



POLICY

Public Art Policy

Policy Number: 760-002	Supersedes Policy Number: Not Applicable
Effective Date: 2014-03-04 2014-12-16; Amended 2019-05-22; Amended	Approval By Council (Motion Number): 03-03-14 03-12b-14 18-05-19

1.0 PURPOSE

The purpose of this policy is to establish a standardized and transparent process for the acquisition, selection, maintenance, de-accession, monitoring and evaluation of art, to provide a strategic plan for the development, acquisition, placement and management of the Public Art for the Town of Wolfville.

2.0 References

- 3.1 Nova Scotia Municipal Government Act (MGA)

3.0 Definitions

- 4.1 **Acquisition** refers to the formal process used to accept an artwork into the Town's Public Art Collection.
- 4.2 **Artist** refers to the designer/creator of a piece of artwork and can include, but is not limited to, professional artists, graphic designers, collaborative teams, architects and landscape designers.
- 4.3 **Public Art** is defined as works that are created by artists for display in public.
- 4.4 **Commissioned Art** is art which is commissioned by the Town of Wolfville.
- 4.5 **De-accessioning** refers to the process of permanently removing a piece of Public Art from a site or from the Town's permanent art collection.
- 4.6 **Public Space** refers to the space that is available and frequently used by the public within the public domain and can include, but is not limited to, parks, trail systems, open space, waterways, roads, bridges, gateways, street spaces, exterior and interior public areas associated with Town owned buildings and civic squares.
- 4.7 **Permanent Art Collection** refers to public artworks acquired, maintained and preserved by the Town and exhibited in the public domain for the benefit of this and future generations.



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5.1 Roles & Responsibilities

The selection of Public Art is consultative process involving multiple participants, including Town staff, community representatives and Council.

5.1.1 Art in Public Spaces Committee

Membership

- a. The Arts in Public Spaces Committee will be a standing committee of Council. The Committee consists of five voting members, who serve without pay, together with three non-voting members.
- b. Council shall appoint four members as follows:
 - i. To 1 year terms – **one** member of Council, in December of each year;
 - ii. To 2 year terms – **one** member at large, in December
 - iii. To 3 year terms – **two** members at large, in December
- c. **The Mayor** is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- d. **The Director of the Acadia Art Gallery** is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- e. **The Chief Administrative Officer or a designated representative** are non-voting members of the Committee.
- f. The Chair of the committee will be appointed by the Committee, for a maximum of two years, in December.
- g. If a member of the Committee vacates for any reasons at any time before that member's term would normally expire, Council shall appoint promptly a new member to the Committee to hold office for the unexpired term.
- h. Applications for appointment to the Committee shall be invited by public advertisement.

Qualifications

- a. Community members at large shall have professional experience related to at least one of the following disciplines: urban planning or developing, landscape architecture, architecture, visual, literary or performing arts, art history, art administration or education, curating, visual arts consulting, civil engineering, art reviewing/writing, or heritage research and planning.



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- b. At least two of the members at large shall be residents of the Town and shall demonstrate a significant knowledge of arts and culture.
- c. Any member of the Committee is eligible for reappointment.
- d. Every member of the Committee, who is absent from three consecutive meetings of the Committee, forfeits office, unless the absence is caused by illness or is authorized by resolution of the Committee and noted in the Committee minutes. Any member who so forfeits office is eligible for reappointment following the remainder of the unexpired term.

Mandate and Responsibilities

The Committee has the following responsibilities:

- a. Advise on the implementation of the Public Art Policy.
- b. Propose the project scope and terms of reference for each new public art project.
- c. Ensure application of established procedures and guidelines for each selection process.
- d. Recommend for approval the members of the jury for each project.
- e. Select three to five proposals to be considered by the jury based on the project scope and terms of reference for the project.
- f. Advise and promote communication and outreach of the policy to the community.
- g. Advise on the development and implementation of maintenance for the art collection and accessioning and de-accessioning of works associated with the Public Art Policy.
- h. Review staff's Public Art Site Plan for placing works within the public.

Jury

The purpose of the jury is to select the best proposal based on the selection criteria outlined in this policy.

- a. A new panel is convened for each project.
- b. The panel will consist of the following appointments with a member of the Committee acting as Chair:
 - 1 Member of the Committee to act as Chair,



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- 4 Members representing a combination of the Visual Arts Community, Architect, Landscape Architect.
- c. Panelists must be well informed about the project for which they are selecting an artist. It is important that an orientation meeting be provided for the panel members.
- d. Members of the jury should have one vote, and no member should have the right of veto. The panel should base the selection of an artist on a consensus vote. If a consensus cannot be reached, the majority vote carries the decision. The jury should have the option to make no selection if there is not a submission that warrants consideration.
- e. The selection process is not open to the public.

Rules of Engagement

- a. The Committee shall meet at least quarterly.
- b. A majority of the voting members of the Committee constitutes a quorum.
- c. Subject to the principles set out in the *Municipal Conflict of Interest Act*, all committee members present including the person presiding shall vote on a question.
- d. Subject to Section 22 of the *Municipal Government Act*, meetings of the committee are open to the public.

5.1.2 Role of Staff

The implementation of the Public Art Policy will be the responsibility of the CAO or designate. Staff will:

- a. Assists the committee, as required, in policy development, research, community development, fundraising, work planning, circulating information, guidance, and recording of minutes.
- b. Liaise with the various community organizations and potential donors in managing and promoting the policy.
- c. Establish and maintain the Public Art Inventory.
- d. Provides public notification of installations or de-accessioning.
- e. Investigate Federal, Provincial or other sources of funding to promote and support the development of art in public spaces in Wolfville.



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5.1.3 Role of Town Council

- a. Promote public art through the community.
- b. Approve the Public Art Policy and any changes to the policy, if warranted.
- c. Appoints five members of the community to sit on the Arts in Public Spaces Committee, one of which shall be a councillor.
- d. Approves any additions or deletions to the Town's Public Art Collection.
- e. Approves the annual level of funding
- f. Approves any Town initiated fundraising plan associated with the policy or program.

5.2 Funding

- a. Funding to support the Public Art Policy will be provided through the establishment of a Public Art Reserve Fund.
- b. Council will commit \$5,000 annually to the Public Art Reserve Fund from operations. The funding model will be re-evaluated at the end of the initial four-year period.
- c. A minimum of 75% of all funds collected must be used for the design, fabrication, installation and documentation of public artworks chosen through an objective jurying selection process.
- d. Funds ranging up to 25% will be apportioned to the governance and administration of the selection process, collection, inventory, insurance, staffing, legal requirements, de-accessioning of works and the overall policy review.
- e. The Public Art Reserve Fund will also be used to leverage funding from other governmental and private sources.
- f. Allocations of more than \$5,000 per annum from Council may be approved for major projects subject to Council approval.
- g. Maintenance costs for all site-specific works will be incorporated into the annual operating budget.

5.3 Acquisition

- a. The Town may acquire Public Art through:
 - Purchasing a finished work of art or commissioning a work of art through competition or proposal call.



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- Accepting a donation of a work of art, where the ownership is transferred from an individual, organization, group, corporation or other municipality.
- b. Commissioned Art shall be selected on merit through a process informed by expertise and community input through the Public Arts Committee and the Jury. The Director of Economic & Community Development, or designate, will make the final recommendation to Council for approval based on the recommendation from the Jury and the Committee.
- c. All other public art purchases, offers of gifts, donations and/or bequests of artworks shall be reviewed by Staff and the Committee in accordance with the selection criteria and prior to any acquisition designation or installation.
- d. Review can be via email, telephone or at a special committee meeting.
- e. A recommendation can be made to Council if desired. All acquisitions, whether purchased or accepted as donation, will be accompanied by a maintenance plan that is supplied by the artist/donor.
- f. All donations must be unencumbered and the locations for donated works of art will be subject to the Public Art Site Plan. The donor of the work of art must have legal title to the work and is responsible for meeting the Canada Revenue Agency criteria to receive an Official Receipt for Income Tax Purposes for the donation.
- g. This process, which includes an appraisal of the work of art at the donor's expense to determine its fair market value, requires pre-approval of the Finance Department.
- h. Upon Council's approval of acquisition, the successful artist will enter into a written agreement that will address the artist's obligations including, but not limited to:
 - The scope of work
 - Materials
 - Timelines
 - Installation
 - Maintenance or conservations plans
 - Warranty
 - Copyright
 - Payments to sub-contractors
 - Ethical and legal consideration regarding ownership
- i. This written agreement will also provide the Town's obligations that will include:
 - Payment
 - Community notification
 - Artist recognition



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

5.4 Selection Criteria

Each work of art that is being considered for acquisition of the Town's permanent collection will be evaluated according to the following criteria:

- Relevance to the Public Art Policy
- In harmony with the Town's natural and/or build environment, and/or heritage
- Craftsmanship
- Compliment to the Town's permanent collection
- Appropriate materials
- Artistic merit
- Sustainability of the work for display in a public space
- Authenticity of the work
- Condition of the work
- Town's ability to maintain and conserve the work

5.5 De-accessioning

De-accessioning will only occur after an assessment is undertaken and reviewed by the Public Arts Committee, and a report justifying the recommendation, including recommended method of disposal, is provided to Council's consideration and approval. Public art can be de-accessioned under any of the following conditions:

- The work of art is deteriorating and restoration is not feasible.
- The work of art is discovered to be stolen, or was offered to the Town for acquisition using fraudulent means.

5.6 Insurance

Public art purchased by the Town will include the appraised value of the work of art for insurance purposes.

5.7 Policy Review

The policy will be reviewed after four years, or following the first installment of art through this policy, whichever one comes first.

Wendy Braden

CAO

May 22, 2019

Date