

THE CORPORATION OF THE CITY OF NELSON

POLICY TITLE: Public Art Reserve Fund POLICY NO: 7710.00.015

EFFECTIVE DATE: July 8, 2013 SUPERSEDES: None

APPROVAL: Council PAGE: 1 of 3 pages

POLICY:

The City's Path to 2040 Sustainability Strategy was created to preserve and enhance Nelson's community. Under the principle of 'Cultural Strength' the Arts, Culture and Heritage Focus Area states that "*Nelson will be regarded as a vibrant arts, culture and heritage hub where locals and visitors are engaged in experiencing the authentic fabric of the City, the diverse nature of the community and the creative spirits of its people.*" Council is therefore committed to the long-term development of public art in the City of Nelson.

PURPOSE:

Council has created this policy to guide contributions to the Public Art Reserve Fund and to ensure that funds are spent appropriately in the development of public art (as defined in the Art in Public Places Policy) in the City of Nelson.

PROCEDURE:

1. Annual Contributions to the Public Art Reserve Fund

- a. In accordance with Council's Art in Public Places Policy, funds equivalent to 3% of the total building permit fees received in the previous year shall be credited to the City of Nelson's Public Art Reserve Fund in January the following year.
- b. Public Art Reserve funds, including interest earned, shall be targeted to the provision and maintenance of public art. In all cases the use of funds must be consistent with the intent of the Art in Public Places Policy.
- c. The City of Nelson will support the Cultural Development Committee's efforts in acquiring funds from private, non-profit, corporate and government sources for the Public Art Reserve Fund for the purposes of commissioning of public art in the City of Nelson.

2. How Public Art Reserve Funds may be used:

Council has identified the following categories for which Public Art Reserve Funds may be used:

2.1. Acquisition and De-Accession of Public Art

A. Acquisition

Works of public art will be acquired (commissioned, purchased, donated or leased) in accordance with the Art in Public Places Policy, and shall be funded in part or entirely from the Public Art Reserve fund. Costs of installation and other associated costs (such as plaques identifying the artist and title) may also be funded from this reserve fund.

B. De-Accession

De-accessioning is the process whereby artwork is removed from the City's Public Art Inventory. Public artwork may not be considered for de-accession until ten (10) years after the date of commission unless the condition of the artwork dictates otherwise. The condition of the artwork in this case shall be agreed between the artist and the Cultural Development Committee.

De-accession may only be considered:

- when the work in the collection is so severely damaged or vandalized as to make repair impractical when the work is structurally unsound and a threat to public safety; or
- when the use of the site has changed to the extent that the work is endangered on that site and should be moved to another site or de-accessioned; and
- in all cases, the rights of the artist must be upheld in accordance with the *Canadian Copyright Act*.

2.2. Care and Maintenance of Public Art

A. General Care and Maintenance

The Public Art Reserve Fund will be used to fund repairs, cleaning and maintenance of the City's public art collection. The City shall maintain the integrity and security of works of public art through the

- the annual inspection of public art;
- application of professional standards of art documentation and inventories;
- instruction on care and maintenance from the artist as a part of the acquisition process, along with an estimate of the lifespan of the work;
- institution of management systems for cleaning, maintenance, repair, and de-accessioning.

B. Repair to Damaged Artwork

Where artwork requires repair, the City shall consult with the artist (or the artist's representative) as to the best way to fix the damage. Costs of such repair shall be allocated from the Public Art Reserve Fund. Where repairs

to a work are extensive, costly and where there is no guarantee the results will restore the artwork to its original state, the Cultural Development Committee may consider de-accessioning of the work, and will advise Council and the artist of their decision.

2.3. Planning and Inventories of Public Artworks

- A.** Public Art Reserve funds shall be used to create and/or update an inventory of artworks in the City's collection, including but not limited to:
- detailed records on each artwork
 - development of a maintenance schedule
 - identification and maintenance of potential public art sites
- B.** The Cultural Development Officer shall be responsible for maintenance of the Public Art Inventory and costs related to maintenance of artworks may be covered by Public Art Reserve funds as approved by the Cultural Development Committee.
- C.** Public Art projects and plans that may arise from time to time outside of the City's Public Art inventory may also be funded by Public Art Reserve funds upon the approval of the CDC provided that the artworks align with the City's Art in Public Places Policy.

2.4. Promotion of Public Art

The Public Art Reserve Fund may be used for the promotion of public art in the City. Additionally, from time to time, Council may approve funds for new public art initiatives or activities that promote existing artworks in the City.

2.5 Release of Public Art Reserve Funds

Upon request of the Cultural Development Officer and with the approval of the CDC, the City will release funds from the Public Art Reserve Fund for purposes outlined within this policy.