

THE CORPORATION OF THE CITY OF NELSON

POLICY TITLE:	Art in Public Places	POLICY NUMBER:	7710.00.010
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1. Introduction

The City of Nelson is committed to enhancing economic, social, cultural and other quality-of-life opportunities for the community. The *Art in Public Places* program guided by the *Art in Public Places Policy* will help to capitalize on Nelson's identity as a diverse community with a vibrant cultural scene as well as providing opportunities in cultural tourism and small business development. Enhancing the appeal of public places and heritage assets is important to residents and visitors alike.

Through the *Art in Public Places Policy*, the City of Nelson will provide cultural leadership, guide the evolution of a distinct and vibrant artistic character for the city's public places, and ensure a visual legacy. Public Art is a vital ingredient in the cultural fabric and streetscape of creative cities. This policy provides a framework for developing public art that:

- builds a visually rich environment;
- plays a role in attracting creative businesses and workers;
- provides art opportunities that are freely accessible to all;
- reflects our diverse cultural character and celebrates our living heritage;
- encourages the growth of a culturally informed public.
- Nelson's standing as an exciting place to live, work and visit will be enhanced through this policy. This policy focuses on the appearance of City infrastructure, public spaces, architecture and heritage assets to foster Nelson's image and identity.

2. Purpose of the Policy

In general terms, the policy is intended to:

- Increase the livability and attractiveness of the urban environment
- Increase awareness, understanding and enjoyment of art as part of everyday life in Nelson
- Increase the visibility of and pride in local artists and art production
- Promote excellence in the visual arts
- Increase the engagement of residents and visitors with Nelson's public spaces
- Promote aesthetic enhancement of Nelson's public spaces and capital projects
- Enhance cultural tourism assets
- Increase economic development and business opportunities for artists and artisans, and the community at large

Specifically, the policy will:

- Guide activities of the Cultural Development Committee (the CDC) in implementing the *Art in Public Places* program.

- Outline the process for making recommendations to Nelson City Council on the acquisition or creation of artworks for public display in accordance with Council's *Comprehensive Cultural Sector Policy*.
- Facilitate building the Public Art Reserve Fund and a system for expenditures from the Public Art Reserve Fund.

3. Definition

Public Art refers to original works of art that have been planned and executed with the specific intention of being permanently sited or integrated in the public domain, usually outside and accessible to all, for the enrichment of human experience. (For the purposes of this policy, Public Art does not currently include performance art or temporary works of art incorporated, performed or staged in indoor or outdoor public places. A separate policy shall be developed for art events and temporary works of art).

Public art includes but is not limited to:

- Sculpture, in any material or combination of materials, whether in the round, bas relief, high relief, mobile, fountain, kinetic or electronic;
- Murals, mosaics, fibre works, glass works, photography, paintings, or other art forms in any material or combination of materials;
- Tableaux, vignettes or creative displays of an artistic/informational nature which interpret the heritage significance of a building or site;
- Aesthetic enhancements of City infrastructure, such as railings, bridges, street furniture, buildings, equipment, street lights, manhole covers and waste receptacles.

4. Funding Mechanisms

The City of Nelson is committed to the long-term development of public art and will provide adequate funding depending on financial priorities as determined by CityCouncil.

Specifically, the City will:

- Provide funding for a Public Art Reserve Fund, by bylaw, and direct that money be placed to the credit of the reserve fund.
- The Public Art Reserve Fund and any interest it earns will be used for the provision and ongoing maintenance of public art projects.
- Each year, funds equivalent to 3% of the building permit fees received in the previous year shall be placed to the credit of the City of Nelson's Public Art Reserve Fund.
- Ensure, wherever feasible and appropriate, that budgets for planned capital projects include sufficient funds for artistic enhancement.
- Support the efforts of the CDC to seek funding from private, non-profit, corporate and government sources for the commissioning of public art.

5. Types of Public Art Projects

For all public art projects the City shall ensure that consequential obligations and rights including, but not limited to, copyright, ownership, publication, exhibition, and jury feedback are appropriately considered and fulfilled in accordance with any legal requirements.

a. Civic Projects

The City shall establish guidelines and procedures within its Purchasing Policy to ensure that artistic values are incorporated and featured in City infrastructure.

The role of the CDC is to generally advise and assist City staff in the accomplishment of artistically enhanced City infrastructure, including:

- Assist in requests for proposals for artistically enhanced City infrastructure
- Assist in coordination of artistically enhanced City infrastructure
- Establish a jury to adjudicate proposed projects and make recommendations to the City
- Review proposals for artistically enhanced City infrastructure with City departments to ensure potential operational, structural and public safety issues are considered
- Suggest artistic enhancements of City infrastructure that come to the attention of the CDC

b. Commission of Public Art by the City

On behalf of the City, and in cooperation with relevant staff, the CDC shall create and oversee the implementation of a Project Plan for a specific public art project. The Project Plan shall include, but not be limited to:

- a budget, including artist compensation and sponsorship or grant opportunities;
- consideration of CARFAC guidelines (Canadian Artists Representation/le Front des artistes Canadiens);
- the type of competition (see below);
- the media and specifications for the work;
- potential maintenance needs and funding sources;
- the suitability of the proposed location and identification of public safety issues;
- a timeframe;
- lines of communication;
- profile and solicitation of Jury members suited to the project;
- public communications plan, sponsor recognition;
- competition publicity.

For any proposed project, artwork shall be selected through one of the following methods, as identified in the Project Plan:

- i. *Open competition* – any artist, subject to any limitations established by the CDC, shall be eligible to enter.
- ii. *Limited competition* – the Jury, after a review of proposals or resumes, may invite a limited number of artists to enter. The Public Art Jury, in consultation with the CDC, will determine which artists shall be invited to compete.
- iii. *Direct selection* – after reviewing proposals or résumés, the Public Art Jury, in consultation with the CDC, may select an artist or a completed work.

The CDC will consult as needed with City staff to ensure that operational, public safety and maintenance issues are considered in the selection process.

The CDC will recommend to Council the preferred artist and/or artwork for each project.

The CDC shall negotiate an administration service fee with the City, depending on the work required for each public art project.

c. Private Initiatives on Public Property

Proposals received by or referred to the CDC from private individuals or organizations for public art projects on public property will be reviewed and assessed by the CDC. The review will consider artistic merit, ongoing maintenance demands, and the process for implementing the project.

- Consultation with City staff will be essential, as the proposed project is on public property which may create public safety, operational or maintenance concerns.
- Depending on the size and complexity of the project, the CDC may play a coordinating and lead role in development of the project, for a fee for service in which case a Project Plan will be developed and implemented.
- Alternatively, the CDC may simply recommend its approval to City Council, with or without the assistance of a Public Art Jury.
- Creation and installation costs for the artwork are the responsibility of the proponent.
- A contribution to the Public Art Reserve Fund may be required as a condition of approval to fund future maintenance of the project.
- Maintenance and repair of artwork on public property is the responsibility of the City, with funding to come from the Public Art Reserve Fund, if available, or from general operating budgets.

d. Private Initiatives on Private Property

Proposals received by or referred to the CDC for public art projects on private property will be reviewed and assessed by the CDC. The review will consider artistic merit, ongoing maintenance demands, and the process for implementing the project.

- Depending on the size and complexity of the project, the CDC may play a coordinating and lead role in development of the project for a fee for service, in which case a Project Plan will be developed and implemented.
- Alternatively, the CDC may simply recommend its approval to City Council, with or without the assistance of a Public Art Jury.
- Where appropriate, consultation with City staff and/or other City commissions will be carried out.
- Creation, installation, maintenance and repair of artwork on private property is the responsibility of the property owner, unless otherwise established by agreement with the City.

6. Development Applications

City staff will, as a matter of course in reviewing new development or redevelopment projects, encourage developers to incorporate public art in their projects.

7. Role of the Cultural Development Committee (CDC)

In addition to the specific roles outlined in the previous sections, the CDC will:

- Establish and evaluate an annual action plan for the *Art in Public Places* program that will guide the efforts of the CDC and any support personnel.
- Conduct regular reviews of and make recommendations to City Council for improvements to this policy.

- Promote the *Art in Public Places* program to the community at large through brochures, website descriptions, etc.
- Maintain an inventory of:
 - suitable public places and spaces for the display of art
 - potential local and regional artists (across disciplines) to produce or assist in the production of appropriate artworks
 - art in public places in the City
- Identify and contact provincial, national and international artists to participate in the *Art in Public Places* program.
- Work with local and/or regional artists, whenever appropriate.
- Make recommendations to Council on the acceptance of gifts or donations of art, pertaining to artistic merit, site suitability, liability and maintenance.
- Provide encouragement and practical assistance to private developers and business owners in the display of art in existing premises, new developments and re-developments.
- Develop and maintain partnerships to implement public art projects, including the cultural and business sectors, the Nelson and Area Economic Development Partnership, the regional Destination Marketing Office, and the Nelson and District Chamber of Commerce/Nelson Business Association, among others
- Ensure that proper curatorial services are in place to safeguard, protect and coordinate maintenance of the City's public art collection.

8. Jury Procedures

The CDC shall appoint temporary, project-specific Public Art Juries to assist in the selection of public artworks or the jurying of artistically enhanced civic infrastructure projects. The Jury shall make recommendations to the CDC which shall, in turn, make recommendations to City Council.

The CDC may authorize a Public Art Jury to plan and oversee the entire process for a public art project under the direction of the CDC, or may designate only the selection of the art work (by recommendation of the Jury to the CDC).

a. Public Art Jury

A Public Art Jury shall follow the policies governing *Working Groups* outlined in the Cultural Development Committee Bylaw unless otherwise noted in this policy. The Jury may hold in camera meetings, and may seek advice from the general public.

Each Public Art Jury shall, consist of at least three persons deemed knowledgeable of the media in question and considered qualified by their peers, solicited and appointed by the CDC.

Jurors must comply with the Conflict of Interest policy of the CDC.

Juror names shall be kept confidential until after the close of the project to avoid potential undue influence. Contact with jurors by artists involved in current projects may result in elimination from the competition.

Public Art Jury members shall:

- Review the submissions prior to the Jury meeting;
- Come to the meeting with an assessment of each submission in writing as it relates to the established parameters in the Project Plan;
- Rank the top three submissions;

- Listen openly to the assessment of all Jury members;
- Vote on a final recommendation to the CDC using the approved procedures of that Committee.
- Keep confidential all information relating to the competition, including names of applicants and details of submissions.

If, in the opinions of the Jury and CDC a satisfactory proposal is not submitted, all proposals shall be rejected, and the selection process shall begin a new or another method of selection adopted.

b. Jury Procedure for City of Nelson Capital Infrastructure Projects

When the City or a City department, in collaboration with the CDC, identifies a project that lends itself to artistic design or enhancement, the City will prepare a request for proposals (RFP) or similar process that includes specs, specific requirements, drawings, and/or the available budget, as appropriate.

After the RFP is issued, the CDC will assemble a Public Art Jury in accordance with the protocol on selecting juries (see Section 8a).

Once the submissions are received, the following procedure shall be followed:

- i. Submissions received by City Staff will be reviewed to ensure compliance with the invitation to submit proposals; that is, to ensure that each proposal:
 1. was received on time
 2. is in the format requested
 3. includes the required elements
 4. meets the allocated budget
- ii. If the subject matter of the RFP includes technical requirements, such as compliance with the B.C. Building Code, then City Staff will provide a brief technical review of the proposals indicating whether or not each proposal complies with the technical requirements and, if not, the nature of the non-compliance. Each technical review will be attached to the reviewed proposal.
- iii. The City will then edit the proposals for anonymity purposes, reproduce them, and forward them to jury members and the Cultural Development Officer (CDO) along with jury instructions and guideline information.
- iv. The CDO, or another CDC representative, will be appointed as an *ex officio* member of each jury. The CDO or other representative of the CDC is responsible for ensuring that the jury functions properly, follows instructions and adheres to the guidelines of the CDC. The *ex officio* member of the jury has no voting privileges.
- v. The jury will be instructed to evaluate the proposals for artistic merit, compliance with the RFP, the technical reviews (if any), and the CDC guidelines. The jury will then rank the proposals in order of preference along with a brief rationale for their decision.
- vi. The CDO or other representative of the CDC will inform the CDC that the jury has made the selection and that processes and guidelines were followed. The Chair of the CDC will be available for immediate consultation should any issues arise.
- vii. The CDO or other representative of the CDO will forward the primary selection and rankings to the City.

- viii. The CDO or other representative of the CDC will forward the juror's selection and rationale to the CDC for information only.
- ix. The jury will remain anonymous until completion of the selection process and official announcement of the selected artistic design.

If, in the opinions of the Jury and CDC a satisfactory proposal is not submitted, all proposals shall be rejected, and the selection process shall begin a new or another method of selection adopted.

9. Guiding Principles

In developing the terms of reference for, and selection of, public artwork the CDC and each Public Art Jury shall consider the following principles:

- a. style and nature – art works that are appropriate as art in public places, and compatible in scale, material, form and content with their surroundings, especially in the Downtown Development Permit Area, shall be considered.
- b. quality – the quality of the work itself shall be considered to be of the highest priority.
- c. local involvement – projects that include local and/or regional artists, either in leadership or support roles, are important.
- d. media – all visual or tactile art forms may be considered.
- e. elements and design – art in public places may function as art standing alone, focal points, modifiers of specific spaces, or establishers of identity;
- f. life span – due consideration shall be given to the projected life span of each work.
- g. permanence – due consideration, where appropriate, shall be given to structural and surface soundness, and to permanence in terms of relative proof against age, theft, vandalism, weathering, or excessive maintenance or repair costs.
- h. diversity – reasonable diversity shall be attained in style, scale, media, and materials represented.
- i. risk assessment – any proposed work must be constructed and installed to ensure that the structure is secure and poses no risk to the public.
- j. acquisition – new works may be commissioned, or existing works may be acquired.