

# **City of Oshawa**

## **Public Art**

### **Policy**

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Corporate Policy &  
Procedure  
Subject:  
City of Oshawa Public Art  
Policy

Approved:

City Manager

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Date

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## 1.0 Introduction

The City of Oshawa Public Art Policy reflects commitment and desire to connect and engage with the community, as well as transform the spaces where we live, work, learn and play into vibrant, inviting and meaningful public places.

### 1.1 Policy Context – Oshawa Strategic and Corporate Plans

The Public Art Policy connects to the following Strategic and Corporate Plans:

- *Oshawa Strategic Plan, Creating Our Sustainable Tomorrow (2013-2018)*
  - The “Cultural Vitality” goal aims to support arts and culture that engage and inspire. Additionally, the theme “Vibrant Arts and Culture” includes the strategy to “increase public awareness of arts and culture, and the associated benefits.”
- *Culture Counts: Oshawa’s Arts, Culture and Heritage Plan*
  - The “Creative Vibrant Places and Spaces” strategy includes the action to “finalize and implement the Oshawa Public Art Policy and Program”.
- *Plan 20/Twenty Downtown*
  - The strategy of “Vibrancy” includes the action to “adopt a Public Art Policy, including funding, that enriches the cultural life of residents and attracts visitors”.

### 1.2 What is Public Art and its Value?

Public Art is defined as art in any medium that is situated in a public space. Public Art plays a role in beautifying the community, engaging residents and

creating a sense of place, creating links to economic growth and strengthening tourism.

Public Art can be placed, installed and created anywhere in or on City-owned buildings and spaces in Oshawa. Public spaces are those areas frequented by the general public and are owned or leased by the City of Oshawa. Public spaces may include, but are not limited to, parks, trails, roads, open spaces, courtyards, bridges, tunnels, boulevards, building exteriors, and publically accessible interior areas of municipal buildings.

Public Art and Public Artworks are original art that is created for, or located in, public spaces, and which is accessible to the public at no cost. Public Art installations may include but are not limited to the following:

- Sculptures
- Murals
- Street Art
- Mosaics
- 2-dimensional Artworks
- Interactive Artworks
- Temporary Installations
- Community Art Projects
- Monuments\*
- Water and Outdoor Garden Features\*
- Street Furniture/Functional Art\*
- Engineering or Architectural Features\*

\*these Public Art works must include a strong design component or integrated artistic feature.

Types of Public Art include:

- Site Specific – site specific Public Art is created for a specific location. The artwork considers the dimensions, neighbourhood and existing features of a building, park or structure in its design and concept.
- Integrated – integrated Public Art is incorporated into an architectural or building feature. Artistic features and designs are incorporated into structural or functional components.
- Independent – independent Public Art is created independent of considering the location. Artwork is created without consideration of a specific location and is often acquired/installed at a date later than its production.

Public Art/artworks are created by an Artist. The Artist is the designer/creator of an artwork, and includes, but is not limited to professional artists, graphic designers, collaborative teams, architects and landscape professionals. The artist is recognized by his or her peers and has specialized training in their artistic field. He or she is active and committed to his or her practice and has shown work in a professional capacity. Artists can be considered emerging, intermediate or advanced depending on their degree of experience, training, and accomplishments.

The City of Oshawa recognizes that supporting arts and culture is essential in generating a vibrant and creative city. Through the implementation of this Policy, the City of Oshawa will provide active leadership and guidance in fostering a strong visual legacy through the creation and inclusion of art in its public buildings and spaces. Public Art is accessible to all and allows for the celebration of artistic achievement, diversity and heritage, as well as Oshawa's unique identity and proud history.

### **1.3 Purpose of the Public Art Policy**

The Public Art Policy will provide Oshawa City Council, City staff and the community with a clear and consistent framework for decision-making and a process for the administration, selection and maintenance of Public Art in public spaces in Oshawa.

For the purposes of this Policy, public spaces are City-owned buildings and spaces. Private art acquisitions located on privately owned lands and temporary art that does not leave a lasting record of its creation (e.g. ice sculptures) are not subject to this Policy.

### **1.4 Guiding Principles**

The City of Oshawa's Public Art Policy aims to ensure:

- Public Art will be accessible to all
- That the acquisition of Public Art will be transparent and professional, providing opportunities for public participation and community partnerships
- That Public Art illustrates the history and diversity of the City
- That quality art is acquired and demonstrates a commitment to excellence and craftsmanship, creativity and innovation
- Various art mediums, types, sizes and different locations are considered
- That considerations for Public Art are integrated into planning and the development process

- That Public Art will reveal the unique character of, and foster a positive image for, the City.

## **2.0 Administration**

The Public Art Policy will be overseen by Recreation and Culture Services staff in collaboration with the following groups:

- City of Oshawa staff
- Public Art Committee
- Public Art Juries
- Art and Culture in the Hall Committee
- Oshawa City Council

Any participating member shall declare a conflict of interest and remove themselves in all cases where a project arises in which he or she is involved either directly or indirectly.

The implementation of the City of Oshawa Public Art Policy will adhere to all applicable municipal, provincial and federal legislation (e.g. Planning Act, Copyright Act).

### **2.1 City of Oshawa Staff**

Recreation and Culture Services staff is responsible for overseeing and implementing the Public Art Policy and Program. Responsibilities include:

- Developing all procedural aspects related to the Policy
- Developing the Public Art budget and submitting it via the Recreation and Culture Services capital and operating budget
- Advising Council, staff and residents on the Public Art Policy and related initiatives
- Identifying and approving appointments to the Public Art Committee
- Working with the Public Art Committee to identify Public Art priorities, locations and initiatives (e.g. the Public Art work plan)
- Maintaining the Public Art inventory and coordinating the maintenance and conservation of the Public Art collection
- Developing “Call to Artists” and coordinating the selection process. A Call to Artists is a request for proposals that outlines the scope of the Public Artwork that the City wishes to acquire. The Call to Artists will outline aspects such as, but not limited to, theme of the project, timelines, compensation and location.

- Liaising with selected artists, overseeing installation and development of agreements
- Developing promotional and marketing initiatives to communicate Public Art activities

Recreation and Culture Services staff will also work closely with key departments whose expertise is required as needed (e.g. Planning, Financial, Legal, Economic Development, Parks and Engineering). A key resource to the implementation of the Public Art Policy is the Interdepartmental Cultural Staff Team. The Interdepartmental Cultural Staff Team is a City of Oshawa internal staff team comprised of staff members from various departments and branches (e.g. Planning, Economic Development, Finance, etc.).

## **2.2 The Public Art Committee**

The Public Art Committee is a resource group comprised of City staff, a member of the Cultural Leadership Council, artist(s), curator(s), resident(s) and industry specialists (e.g. architects, designers).

The Public Art Committee is responsible for:

- Ensuring the Public Art Policy is adhered to, relevant and updated
- Working with Recreation and Culture Services to develop the Public Art work plan (e.g. identifying potential Public Art projects, locations, themes and concepts)
- Identifying jury members for Public Art projects
- Providing advice and expertise to City staff
- Assisting with decision-making on accepting and deaccessioning Public Artworks
- Acting as an advocate to build public awareness and support for Public Art

## **2.3 Public Art Juries**

Public Art Juries will be organized on a case by case and project by project basis. The Public Art Juries will be responsible for reviewing artist proposals and making selection recommendations to Recreation and Culture Services staff and the Public Art Committee.

The composition, duration and terms of reference for any Public Art Jury will be dependent on the nature of the Public Art project identified. In general, each Public Art Jury will be comprised of the following:

- Curators
- Art Historians
- Artists
- Engineers
- Community resident(s)
- City staff
- Other stakeholders and industry specialists as required (e.g. educators, architects, designers)

## **2.4 Art and Culture in the Hall Committee**

The Art and Culture in the Hall Committee (formerly known as the Art and History Committee) is a standing jury comprising of City staff and members of external stakeholder groups that oversee the Art and Culture in the Hall exhibition space located outside of City Hall Council Chambers. Since 2008, the group has overseen the Call to Artists, receives and reviews submissions and coordinates the installation of the space. For the purposes of this Policy, the Art and Culture in the Hall Committee will continue to administer the Art and Culture in the Hall Program and act as a standing jury to the Public Art program.

## **2.5 Oshawa City Council**

City of Oshawa Council approves the Public Art Policy developed by Recreation and Culture Services. Responsibilities include:

- Approving the related budget, expenditures and sites
- Approving any amendments to the Public Art Policy

## **3.0 Acquisition**

Public Art may be acquired by the City of Oshawa through a variety of means, including: purchase or commission, donation, temporary loan or partnership. Art acquired through the Public Art Policy will become a part of the City's Public Art Inventory. This Policy also sets out considerations when determining the selection of an artist(s) and proposed artwork(s).

### **3.1 Purchase or Commission**

Types of Public Art competition include:

- Open Call
  - This type of competition is the preferred method which sees a "Call to Artists" developed and issued. A "Call to Artists" can be geared towards local, provincial, national and/or international

artists and/or art collectives and includes specific guidelines, criteria and eligibility based on each Public Art initiative identified by the City of Oshawa Recreation and Culture services staff.

- Request for Proposal (RFP)
  - This type of competition occurs when a select group of artists and/or art collectives is invited to submit a proposal for consideration towards a specific Public Art initiative. The applicants must adhere to the guidelines and criteria established by the City of Oshawa.
- Direct Invitation or Purchase
  - This type of acquisition occurs when a single artist is identified to complete a Public Art project or when an existing piece of Public Art is purchased.

### **3.2 Donation**

The City of Oshawa may acquire Public Art works through donation. All donations of existing artworks will be subject to a review process by Recreation and Culture Services staff in collaboration with the Public Art Committee.

All donations should be unencumbered. Donations will be evaluated against the selection criteria identified in section 3.5. The City of Oshawa is not required to accept donations of Public Art that are offered. Donated Public Art could include a donation of funds for the maintenance and conservation or restoration of the work being donated. Additionally, City staff are responsible for conducting a feasibility analysis, which outlines aspects such as the benefits of the acquisition and short and long term costs.

The donor and the City of Oshawa shall be responsible for meeting Government of Canada criteria to receive a tax credit/issue a tax receipt for the work of art. All donated items should be appraised by a certified appraiser at the time the donation is being considered to determine fair market value. The donor will be responsible for the cost to pay for the appraisal. An official receipt for income tax purposes will be issued by the City of Oshawa as per regulations of the Canada Revenue Agency.

### **3.3 Temporary Loan**

The City of Oshawa may secure Public Artworks on a temporary basis or by loan for special purposes, such as an exhibition. All loans of artwork shall be subject to a review process and considerations as identified in section 3.5. A unique

agreement developed on a project-by-project basis will be issued between the lender and the City of Oshawa that outlines parameters for the loan including but not limited to: the nature of the loan, the duration of the loan, copyright/reproduction rights, insurance, responsibilities of the artist and City and maintenance considerations.

### **3.4 Partnership**

The City of Oshawa may work in partnership with external organizations for the acquisition of Public Art; however, the ownership of the artwork may not always fall to the City. Scenarios for partnership may include but are not limited to:

- Use of City property to install Public Art
- Installation, maintenance and conservation agreements for artworks located on City property but where the artwork is owned and operated by external agencies
- Cost sharing programs (e.g. sponsorship with private sector)
- In Kind services (e.g. staff support to assist with Public Art acquisition on private property or development initiative)

A unique agreement on a project-by-project basis will be issued between the partner and the City of Oshawa that outlines parameters for the partnership including but not limited to: the nature of the partnership, the duration of the partnership, copyright/ reproduction rights, insurance, responsibilities of the artist and City and maintenance considerations.

### **3.5 Selection Considerations**

Artwork being considered for acquisition, regardless of the acquisition method, should take into account the following:

- Community Relevance and Impact
  - Suitability for display in a public space
  - Reflects the City's heritage and/or history, culture and diversity, and/or natural elements and landscapes
  - Builds appreciation for Public Art
- Overall Quality and Authenticity
  - Originality of design
  - Intrigues viewers and stimulates imagination
  - Artist reputation, demonstrated and related experience
  - Condition of the artwork

- Location
  - Site Suitability
  - Responds to or complements the location's uses and users
- Economic Value
  - Short and long term costs
  - Tourism potential
- Installation, Maintenance & Conservation
  - City's ability to accommodate installation requirements
  - City's ability to safely display, maintain and conserve the work
  - Long-term maintenance cost
  - Longevity of the artwork
  - Environmental impact
- Submission
  - Compliance with guidelines outlined in the Public Art Policy and accompanying "Call to Artist"
  - Quality of the approach/work plan and methodology
  - Ability to meet budgetary estimates and deadlines

## **4.0 Site Selection**

Recreation and Culture Services, in collaboration with The Public Art Committee and other key City departments and staff, will coordinate the selection of appropriate locations for the installation of Public Art in and/or on City-owned buildings and spaces.

The strategic placement of Public Art in Oshawa shall compliment current and future development and infrastructure improvement projects.

Types of locations include:

- Municipal Buildings
- Street Features (e.g. gateways/entrances, tunnels, roads, bridges)
- Parks
- Trails

Sites for Public Art should:

- Be safe to the public
- Be publically accessible

- Have optimum visibility
- Be relevant to the community
- Be respectful of the function of the existing facility or site
- Promote public interaction with the works of art
- Be appropriate to the physical characteristics of the site
- Provide a relationship and connection to the social and cultural identity of the immediate local community
- Be relevant and respectful of landscape design
- Be relevant and respectful of urban design and the surrounding contextual architecture
- Be subject to an environmental assessment where applicable
- Aim to be resistant to vandalism

## **5.0 Collections Management**

### **5.1 Ownership**

The City of Oshawa will acquire works of art that are unencumbered and that will result in the full transfer of ownership from the artist to the City. The artist will retain all or any copyright, moral and intellectual rights to the artwork.

### **5.2 Documentation and Record Keeping - Public Art Inventory**

The City of Oshawa will maintain accurate and up to date records relating to the selection, acquisition, deaccession, maintenance and conservation of all Public Artworks. A Public Art Inventory will list all the Public Art installations owned by the City of Oshawa.

Recreation and Culture Services staff will oversee the Public Art Inventory which will contain information on each Public Artwork including:

- Title of Artwork
- Artist(s) Name and Biography
- Agreements (e.g. Artist, Partner, Building Owner)
- Location of Artwork
- Maintenance Plan
- Conservation Activities and Condition Reports
- Photograph of the Artwork
- Other applicable documents

### **5.3 Maintenance and Conservation**

The City of Oshawa shall be responsible for the care and maintenance of Public Art, in accordance with approved agreements and maintenance plans and will budget accordingly. Recreation and Culture Services staff, or its agent, shall monitor the existing Public Art Inventory for maintenance requirements and will undertake an inspection of the artwork according to a pre-determined schedule. The City may choose to retain a qualified professional to undertake the inspection, and subsequent conservation work, if deemed necessary.

The artist may be requested to submit with their proposal a five-year maintenance and conservation plan. The plan shall include, but is not limited to:

- Maintenance dossiers
- Engineering or shop drawings
- Manufacturers' lists
- Original installation plan
- Key contacts including the artist
- Maintenance and/or conservation specifications; and
- Estimated budgets

#### **5.4 Deaccessioning**

Deaccessioning is the process of permanently removing a piece of art from the City of Oshawa's Public Art Inventory. It may involve the relocation, removal or disposal of an artwork provided that these actions are not in conflict with the terms under which the City of Oshawa acquired the work.

Recreation and Culture Services, in collaboration with the Public Art Committee, will consider artwork(s) for deaccessioning when appropriate or necessary. Recreation and Culture Services, in collaboration with the Public Art Committee, will be responsible for providing a report to City Council for approval outlining the reasons for deaccessioning and the proposed method of disposal.

Public Art may be deaccessioned under any of the following situations or as otherwise determined in the City's sole opinion:

- The art is deteriorating and restoration is not feasible
- The art is no longer relevant to the City's Public Art Inventory
- The art endangers public safety
- The art is too costly to insure or maintain
- The site is no longer accessible to the public and an alternative location cannot be found

- The art is discovered to have been stolen, or was offered to the City using fraudulent means

Deaccessioned art may be moved, sold, or destroyed. Where possible, the artist or donor will be notified regarding City of Oshawa's decisions regarding deaccessioning.

In the event of sale, all funds received from the sale of artworks will be placed in the Public Art Reserve Fund for future acquisitions or conservation projects only.

## **5.5 Insurance**

The City of Oshawa will provide insurance coverage for Public Art owned by the City of Oshawa. The insurance Policy must insure against all risks of direct physical loss or damage, while in transit or in storage or on display at any locations owned or leased or controlled by the City of Oshawa. The City of Oshawa will also provide an insurance Policy to insure against potential liability that may result from public injury as it relates to Public Artworks. The Artist must supply proof of insurance to insure coverage against all risks of direct physical loss or damage to the artwork until final installation. The Public Art Committee will be covered by the City's corporate insurance Policy.

## **5.6 Storage**

The City of Oshawa shall ensure appropriate short-term and long-term storage as needed, for all artworks within its Public Art Inventory. This does not include space for artworks being created by an artist. (I.e. the City of Oshawa is not responsible for providing studio, workspace or fabrication space for artists).

## **5.7 Agreements**

The artist will enter into a written agreement with the City of Oshawa following the approval for the acquisition of the Public Artwork. All agreements will be in a form satisfactory to the City Solicitor and will be approved and signed by the City Manager. This agreement will address the artist's obligations, which will include, but are not limited to:

- Materials
- Drawings/plans
- Ownership
- Timelines
- Installation
- Maintenance and conservation plans
- Warranty
- Copyright
- Payments to sub-contractors
- Insurance

## **5.8 Installation**

The artist(s) is generally responsible for the installation of artwork(s) that the City of Oshawa has acquired. The City shall, however, and when feasible, assist and accommodate installations. All acquired works will be condition-reported upon receipt and any problems found will be referred to the artist/lender for resolution.

The installation of Public Art should:

- Consider the technical requirements of the work and site (i.e. hardware, structural issues, supports)
- Involve consultation with appropriate City branches and departments (e.g. Municipal Law Enforcement and Licensing, Engineering)
- Analyze all associated cost factors (e.g. road closures, sidewalk closure)

## **6.0 Funding**

The funding necessary to support the design and commission, acquisition, site preparation and installation of Public Art under this Policy shall be subject to City Council approval annually as part of the annual budget process.

## **7.0 Communications and Engagement**

### **7.1 Marketing and Public Relations**

Recreation & Culture Services, in conjunction with Corporate Communications, will be responsible for ensuring that the community is aware of any Public Art initiatives and developing any educational and promotional initiatives which help the public to understand, appreciate and celebrate Public Art.

### **7.2 Private Properties**

Private landowners are encouraged to participate in the Public Art process and to incorporate Public Art in the development of their property. City staff will endeavor to work with external partners and property owners to include the integration of Public Artworks on their properties.

### **7.3 Community Engagement**

Where possible, efforts will be made to include community involvement in all aspects of the implementation of this Policy. Community input, surveys, feedback sessions and other means can be utilized to implement, monitor and evaluate the success of the Policy.

### **8.0 Monitoring & Evaluation**

Recreation & Culture Services will regularly monitor and evaluate the effectiveness of the Public Art Policy.