

Approval date: February 7, 2011

Resolution No.: 107/2011

**Subject: Public Art Policy**

## Purpose

Public art is a key component to the attractiveness and identity of a city, and is a component of good urban design. As well, it can reflect the character of a city; recognize a city's heritage, achievements or milestones; contribute to the quality of life of its citizens; and contribute to the economic growth of a city.

The City of Penticton's Public Art Policy is designed to be a working document and as such it contains several appendices to aid the process of developing public art projects.

The Public Art Policy oversees the selection, acquisition, installation, maintenance and decommissioning of art that exists in or on City-owned public spaces.

## Definitions

**Acquisition** means the inclusion of an artwork in the public art collection of the City, whether by commissioning, purchase, gift, or other means.

**Artist** means a person generally recognized by his/her peers, critics and other art professionals as committed to producing works of art on a regular basis.

**Decommission** means the procedure for the removal of an artwork from the public collection; any actions that result in the decommission by the city of its ownership and possession of a works of art installed in public places shall not be contrary to the terms on which it was received by the City.

**Documentation** means the process of collecting information about a work of art, such as photographs, describing its condition, provenance, the artist, materials used and so forth.

**Gift** means an existing work of art offered as a donation to the City.

**Maquette** means the drawing or model of the proposed artwork.

**OCP** means the City's Official Community Plan Bylaw 2002-20 as amended or superseded.

**Open call** means a competition open to a wide range of entrants.

**Public art** means an original artwork located in the public realm which is free and accessible to all. In general, the term “Public Art” is used to describe art which takes place outside traditional gallery spaces. It may be placed in the natural environment or within publicly accessible buildings.

**RFP** means a request for proposals.

**RFQ** means a request for qualifications.

## **Policy**

### **Guiding Principles**

In addition to those of the Official Community Plan and the overarching mission statement of the City, which states, *“The City of Penticton exists to enhance the quality of life for our citizens, visitors and future generations. We strive to live in harmony with each other and our environment and further our citizens' economic, physical and social well being”*, the City of Penticton’s Public Art Policy will be guided by the following principles:

- Inclusion – The City values diversity and seeks to reflect and engage all sectors of the community through its public art program.
- Collaboration – The City will seek a partnership approach with community-based organizations, artists, agencies and residents to achieve shared public and community art goals.
- Equity – The City will seek an equitable approach in its support of local artists and arts workers and therefore, where appropriate, seek to engage local artists in the commissioning of public art.
- Participation – The City values participation and will make community and stakeholder consultation integral to the placement of public art.
- Innovation – The City accepts that modes of expression change over time and that new works of public art and materials used may reflect contemporary culture and practice.
- Access – The City recognizes that placing art in public places ensures that it is visible and accessible to the whole community.
- Creativity – The City understands that creative expression is seen as building a sense of pride and place and as essential to the development of a vibrant community.
- Artistic excellence – The City recognizes that artistic excellence and professionalism will play a key role in the public art selection process.

### **Benefits**

The benefits of public art to the City of Penticton and its residents include:

- Increased appreciation for arts and culture, as well as the heritage of the region;
- Creation of a sense of community pride and identity;
- Enhanced economic activity through employment, increased tourism activity, and attracting new business and citizens to the City;
- Helping to reduce vandalism and crime;
- Engaging youth or otherwise marginalized or socially excluded individuals or groups in specific public art projects.

## Definition of Public Art

As defined by the Dutch Art Institute, an international leader in the study of public art, Public Art is an original artwork located in the public realm which is free and accessible to all. In general, the term “Public Art” is used to describe art which takes place outside traditional gallery spaces. It may be placed in the natural environment or within publicly accessible buildings.

Generally, there are three main categories of public art:

*Permanent* – public art that can be integrated, discreet (independent of its placement site or context), or functional. Mediums can include, but are not limited to: sculpture, installations, paintings, murals. Within the City of Penticton, functional public art may include items related to public works or services, such as bus stops, benches, sewer covers, light standards and so on.

*Transitory* – public art that is exhibited temporarily which may include the mediums of light, sound, graffiti (legal tagging), virtual or interactive arts, in addition to temporary sculpture, installations, or other forms of visual art.

*Community-based* – public art that is co-produced by an artist and a community group. It can address social issues, celebrate heritage or culture, or beautify neighbourhoods. It may include sculpture, murals or other forms of art. Community-based art can be either permanent or transitory.

## Limitations

The Public Art Policy will not cover:

- Heritage buildings
- Privately owned works, except in the instance wherein a work has been gifted to the City of Penticton for use in a public space either for temporary or permanent placement

## Selection

The selection of an artist or artwork will fall into one of these categories:

- *Open Call: Request for Proposal or Request for Qualifications*  
An open call allows any artist – professional or amateur – to submit an application to provide a piece of public art. There are two forms of open calls:
  - Request for Proposal (RFP): an RFP shall be used for projects that have a wide scale of potential uses or mediums, as well as in the case of community art projects. Generally, the City of Penticton shall have already set a budget for the project; however the type of art and its location may be determined by the successful applicant’s project outline. RFP’s shall require the artist to submit a design proposal or maquette, identify reproduction rights, installation specifications, budget considerations, and a resume, in addition to other materials as dictated by the project.
  - Request for Qualifications (RFQ): an RFQ is generally used to short-list artists in a more rapid manner than an RFP. An RFQ shall be used for projects wherein several factors such as site selection, scale or type of art, budget, reproduction rights or required installation factors have already been determined. The City of Penticton shall distribute Public Art RFQ’s in the same manner as general RFQ’s.

- *Commission*  
Where a specific artist has been selected by the City of Penticton or its designate, to provide a work of art for a pre-determined public space, the artist shall be invited to submit a proposal to include: potential design or a maquette of the proposed piece, reproduction rights, installation specifications, project budget, maintenance plan, portfolio or curriculum vitae. Commissions shall be subject to the Public Art Policy, including jury selection, and a contract between the City of Penticton and the artist. The City of Penticton shall reserve the right to reject a commissioned proposal based on appropriateness of the artwork for the designated space, and shall compensate the artist for time and materials spent on said project.
- *Gifts or Bequests*  
Gifts of art to be used in public spaces should be preceded by a letter of interest and gift proposal package from the potential donor. This package should include: the context and/or history of the work, suggested site and installation details, reproduction rights, suggested maintenance, a maquette or site plan, if requested, information about or a portfolio from the artist, budget considerations. Gifts and bequests shall be subject to the Public Art Policy and a contract between the City of Penticton and the donor. Instructions on gifting art to the City will be made available to the public (see Appendix E).

The City of Penticton shall appoint a project manager to each public art project; this individual may be a staff member assigned to the project, or may be hired through a contractor selection process, per City of Penticton Human Resources policies. The Heritage, Arts and Culture Committee shall appoint one designate to sit on any selection committee choosing said project manager, and may make recommendations on the selection – internal or external – of a project manager.

In the case for an Open Call or Commission, that individual will be responsible for drafting and distributing the RFP/RFQ, preparing background information on the project, collaborating with City of Penticton staff to determine specific requirements (Public Works, installation, insurance, and other factors as needed), assembling selection juries, collating applications and logistics for the jury, overseeing jury meetings, overseeing installation if required, providing reports to the City of Penticton or its designate.

A selection jury shall include one member of the Heritage, Arts and Culture committee. The remaining jurors shall be chosen through application or appointment based on their skills and experience related to the project; the jury selection process will be determined by the project manager assigned to each public art project; the Heritage, Arts and Culture committee may make recommendations on the jury selection process. Juries will be comprised of a minimum of four members, and a maximum of eight. The member of the Heritage, Arts and Culture Committee shall not have a vote except to act as a tie-breaker, and shall act as chairperson of the jury. Any consideration for per diems for jury members will be determined by the City of Penticton and shall be included in the project budget.

Juries may include representatives from the following disciplines, as related or appropriate to each project: urban design, landscape architect, visual artist, architect, art historian, arts administrator, educator, curator, developer, civil engineer, municipal planner.

### **Installation**

Installation and/or performance costs shall be included in the public art project budget. This will include delivery, insurance, equipment, staff time and so forth. Responsibility for installation or performance

shall be decided at the beginning of any project and details included in the contract between the City of Penticton and the Artist.

If specific City of Penticton departments or external organizations are to be involved with installation, these should be consulted as early as possible. Should a project require City services such as electrical (lighting) or water, Public Works or other appropriate departments will be consulted, and requirements will be set out in the project outline and/or contract with the Artist(s). For projects requiring such infrastructure, or at the discretion of City staff, the Artist will be required to obtain a City of Penticton building permit.

### **Maintenance**

The following shall be taken into consideration by both the jury and staff when developing public art projects:

- suitability and durability of materials proposed and their cleaning and maintenance requirements, including budgeting;
- risk management and consideration of public safety standards in conjunction with public use of and access to the public space;
- the potential for the work to be vandalized and how it could be appropriately reinstated.

The City will maintain public art pieces as outlined in its contract with the Artist. The Artist may recommend specific care instructions in order to maintain the integrity of the piece.

### **De-Commissioning**

The period for which the work is installed and arrangements for de-commissioning and/or removal of the work will form part of the commissioning process and be included in the contract between the City of Penticton and the Artist.

Extenuating circumstances, however, may dictate that a work of public art be removed ahead of schedule (in the case of temporary work) or at all (in the case of works intended to be permanent). This shall occur when:

- the work has degenerated or is damaged beyond reasonable repair;
- the work poses a safety risk to the public and that risk cannot be mitigated;
- a major change occurs in the function of the public space sufficient to change the nature of the space and require removal of the piece;
- the Artist(s) requests that the piece be returned or removed for significant artistic reasons, which will require a formal letter to be reviewed by the City of Penticton.

### **Awareness and Publicity**

Publicity should be a factor at all stages of the project, to allow for public input and awareness. Appropriate promotion may include media and public events, news releases, websites, brochures/publications, and appropriate acknowledgement of the art and Artist through labels and signage. In conjunction with the Artist, the project manager and the City of Penticton shall ensure that each public art project includes a communications plan. (See Appendix D)

### **Appendices**

- a) Example Jury Criteria Assessment Form

- b) Example Acquisition Timeline
- c) Guidelines for Public Art Budget
- d) Communications Plan Guidelines
- e) Guidelines for Gifting Art to the City of Penticton

Certified Correct:

A handwritten signature in blue ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Dana Schmidt, Corporate Officer

**APPENDIX A**

**Jury Criteria Assessment Form – EXAMPLE**

PROJECT TITLE: \_\_\_\_\_

SUBMISSION NUMBER: \_\_\_\_\_

CRITERIA ASSESSMENT	Rate the application criteria on a scale of one (lowest) to ten (highest).	SCORE
<b>QUALITY</b>	The design capabilities of the artist(s) are of the highest priority, and the inherent quality of the artwork(s). Artistic merit is critical.	
<b>MEDIA</b>	All visual art forms may be considered, subject to limitations set out in the project outline, or set by the jury.	
<b>STYLE</b>	Artworks of all styles, schools and tastes should be considered, with consideration to their overall quality and appropriateness to the project.	
<b>NATURE</b>	Artworks should be appropriate in scale, material, form, and content for the immediate, general, social, and physical environments in which they are to be placed.	
<b>PERMANENCE</b>	Consideration should be given to structural and surface integrity, permanence, protection against theft, vandalism, weathering, excessive maintenance and repair costs.	
<b>ELEMENTS OF DESIGN</b>	Consideration should take into account that public art may serve to establish focal points, modify, enhance or define specific spaces, or establish identity for the City of Penticton.	
<b>PUBLIC LIABILITY</b>	Artwork proposals should be examined for unsafe conditions or factors.	
<b>DIVERSITY</b>	Public art should strive for diversity of style, scale, media, artists (including ethnicity and gender) and equitable distribution of artworks throughout the City.	
<b>QUALIFICATIONS</b>	Artist has demonstrated a level of expertise in creating public artworks.	
<b>FEASIBILITY</b>	The budget and project description outlines materials and a process for creating the artwork which are accurate, feasible, and will result in a successful project.	
<b>TOTAL</b>		

**APPENDIX B**

**Acquisition Timeline EXAMPLE**

PROJECT TITLE: \_\_\_\_\_

SUBMISSION NUMBER: \_\_\_\_\_

TASK	DETAILS	Date Complete
<b>Meet to discuss project</b>		
<b>Prepare RFP or RFQ documentation</b>	<ul style="list-style-type: none"> <li>-choose site for art</li> <li>-prepare background information and project description</li> <li>-write design parameters</li> <li>-assemble blueprints/renderings as needed</li> </ul>	
<b>Set Timeline</b>	<ul style="list-style-type: none"> <li>-deadline for first stage submissions</li> <li>-first stage jury date</li> <li>-second stage submissions (short listed artists to submit renderings or Maquette's)</li> <li>-second stage jury date</li> <li>-installation date</li> </ul>	
<b>Send Invitations to Jury</b>	<ul style="list-style-type: none"> <li>-send jurors materials: RFP, background</li> <li>-set meeting logistics</li> <li>-send meeting requests and reminders</li> </ul>	
<b>Submit RFP or RFQ to media, listservs, advertising</b>		
<b>Begin jury process</b>		
<b>Notify applicants of results</b>	<ul style="list-style-type: none"> <li>-determine if phone call or mail</li> <li>-determine public announcement</li> </ul>	
<b>Contract artist</b>	<ul style="list-style-type: none"> <li>-review with Purchasing, Parks, and other relevant departments</li> </ul>	
<b>Site meeting</b>		
<b>Production of artwork</b>		
<b>Installation</b>		



## **APPENDIX C**

### **Guidelines for Public Art Project Budget**

#### **Artist Fees**

This is either set out in the public art project, or the artist must provide a breakdown of his/her budget to include fees, administration, materials, outsourcing, travel, etc. Fees are subject to a contract between the Artist and the City of Penticton.

#### **Administration**

This might include postage, photocopying, administration time, etc.

#### **Project Management**

This might include the costs of employing a project manager or of reallocating staff time to manage a public art project.

#### **Advertising**

Costs for any advertising relevant to the project. This could be to recruit the project manager, the artist(s), or a publicity campaign.

#### **Expenses**

Examples of expenses could be travel and meeting expenses, jury fees or fees for community groups taking part in the project.

#### **Design and Production**

Most artists will request an upfront payment to cover materials at the very least and this will be followed with either further payment installations and/or a final payment on completion of the project. Payment arrangements should be agreed at the contract stage.

#### **Installation**

This can be included in the artist's fee or can be included as a separate element of the project or a mixture of both. When included as an element of the artist fee, the artist will control this element of the budget. Installation costs should also include transportation of artwork to the site, insurance costs for the installation process, if necessary, hiring of equipment needed for installation, etc.

#### **Interpretation**

Costs of a plaque or other form of interpretation for public art should be included in the main budget.

### **Maintenance and Cleaning**

Maintenance costs will need to be forecast and appropriate sources of funds to cover these identified. This could be from existing maintenance budgets, if possible. The artist's advice should be sought when forecasting maintenance costs. The responsibility for maintenance and cleaning needs to be agreed to at the start of the project.

### **Decommissioning**

If the artwork is temporary, a decommissioning cost should be included in the main project budget. This will include the removal of the artwork, as well as documentation such as photographs and information about the artist and history and/or provenance of the work.

## **APPENDIX D**

### **Communications Plan Guidelines**

A communications plan for public art projects in the City of Penticton should include the participation of the artist(s), as well as any relevant City departments and funding partners. It should take into account the announcement of a project, the proposed selection process, the selection of the artwork and/or artist, as well as a public celebration or event when the project is unveiled or installed.

#### **PROJECT ANNOUNCEMENT**

The public should be made aware of a proposed public art project through the media, in order to initiate enthusiasm for the project and maintain the transparency of the selection process.

Suggested Tactics:      News release  
Project backgrounder  
News conference at proposed project site  
Announcement (news release) on City of Penticton website  
Open Call for Artists shall be distributed

#### **SELECTION PROCESS**

Background information about the selection process and project timeline shall be made available and should include: deadline for applications/RFPs; dates for jury selection and meetings; expected date to announce the successful artwork and/or artist. Note: to protect the integrity of the jury process, members of the jury should not be made public until the selection process is complete.

Suggested Tactics:      Project backgrounder and timeline placed on City of Penticton website  
Inclusion of key information (ie deadlines) on Call for Artist

#### **ANNOUNCEMENT OF SUCCESSFUL APPLICANT**

Once the jury process is complete, with input from the artist, project manager and the City of Penticton, a formal announcement of the successful artist(s) and the project should be distributed. This can include drawings, photos or models of the proposed artwork, if available; an artist(s) statement; artist(s) biography, including information on previous work or installations; a proposed timeline to complete the project and a suggested date for installation; names and biographies of the jury members. Note: artists who were unsuccessful in their applications should be informed of the decision prior to a public announcement.

Suggested tactics:      Press kit- news release plus items listed above  
Project page on City of Penticton's website  
News conference with the artist, preferably at site of future installation

#### **PROJECT INSTALLATION**

Upon completion, a public celebration and/or unveiling can take place, with the artist(s), funding sponsors or other partners, participating.

Suggested tactics:      News conference (public celebration)  
Update project page on City website to show completion

## **ADDITIONAL PUBLICITY**

Further awareness of a project can be promoted through marketing tactics such as brochures, postcards, social networking sites, posters, and dedicated websites. Reproduction rights with the artist must be negotiated through the contract between the City of Penticton and the artist(s) prior to the commencement of a project.

Tourism Penticton, the Penticton and District Community Arts Council, the Penticton Art Gallery, the Okanagan School of the Arts and other organizations can assist with publicity – as appropriate – at each stage of the communications plan.

## **APPENDIX E**

### **Guidelines for Gifting Art to the City of Penticton**

Recognizing the creative sector and the talent of its citizens both past and present, the City of Penticton is pleased to consider gifts of art and artefacts. The City appreciates the generosity of these potential donations, and asks donors to submit the following information prior to providing their gift:

Provenance or history of the artwork;

Relevance to the City of Penticton, for example: created by a local artist, or the piece depicts the City's history, and so forth;

Biographical information about the artist;

Biographical information about the donor;

Appraisal and insurance information or certificates, if available;

Suggested location for, or use of, the artwork.

As with all public art within the City of Penticton, donated pieces will be subject to the signing of a contract between the donor and the City, outlining items such as:

Costs to install and maintain the artwork;

Copyright and reproduction rights;

Location and/or installation of the artwork, including engineers' drawings if necessary;

Donor recognition and publicity;

Gifts of art to the City will be subject to the City of Penticton's Public Art Policy, and the City reserve the right to refuse a gift of public art if it is deemed to contravene the Public Art Policy. Inquiries regarding the donation of art are managed by the Parks, Recreation and Culture Department.