



<b>Title: Public Art Acquisition, Selection Criteria and Gift Policy</b>		<b>Number: 0143</b>
<b>Reference:</b> Administrative Committee	<b>Adopted by City Council:</b> November 2, 2009	<b>Supersedes:</b>
<b>Prepared by:</b> CULTURAL DEVELOPMENT		

## STATEMENT:

PUBLIC ART IS ATTAINED THROUGH THE ACQUISITION OF NEW ARTWORKS, ACQUISITION OF EXISTING ARTWORKS, OR ACCEPTANCE OF GIFTS OF PUBLIC ART ACCORDING TO THE HIGHEST STANDARDS OF QUALITY AND TRANSPARENCY OF PROCESS.

PUBLIC ARTWORKS ACQUISITIONED ON BEHALF OF THE CITY OF MEDICINE HAT, MUST FIT WITHIN THE PURPOSE, GUIDING PRINCIPLES AND DEFINITIONS OF THE CITY OF MEDICINE HAT PUBLIC ART POLICY #0137.

THE PURPOSE OF THIS POLICY IS TO CREATE A TRANSPARENT PROCESS AND STANDARDS FOR HOW PUBLIC ARTWORKS ARE ATTAINED, AND TO COLLECT THE BEST QUALITY OF ARTWORKS.

## PRINCIPLES:

### Guiding Principles

The guiding principles of the Public Art Policy shall be that public art:

- Be accessible and encourage a diversity of artwork.
- Be integral to the municipal planning, engineering and development process.
- Provide for the conservation and ongoing maintenance of permanent pieces of public art.
- Embrace good design principles (i.e. engineering, structural, aesthetic, and safety) and comply with City Bylaws.
- Create a process for acquiring public art that is fair and equitable.
- Encourage collaboration between the public agencies, private sector and the arts community.

## ROLE OF COUNCIL

To receive, review and adopt this policy and any recommended amendments thereto.

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## 1. DEFINITIONS

- 1.01 Acquisition - the process of attaining and registering a newly-created or pre-existing Public Artwork to the Public Art Collection.
- 1.02 Art Consultant - an advisor, recognized by the Public Art Committee as having a broad knowledge of current public art-making practices as well as artists able to work in public art contexts.
- 1.03 Artist - a practicing professional art-maker recognized by peers as such; commissioned specifically to create an artwork or design project, or to collaborate on a design team to complete a Public Artwork.
- 1.04 Arts and Heritage Advisory Board – appointed by and reporting through the Public Services Committee to City Council on matters of arts and heritage.
- 1.05 City of Medicine Hat (City) – the official City of Medicine Hat municipality, a corporate entity.
- 1.06 Design Team – an approach to a public art competition wherein the artist is on the building project team from the beginning, to better integrate the artwork into the project.
- 1.07 Public Art Collection – all Public Artworks recognized as being owned by the City of Medicine Hat.
- 1.08 Public Art Reserve – an account to hold funds for public art purchase, commission, conservation and outreach programming; to accept donations to fund public art projects.
- 1.09 Public Art Competitions
  - (a) Open Competition – is a publicly advertised art opportunity which any interested artist may respond to. Artists must comply with the requirements set out in the Call to Artists. Artist / project selection is via a jury process.
  - (b) Invited / Limited Competition – has specific criteria for artists. Only artists meeting the desired criteria would then apply to this competition. Artist / project selection is via a jury process.
  - (c) Direct Award – in certain circumstances (i.e., budget does not warrant a competition, very specific skills are required, or timelines do not permit a competition process), an artist may be directly selected for a project. In this instance artists may be selected from an approved vendor listing (artist roster). Artist / project selection is via a jury review.

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- 1.10 Public Art Committee (PAC) – is a committee representing expertise in all areas relevant to selection of Public Artworks for the City of Medicine Hat, and is mandated through Public Art Policy #0137 as a sub-committee of the Arts and Heritage Advisory Board.
- 1.11 Conservation of Artwork (Conservation) – is the protection, preservation, maintenance or restoration of a public artwork by a qualified Conservator, the Artist, or his/her designate.
- 1.12 Gifts of Public Art (Gift) – artworks or funds to acquire artworks donated to the City of Medicine Hat.
- 1.13 Maintenance of Artwork (Maintenance) – the inspection and routine work of keeping a public artwork in a high quality condition by City staff.
- 1.14 Maquette – a scaled model of a Public Artwork created as part of a proposal process.
- 1.15 Private Sector Public Art – public artworks in the Public Art collection that are acquired from the private sector as a result of any City of Medicine Hat policies or other directives.
- 1.16 Project Manager – the individual responsible for the overall implementation of a building or construction project where a Public Artwork is to be included.
- 1.17 Public Art (Artwork or Public Artwork) – refers to visual works, which are displayed in public areas, including, but not limited to:
  - (a) Sculpture – free standing, wall supported or suspended, kinetic, electronic in any material or combination of materials.
  - (b) Paintings or murals in any variety of materials.
  - (c) Tableaux of an illustrative nature that interprets the historical significance of a site.
  - (d) Architectural embellishments, street inlays or landscaping features with artistic intent.
- 1.18 Public Artwork Critical Path (Critical Path) – a detailed plan for the acquisition of a specific artwork approved by the PAC and, when appropriate, the Project Manager. The plan will include: theme/purpose of the Artwork; placement of the Public Artwork; identification of critical stages, processes and dates in the Acquisition of the Artwork; final budget and payment schedules for the Artwork.
- 1.19 Public Spaces – areas frequented by the general public, which are in the public domain. Public spaces include, but are not limited to: parks, boulevards, streets, bridges, exteriors and interiors of City-owned buildings.
- 1.20 Commemorations – the honoring of the memory of a person, event, or idea which is tangible, permanent and of regional interest. Different types of commemorations include: figurative statues, ‘classical’ non-representational commemorations (arches, columns, etc.), land art, and fountains. Dedications such as benches, trees, paving stones and other primarily functional elements are not included in this definition of commemorations for the purposes of this policy.

This policy is subject to any specific provision of *The Municipal Government Act* or other relevant legislation or Union agreement.

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## 2. RESPONSIBILITIES

### 2.01 City Council

- (a) Approves the recommendations regarding acquisition and placement of public works of art.

### 2.02 Administrative Committee

- (a) Makes recommendations to City Council from time to time regarding any amendments to this Policy proposed by the Arts and Heritage Advisory Board.
- (b) Receives and adopts the Procedures developed for the implementation of the Policy and any amendments thereto, taking into regard any amendments to the Procedures proposed by the Arts and Heritage Advisory Board.

### 2.03 Public Art Committee

- (a) Review and make recommendations to Council, through the Arts and Heritage Advisory Board, on all proposed Public Art projects, and ensure the application of established procedures and guidelines on a project-by-project basis in consultation with appropriate municipal departments.
- (b) Advise Council on proposed gifts, bequests, fundraising and donations of artworks according to the established policies and procedures within or of the Public Art Policy.

## 3. PROCEDURES

### 3.01 Acquisitions of Artworks

- (a) Artworks for the Public Art Collection may be acquired as a result of Policy #0137, from other City policies affecting, or directives to, the private sector; or as Gifts to the City from the general public or other levels of government.
- (b) The Acquisition of Artworks for the Public Art Collection will incorporate procedures inclusive of the following:
  - (1) Designation of Public Spaces site
  - (2) Creation of a Public Art Critical Path
  - (3) Call to artists for proposals
  - (4) Artwork selection process
  - (5) Contract with artist
  - (6) Artwork production
  - (7) Artwork installation
  - (8) Final inspection and formal acceptance of the Artwork
  - (9) Reporting and archiving of the Artwork.

### 3.02 Art Selection

- (a) Medicine Hat public art selection criteria will provide a high standard of quality and context for the Acquisition or Gift acceptance of Public Artworks to the Public Art Collection.
- (b) Decisions on the Acquisition of Public Artworks will be based on recommendations to City Council by the Public Art Committee, through the Arts and Heritage Advisory Board.

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- (c) Public Art Competitions shall be initiated by the Public Art Committee and managed according to Policy #0137. The Public Art Committee shall designate the appropriate type of competition and approach (design team or other).
  - (d) Artwork selection criteria for the Public Art Collection will include assessment of the following components: artistic quality and originality, suitability for the overall design and/or architecture of the artwork site, qualifications of the Artists or Art Consultant, conservation and maintenance requirements, technical feasibility, public safety, community or civic suitability.
- 3.03 Gifts of Public Artworks or of Funds Designated for Public Art
- (a) Gifts of Public Art to the City of Medicine Hat must be preceded by a Gift Proposal package which must include the following:
    - (1) If the Gift is funds to Acquisition a Public Artwork in a process directed by the PAC: the total amount of funds to be donated and all specific requests or restrictions identified by the donor as a condition of the Gift. Specific requests or restrictions may include, but are not limited to theme, location, or artistic medium.
    - (2) If the Gift will be the result of an Acquisition process not directed by the City: a Critical Path; project budget including funds for conservation and maintenance requirements and schedules if applicable; Maquette if applicable.
    - (3) If the Artwork already exists: a description of the Artwork; an independent appraisal of the Artwork's value; verification of the Artwork's origin and ownership; the Artwork's maintenance requirements and schedules.
    - (4) A guarantee that, if required by the PAC, up to 20% of the total appraised value or Acquisition budget will accompany the Artwork as capital for administration and conservation of the gift. The acceptance of a Gift must not require additional civic funds for siting and installation unless these additional funds are specifically provided by the City of Medicine Hat.
  - (b) The Gift proposal package must be submitted to PAC.
  - (c) PAC will adjudicate the Gift proposal and, based on art selection criteria identified in this policy and Policy #0137, will recommend through the Arts and Heritage Advisory Board to City Council to accept or reject the Gift. If the Gift is rejected by PAC, the donor will receive a written notification from the PAC, in order that the donor may have the opportunity to appeal to the PAC before the recommendation is taken via AHAB to City Council for approval.
  - (d) If a Gift is rejected, donors will be eligible to submit an appeal to PAC. Normal basis for an appeal will be a belief that PAC has based its decision on a misunderstanding of some aspect of the Gift proposal.
  - (e) If a Gift is accepted, the PAC will recommend a contract or letter of agreement with the donor confirming roles and responsibilities, processes, and project outcome related to the Artwork. The contract or letter of agreement will be initiated and administered by the City of Medicine Hat Cultural Development Department.
  - (f) Donations of funds for Public Artworks can be allocated to specific initiatives according to the donor's request or, in the absence of a donor's request, the funds will be placed in the Public Art Reserve and allocated to a specific public art initiative identified by PAC.