



CITY OF
Burlington

Corporate Policy

Culture

Public Art Policy

Approved by Council on: July 6, 2009

Report Number: PR-27-09

Wards Affected: All

Effective: July 6, 2009

Reviewed on: July 9, 2018

Next Review: 2028

Policy Statement:

The City of Burlington through its Public Art Policy will create an atmosphere that encourages and supports the development of Public Art throughout the City.

Scope:

The policy is intended to provide City of Burlington Council, City staff and the community with a clear and consistent framework for decision-making and to ensure that a lasting legacy for future generations will be created through a sustainable Public Art Program.

The Public Art Policy guides the development and implementation of the Public Art Master Plan and Program. The policy is intended to provide Council, staff, the arts and general community with a mechanism through which the City of Burlington assesses and acquires pieces of Public Art for municipally owned public spaces through purchase, commission or donation.

Vision:

Public art will contribute to Burlington's unique and vibrant community identity by affirming a sense of place, strengthening connections between people and place, and celebrating the social, historical, cultural, and natural environment. Through the creative vision of artists, public spaces will become focal points for dialogue and delight, attracting visitors and residents, and creating a sense of

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civic pride. Burlington's Public Art Program will be realized through processes that engage the community, foster neighbourhood sustainability, and stimulate excellence in the built environment.

Public art is a force for placemaking - for expressing and evoking connections among people and places that are meaningful to community and civic life. Individual artworks may interpret the natural or human history of a site. They may connect new development and populations to historic buildings and older communities, or serve neighbourhoods by expressing shared experiences and aspirations. Public art may aim to give hard-edged urban infrastructure a sense of human connection, or inject a sense of play that makes passers-by smile involuntarily. In all instances, this is art with a social purpose: artists employ their creativity, skills, aesthetic sense, and intuitive connections to create places within community spaces.

The Public Art Policy incorporates a process for the evaluation and selection of potential artworks in public spaces throughout the City. The policy is intended to provide City of Burlington Council, City staff and the community with a clear and consistent framework for decision-making and to ensure that a legacy for future generations will be created through a sustainable Public Art Program.

Part 1: Objective, Background, Definitions and Exclusions

1.1 Objective

The Public Art Policy guides the development and implementation of the Public Art Master Plan and Program. The policy is intended to provide Council, staff, the arts and general community with a mechanism through which the City of Burlington assesses and acquires pieces of Public Art for municipally owned public spaces through purchase, commission or donation.

The City of Burlington or its designate will;

- Manage cultural resources in a way that contributes to increased cultural vibrancy and diversity in the community;
- Increase the amount of publicly visible art throughout the City;
- Manage a City-wide Public Art Program that will make art more visible throughout the City and encourage public engagement.

1.2 Guiding Principles

- Context of social purpose; enhancing social connections; contributing to a healthy community;

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- Accessibility, through:
 - placement in public space
 - content
 - community knowledge and experience as context for creation
- Commitment to artistic merit through qualified adjudication and selection;
- Community engagement through a process that elicits public input early on, and stimulates an artistic process that reflects and interprets people's experience and aspirations;
- Artistic content that addresses Burlington's context of landscape, history, and cultures;
- Integration into City fabric through functional pieces and integration into infrastructure, as well as independent site-specific artwork;
- Diversity, through:
 - Artists (emerging and established)
 - Selection committee members
 - Media, scale and style of artwork
 - Traditional media and experimental forms
 - Balance of major works which serve as City landmarks and community oriented works
 - Distribution across the City
 - Long-term care of public artworks

1.3 Definitions

- **Public Art:**
 - An original work of art,
 - In a publicly accessible location,
 - Created with the intention of reflecting and/or engaging the community,
 - Works may be permanent, temporary or mobile.

Public Art is located in "Public space" and can take a variety of forms and media; it may have functional as well as aesthetic qualities; it may be integrated into its site, or it may be a discrete piece.

- **Artist:**
A person who is critically recognized as an artist, possesses skill, training

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and/or experience in his or her artistic discipline; is active in and committed to his or her art practice, has a history of public presentation; and who is not exempted by the conflict of interest provision included in this policy.

- **Public Spaces:**
Municipally owned areas available and frequently used by the public that can include, but are not limited to, parks, open space, trail systems, waterways, road allowances, tunnels, boulevards, streets, courtyards, squares, bridges, building exteriors, foyers, and publicly accessible interior areas.
- **Public Art Inventory:**
Original art created for, or located in, public space including; permanent, temporary or mobile works acquired by the City of Burlington. The Public Art Inventory may include;
 - Sculptures,
 - Murals,
 - Memorials or monuments,
 - Fountains or water features that contribute aesthetically to their surroundings (i.e. not spray pads),
 - Hard and soft landscaping components; which are not a mere extension of the landscape architecture and,
 - Special engineering or architectural features of existing capital projects that contribute aesthetically to their surroundings.
- **External Body:**
A body that is external to the workings of the Corporation of The City of Burlington.
- **De-accessioning:**
The process of permanently removing an artwork from the City's Public Art Inventory.

1.4 Exclusions

This policy does not include the following;

- Art on private lands;
- Directional elements such as signage, except where these elements are integral parts of the original artwork or public art project;
- Landscape architecture and landscape gardening except where these elements are an integral part of the original artwork, or are the result of collaboration among design professionals including at the least one artist;

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- Easily moveable artworks such as paintings, drawings, models and books.

Part 2: Acquisition, Purchase, Commission, Donation and Loan

The City of Burlington through its Public Art Policy will create an atmosphere that encourages and supports the development of Public Art throughout the City.

The City of Burlington may delegate some or all responsibility for the administration of Public Artworks for the City of Burlington to an external body. This may include site selection, acquisition, de-accessioning, maintenance and restoration of public art, as well as fund development.

2.1 Acquisition:

The City or its designate may acquire works of art for the City of Burlington's public art inventory through:

- 2.1.1 Purchasing an existing piece of art or commissioning a piece of art through a competition or proposal call;
- 2.1.2 Accepting a donation of an existing artwork, where the ownership is transferred to the City from an individual, organization, group, corporation, or other municipality;
- 2.1.3 Each artwork that is being considered for acquisition or donation to the City's Public Art Inventory will be evaluated according to the following criteria:
 - 2.1.3.1 Relevance to the Public Art Policy;
 - 2.1.3.2 Relevance to the City of Burlington's natural or built environment, cultural heritage, and/or history;
 - 2.1.3.3 Quality of the artwork;
 - 2.1.3.4 Suitability of the artwork for display in a public space;
 - 2.1.3.5 Authenticity of the artwork;
 - 2.1.3.6 Condition of the artwork;
 - 2.1.3.7 City's ability to maintain and conserve the artwork;
 - 2.1.3.8 Ethical and legal considerations regarding ownership.

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2.2 Purchase or Commission

The City or its designate may elect to purchase artwork, that would become part of the City's Public Art Inventory. Public Art may be purchased, or artists may be commissioned to produce artworks for purchase. In all cases, purchase or commissioning will involve a fair and transparent process, at which time it will be determined whether an Expression of Interest or a Request for Proposal will be issued, depending on the nature of the artwork. The criteria for selection will be available to all participants prior to the commencement of the acquisition.

2.3 Donation

All donations of existing artworks considered for the Public Art Inventory will be subject to a juried process. All donations will have an accompanied maintenance plan, provided by the donor, in accordance with the maintenance policy and to the satisfaction of the City or its designate. All donations must be unencumbered. No artwork will be accepted if the donor requires the City to locate the artwork in a specific location in perpetuity.

The donor is responsible for meeting Government of Canada criteria to receive a tax credit for the artwork. Donated public artworks will normally include a funding donation for the maintenance and conservation/restoration of the work being donated, the amount of which will be negotiated as part of an acceptance agreement.

2.4 Loan

The City may secure on a temporary basis public artwork for display in public spaces (e.g. City Hall), which are not owned by the City. All artworks to be displayed in public spaces will be evaluated against the following criteria:

Relevance to the Public Art Policy

- 2.4.1 Quality of the artwork;
- 2.4.2 Suitability of the artwork for display in a public space;
- 2.4.3 Condition of the artwork;
- 2.4.4 City's ability to safely display and conserve the work;
- 2.4.5 Exposure provided for Burlington artists;
- 2.4.6 Promotion of Burlington's cultural heritage;
- 2.4.7 Degree of fit with existing mandates or programs in public exhibition spaces.

In the event that unsolicited artwork is found in public spaces, the City, at its discretion, may require these works to be removed, at the owner's expense. Ownership of public artworks loaned for a defined period of time will remain with the owner.

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Part 3: Site Selection, Installation, Maintenance, Storage and Insurance

3.1 Site Selection

The City of Burlington or its designate will coordinate the site selection of appropriate locations for the installation of public art on municipally owned public space. Identification through a Public Art Master Plan will allow for the strategic placement of public art in Burlington.

3.2 Installation

The artist is generally responsible for the installation of all artwork that the Corporation has acquired. All contractual requirements with the Artist will be overseen by the City; and are identified, in advance, through the agreement of purchase, commission, donation or rental contract. All acquired works will undergo a condition report upon receipt, and any problems found will be referred to the artist/lender for resolution.

3.3 Maintenance

It is the responsibility of the City of Burlington to maintain all permanent works of art within the Public Art Inventory, in accordance with the approved maintenance plan and/or conservation plan required for each piece. Development of the maintenance plan and/or conservation plan is the responsibility of the artist and must be submitted with the proposal at the time it is being reviewed and considered through the Public Art Program. The plans will include, but are not limited to, a maintenance dossier, shop drawings, manufacturers' lists, key contacts including the artist, maintenance and/or conservation specifications and budgets. The City will be responsible for the care and maintenance of the artwork, in accordance with the approved maintenance plan. City staff or its designate will monitor the existing inventory for maintenance requirements. The appropriate City department 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, if deemed necessary.

3.4 Storage

The City will ensure appropriate short-term and long-term storage, as needed, for all works within its Public Art Inventory. This does not include new works being created by an artist.

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3.5 Insurance

All permanent, temporary or mobile public artwork owned by the City through purchase, commission and/or donation are the property of the City and are insured under the City's Insurance Policy.

Part 4: Agreements and De-accessioning

4.1 Agreements

The Artist will enter into a written agreement with the City of Burlington following the approval of the acquisition of the Public Artwork. This agreement will address the artist's obligations, which will include, but are not limited to:

- Materials
- Timelines
- Installation
- Maintenance and/or Conservation plans
- Warranty
- Copyright
- Payments to sub-contractors

4.2 De-accessioning

The de-accessioning of Public Art will only occur after a comprehensive assessment is undertaken by the City of Burlington or its designate.

Public Artwork may be de-accessioned under any of the following situations:

- The Public Art is deteriorating and restoration is not a feasible solution;
- The Public Art is no longer relevant to the City's Public Art Inventory;
- The Public Art is discovered to have been stolen, or was offered to the City for acquisition using fraudulent means.

The City of Burlington and its designate will be responsible for preparing a report providing the justification for recommending de-accessioning and the method of disposal.

In the event of accidental loss, theft or vandalism, the City retains the right to determine whether replacement or de-accessioning of the artwork is appropriate.

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The de-accessioned art may be moved, sold, returned to the artist or destroyed, with any monies received through the sale of the work(s) being placed in the Public Art Reserve Fund for new acquisitions.

Part 5: Conflict of Interest

5.1 Conflict of Interest

City of Burlington staff, members of Council, any directly related citizen committee, staff, board and members of related committees of any external designate, and members of the jury selection panel shall declare a conflict of interest and remove themselves in all cases from a juried selection process where a project comes before the committee in which he or she is involved either directly or indirectly.

Part 6: Community Engagement and Awareness

6.1 Community Engagement

The City of Burlington or its designate will be responsible for ensuring that the community has the opportunity to engage with public art through:

- Providing opportunities for community input and involvement;
- Including community art projects led by professional artists when appropriate;
- Expanding the level of knowledge of the City's Public Art Inventory in the community.

6.2 Community Awareness

The City of Burlington or its designate will be responsible for ensuring that the community is aware of any public art components in association with buildings or any installations or de-accessioning in outdoor public spaces (e.g. parks and open spaces) as part of the City's normal business practices. When appropriate official unveilings will occur to allow Burlington residents to take part in celebrating new additions to the Public Art Inventory.

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Part 7: Encouraging Public Art

7.1 Encouraging Public Art

The City of Burlington will:

- Encourage the inclusion of public art on properties under the jurisdiction of the city, its agencies and boards. Council may require a public art component in specific types of municipal capital projects.
- Encourage the inclusion of public art in all significant private sector development across the City, using applicable planning tools and processes. Private sector developers will be encouraged to follow the best practices established by the City for the acquisition and selection of public art. The City will provide assistance in the application of these practices.

Roles:

Accountable:

Director of City Building

Responsible:

Manager of Arts and Culture

References:

Public Art Master Plan