticity that is the very essence of Peachland making the town culturally richer, reflecting creativity and diversity and inspiring citizens and visitors alike. The District places a high value on works that are vibrant and engaging; balancing both the historic and contemporary nature of the town; contributing to a deeper understanding of this place we call home.

2.0 Public Art Policy Guiding Principles

The Public Art Policy Guiding Principles below are in addition to those of the Official Community Plan and the overarching mission statement of the District of Peachland which states:

“The District of Peachland exists to provide affordable quality local services to taxpayers and business. Council engages the Community in two-way exchanges to fully understand the Community’s needs and aspirations. Council’s decisions for and on behalf of the Community are based on this understanding”.

Inclusive Valuing diversity and seeking to reflect and engage all sectors of the community, whilst balancing both the historic aspects and contemporary nature of the District of Peachland.

Respectful Acknowledge differences of opinion, style, technique and cultural significance of the art, artists, and the community. Listening with respect, empathy and understanding.

- Transparent** The District will ensure that each stage of the public art process remains fair, open, and transparent.
- Engaging** Understanding that a main function of public art is to engage the community and invigorate the place in which the art is situated.
- Progressive** The District is open to new ideas, techniques and forms of expression that may be unique or unconventional.
- Accessible** Ensuring visibility and accessibility for all the community.
- Collaborative** Seeking a partnership approach with public agencies, artists, non-profit organizations, and citizens to achieve shared public and community art goals.
- Equitable** Providing an equitable approach in its support of local artists, art installation workers, and volunteers by engaging local artists when commissioning or acquiring art and committing to a selection process that is fair and equitable.
- Participatory** Valuing participation the District will ensure community and stakeholder input be key to the selection and placement of District public art through the establishment of a Public Art Advisory Committee to represent the community.
- Creative** Demonstrated through public art projects bringing a sense of pride and ownership of art and culturally enhancing the District of Peachland as a visually attractive destination.
- Quality** Public art procured will be of the highest quality. Artworks will be positive portrayals of subject matter and be uplifting. They should not be of a political nature, depict violence or any other disturbing themes. They may be thought provoking and stimulate discussion or dialogue but should not be divisive or of known controversial or “offensive subjects”. The District will maintain the integrity of artworks over time to reflect the value of community public art. The District recognizes that artistic excellence and professionalism will play a key role in the public art selection process.

3.0 Establishment of a Public Art Advisory Committee (PAAC)

To achieve the goals of the Public Art Policy, a Public Art Advisory Committee will be established and operate within the Terms of Reference as provided for in Schedule “A” of this policy.

The Public Art Advisory Committee (PAAC), an advisory committee to Council, is responsible to advocate for public art, advise on public art policies, procedures, guidelines, plans and issues as they relate to the District of Peachland.

The Public Art Advisory Committee operates at arm’s length and reports its activities, developments and recommendations in an Annual Report to Council.

The Public Art Advisory Committee shall be appointed by Council and shall operate within the purpose of the Public Art Policy.

4.0 Roles and Responsibilities

4.1 District of Peachland Council to:

- Utilize a volunteer advisory board called the District of Peachland Public Art Advisory Committee.
- Budget annual funds to support a maintenance and installation program for public art in the District of Peachland.
- Be the final approving body for all proposed art projects.

4.2 District of Peachland Administration to:

- Liaise with the Public Art Advisory Committee in the planning and development of public art.
- Recommend a budget through the District's annual budget process
- Establish and maintain a Public Art Inventory.
- Coordinate the acquisition of artistic works in accordance with this policy.
- Establish an ongoing maintenance program.
- Coordinate the installation of public art projects.

4.3 Public Art Advisory Committee to:

- Advise on public art policies and guidelines.
- Promote awareness and understanding in the importance of public art.
- Advise the District on adjudication process for commissioning and acquiring public art.
- Advise the District on the maintenance and management of proposed Public Art.
- Evaluate and make recommendations on proposed Public Art projects.
- Evaluate proposed public art donations, gifts, bequests, and fundraising and provide recommendations to Council in accordance with the Public Art Policy.
- Provide advice on the decommissioning of public art.
- Advise on communications to the Community regarding public art.
- Liaise with Administration to ensure proper process, procedures, and guidelines are followed for all proposed public art projects.

5.0 Selection

5.1 Owned Public Art

The process for soliciting proposals for providing Public Art should:

- Attract Artists from a variety of artistic disciplines
- Be meaningful, fair and equitable
- Encourage opportunities for learning, participation, and experimentation in arts and culture
- Incorporate and integrate Public Art into the planning, design, and execution of selected civic development projects

Proposals for providing Public Art may be solicited through:

- Open competition
- Invited competition
- Direct award, where permitted by the District's Purchasing Policy

Public Art will be selected on merit through a process informed by expertise and community input through the Public Arts Advisory Committee. The selection will employ a jurying process coordinated by the Public Arts Advisory Committee, with guidance from the District Administration. Final decisions regarding the selection and acquisition of artistic works will be made by Council.

Sites for Public Art will be identified through District Administration.

Each artistic work that is being considered for selection as Owned Public Art will be evaluated according to the following criteria:

- Quality of work
- Condition of work
- Monetary and/or appraised value
- Artistic reputation of the artist
- Suitability of the artistic work for display in a public space (e.g. size, subject matter)
- Relevance to the District's natural and built environment, cultural heritage, and/or history
- Authenticity of the artistic work
- Ethical and legal considerations regarding ownership

All offers of gifts, donations and bequests of artistic works will be reviewed by the Public Arts Advisory Committee with the guidance from District Administration to assess artistic merit, site suitability and context, durability and maintenance requirements, financial implications and public safety prior to any acquisition, designation or installation as Public Art.

5.2 Borrowed Public Art

All artistic works to be considered for selection as Borrowed Public Art will be evaluated against the following criteria:

- Quality of the artistic work
- Artistic reputation of the artist
- Suitability of the artistic work for display in a public space (e.g. size, subject matter)
- Condition of the artistic work
- The District's ability to safely display and conserve the artistic work
- Exposure provided for Peachland artists

Proposals for Borrowed Public Art will be reviewed by District Administration.

Sites for Borrowed Public Art will be identified through District Administration.

6.0 Acquisition and Securing

6.1 Owned Public Art

The District may acquire owned public art through purchase, commission, or donation.

Each acquisition will be accompanied by a maintenance plan that is supplied by the Artist or donor.

All donations must be unencumbered and the locations for donated artistic works will be subject to approval. The donor of the artistic work must have legal title to the artistic work and will be responsible for meeting the Canada Revenue Agency criteria if the donor wishes to receive an official receipt for income tax purposes for the donation.

This process, which includes an appraisal of the artistic work at the donor's expense, to determine its fair market value, requires pre-approval by Administration.

The District may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

6.2 Borrowed Public Art

The District may secure borrowed public art for display on a temporary basis. Temporary installations may last from one day to one year, typically remaining on view for three to six months.

Following the approval of a proposal, an appropriate agreement between the Artist and/or sponsoring organization and the District will be executed.

The Artist and/or sponsoring organization will be responsible for funding, installation, maintenance and timely removal of the artistic work, and restoration of the site.

6.3 Agreements

Following the approval of the acquisition of an artistic work, the Artist will enter into a written agreement with the District. This agreement will address the Artist's obligations which may include, but are not limited to:

- Scope of work
- Materials
- Timelines
- Installation
- Maintenance
- Warranty
- Copyright and moral rights
- Payments to sub-contractors

This agreement would also set out the District's obligations that may include, but are not limited to:

- Payment
- Adherence to the approved maintenance plan
- Insurance of the artistic work
- Community notification
- Artist recognition

6.4 Installation

The District is responsible for coordinating the installation of all owned or borrowed public art. The installation process will be identified, in advance, through the purchase, commission, and donation or exhibition agreement and may involve participation of the Artist and/or a contracted professional installer. The condition of all acquired artistic works will be reported upon receipt, and any problems found will be referred to the Artist/Lender for resolution, prior to installation.

6.5 Insurance

All artistic works owned by the District through purchase, commission and/or donation, are the property of the District and are insured under the District's insurance policies.

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

6.7 Maintenance

The artist is responsible for developing a maintenance plan for each Public Art artistic work. The maintenance plan must be submitted for review and consideration along with the proposal to select the artistic work for acquisition. The complexity of the maintenance plan may vary based on the size, nature and material of the artistic work therefore, maintenance plans must also meet the satisfaction of Operations staff. Maintenance plans will include, but are not limited to, maintenance specifications, budget implications, manufacturer lists, and key contacts, including the artist.

6.8 Storage

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

6.9 De-accession of Public Art

The District may de-accession 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. Reasons for de-accession include, but are not limited to:

- Endangerment of public safety
- Excessive repair or maintenance
- Irreparable damage
- Inaccessibility
- Site redevelopment

In the event of theft, vandalism or accidental loss, the District may determine whether replacement or de-accession of the artistic work is appropriate.

No artistic work will be de-accessioned and disposed of without consultation with the Public Arts Advisory Committee. Recommendations of the Public Arts Advisory Committee regarding the need for and method of de-accession will be made to District Staff. The de-accessioned artistic work may be moved, sold, returned to the Artist or destroyed, with any monies received through a sale allocated to reserves.

7.0 Monitoring and Evaluation of this Policy

Administration will undertake an evaluation of this policy within one year after it is fully implemented to assess its effectiveness and to identify amendments if required. Following this initial review, this policy will be re-evaluated at least every five years.

Any proposed amendment will be submitted to Council for consideration and approval. The District will regularly monitor the effectiveness of the policy.

END OF POLICY

Schedule "A"

**PUBLIC ART ADVISORY COMMITTEE
TERMS OF REFERENCE**

MANDATE

The Public Art Advisory Committee, an advisory committee to Council, is responsible to advocate for public art, advise on public art policies, procedures, guidelines, plans and issues as they relate to the District of Peachland.

The Public Art Advisory Committee operates at arm's length and reports its activities, developments and recommendations in an Annual Report to Council.

The Public Art Committee shall be appointed by Council and shall operate within the purpose of the Public Art Policy PER-080.

COMMITTEE GOALS

- To demonstrate through projects and installations that public art can significantly enhance the District of Peachland as a location for diversified economic development and beautification.
- To ensure that qualified artists provide a variety of arts and cultural expression and to ensure that the selection process is meaningful, fair, and equitable.
- To encourage community members to participate in developing public art resources reflecting diversity and inclusion.
- To stimulate the creativity in individuals through the provision of educational and public awareness opportunities for learning and participation in arts and culture e.g., a youth arts program, indigenous and other ethnic based programs.

COMMITTEE FUNCTIONS

- Provide community input on policies, projects and procedures related to public art in the District of Peachland.
- Promote awareness and understanding of the importance of high-quality public art.
- Assist with the development and subsequent reviews of a Public Art Policy which will identify eligible projects, locations, site selection, criteria, and selection processes.
- Conduct a bi-annual review of Public Art Policy and make recommendations on update amendments as required.
- Assist with the implementation of the Public Art Policy to determine prioritization, implementation, and budget considerations for public art projects.
- Promote the activities of the Public Art Advisory Committee and raise public awareness and importance of public art in the District of Peachland.
- Set-up and manage a juried art process including decision making regarding criteria and terms of reference and assist with the development of Call for Artists.

- Advise and recommend to Council on proposed gifts, donations, and bequests to the District of Peachland.
- Review and provide recommendations regarding applications for community based public art projects.

MEMBERSHIP

The Public Art Advisory Committee shall be comprised of seven (7) representatives as follows:

1. One (1) District of Peachland Council Member
2. One (1) Peachland Community Arts Council Member
3. One (1) Tourism Economic Development Committee (TEDC) Member
4. Two (2) local practicing professional artist or locally renowned practicing artist.
5. Two (2) Community Members at Large who are residents of Peachland and who have demonstrated an interest in Arts and Culture.
6. One (1) Member of the District of Peachland Administration (Non-Voting Member)

The Public Art Advisory Committee will report to District Council through the Director of Community Services or designate.

Members of the Committee shall be appointed for a four (4) year term to accommodate rotation of future members. Members of the Public Art Advisory Committee may only serve more than two (2) consecutive four-year terms in exceptional cases where a committee position cannot be filled by a suitable community member

The Public Art Advisory Committee will appoint a Chair to preside at meetings, set agendas and represent the Committee as required.

REPORTING/ROLES AND RESPONSIBILITIES

The quorum for the meetings will consist of 50% plus one of voting committee members. The Public Art Advisory Committee will primarily use the consensus model for decision making. The Public Art Advisory Committee will meet at least twice a year or at the call of the Chair.

CODE OF PRACTICE

- During their tenure, Public Art Advisory Committee members are disqualified from submitting public art projects that are to be reviewed by the Committee.
- Any member who deems they may have a conflict of interest shall declare such conflict prior to discussion on the matter.
- Any participant in the public art process including District staff, Public Art Advisory Committee members, family members or associations which may arise from the acquisition of any public artwork must declare any direct or indirect benefit to themselves, partners, families, or associations.
- As a Committee of Council, the Mayor or their designate (e.g. The Chair of the Public Art Advisory Committee) shall speak on behalf of the Committee.

Jury Selection/Purpose/Selection of Art

The Public Art Advisory Committee shall manage juried art submissions and shall decide on the criteria and terms of reference based on the Public Arts Policy for each project. The Public Art Policy supports the need for an objective, juried art selection process that will be democratic, have public appeal and will consider both the historic and contemporary nature of the District of Peachland. Juried public art guidelines ensures that uniform, arm's length procedures apply to all parties in the selection process.

The Jury shall be comprised of five (5) members as follows:

- One (1) District of Peachland Council member
- One (1) member of Tourism Development Committee (TEDC)
- One (1) member of the Peachland Community Arts Council.
- Two (2) members at large who shall be chosen by the committee through application based on their skills and experience related to the project.

The Jury shall:

1. Know the guidelines and/or terms of reference for the project as set out by the Public Art Advisory Committee.
2. While ensuring parameters of the Public Art Policy are adhered to, will review, select, and vote on art submissions and/or artists for the project.
3. Participate in meetings/interviews with artists.
4. Inform the Public Art Advisory Committee, in writing, of the decision of the Jury.
5. Ensure confidentiality of artists, submissions, and art selection.

The Jury may recommend that none of the submissions fit the guidelines and/or terms of reference or judging criteria.

Final recommendations to Council shall be made by the Public Arts Advisory Committee Chair.

District Council maintains final decision making power, and the sole right to approve or reject any recommendations by the Public Art Advisory Committee or the Jury at its sole discretion.