

NOTICE OF MEETING
PUBLIC ART COMMITTEE
AGENDA

DATE: Monday, May 9, 2011
TIME: 4:30 p.m.
PLACE: Committee Room No. 1
Third Floor
Vancouver City Hall

PLEASE NOTE:

- *If you are unable to attend this meeting, please advise Nicole Ludwig at 604.873.7191 or nicole.ludwig@vancouver.ca.*
 - *Agendas and Minutes are available on the City of Vancouver civic agencies' web site at: <http://vancouver.ca/ctyclerk/civicagencies/publicart/index.htm>*
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Approval of Minutes

The minutes of the meeting held April 11, 2011, to be approved.

Leave of Absence

1. Donations Policies

Recent requests to review loans and gifts have prompted Committee discussions on the process for deciding the merits of proposed artworks and memorials.

Starting with a review of Donations Guidelines adopted in 1990, staff would like to discuss new ideas and procedures arising from the Public Art Program Review of 2008. Accordingly, the two sets of Guidelines are attached as schedules 1 and 2.

2. Other Business

Next Meeting:

June 13, 2011
4:30 pm
Business Centre, 2nd Floor, City Hall

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Schedule 1:

Guidelines for Accepting Gifts of Art (1990)

Intended for Long-Term Placement at Public Sites Under City Jurisdiction

1.0 POLICY OBJECTIVES

"The purpose of these guidelines is to ensure that only art work of the highest quality is added to the existing strengths of Vancouver's public spaces and evolving cityscape."

1.1 To provide a procedure for reviewing proposed gifts to the City of art work intended for long-term placement in public places under the City's jurisdiction.

1.2 To encourage and ensure that the City acquires public art that meets a high standard and is appropriate and meaningful for the community it will reach.

2.0 ORGANIZATIONS AFFECTED

2.1 City departments and boards

2.2 Citizen advisory boards to City Council or its Agencies

3.0 DEFINITIONS

3.1 Public Art

Art work intended for placement or installation at indoor and outdoor areas of public use under the City's jurisdiction.

3.2 Public Art Committee (PAC)

A nine-member volunteer advisory committee, consisting of artists, urban designers, and others, appointed by City Council to advise Council, staff, artists, developers and others on the implementation of the Public Art Program, and on public art matters generally.

3.3 Gift

An existing or proposed work of art offered as a donation to the City for placement at a public site under the City's jurisdiction

3.4 Sponsor

An individual or group, other than the artist, who proposes a work of art for placement on a public site under the City's jurisdiction. The Sponsor's principal role is to present the intent of the donation. Community groups or corporations can act as sponsors, provided they are capable of representing or demonstrating community support for the work, and can demonstrate clear financial responsibility for its acquisition, production and installation at the time of the proposal, if required. Demonstrating community support reinforces the public nature of the proposal.

4.0 ACCEPTANCE CONDITIONS

4.1 The City will consider gifts of works of art for placement at a public site on the understanding that no civic funds will be required for production, sitting or installation of the work, except when the City itself acts as a sponsor or co-sponsor. In addition, donors will be required to lodge funds equalling at least 10% of the commission cost of the art work with the

City Public Art Maintenance Reserve. A maintenance audit will be conducted as part of the review of the proposal if, in the opinion of staff, the proposed donation is likely to incur high maintenance costs and require a larger contribution to the Maintenance Reserve.

4.2 To be considered for acceptance by the City, a work of art must have a sponsor or co-sponsor who will present the proposal and, when necessary, be responsible for raising the necessary funds or themselves providing the funds, in accordance with the budget presented to the Public Art Committee (see Acquisition Procedures).

4.3 The City will consider the following types of proposals for works of art intended for placement at a public site under the City's jurisdiction:

- a) A sponsor's offer of an already completed work of art.
- b) A sponsor's offer to commission an art work by a specific artist or artists.
- c) A sponsor's offer to commission an art work by means of a public art competition.

5.0 SELECTION CRITERIA

5.1 Relevance

Appropriateness of the work of art to the proposed site and its surroundings, including considerations of architecture, topography, history and the social dynamic of the particular community in which the art will be placed.

5.2 Artistic Excellence

Quality of the artist's concept. Does it merit placement in a public place? Assessment of artist's ability and potential to execute the proposed work, based on previous artistic achievement and experience, or, in the case of an existing work of art, the quality of the executed work.

5.3 Physical Durability

What is the art work's long-term durability against theft, vandalism and weather? Will it require expensive maintenance? Is a conservator's report and estimate of maintenance costs required before a decision is made?

5.4 Public Safety

All proposals must address issues of public safety and all will be reviewed by the City Engineer and the Manager, Office of Risk and Safety Management.

5.5 Costs

Consideration will be given to all costs of the proposal, including production, acquisition, siting, installation, documentation, and maintenance.

5.6 Authenticity

Consideration will be given to the work's terms of donation, legal title, authenticity, and other issues as appropriate.

6.0 ACQUISITION PROCEDURES

6.1 All offers of art work proposed for sites under City jurisdiction must first be received by the Public Art Committee, which is responsible for reviewing proposals and reporting its recommendations to City Council.

6.2 City staff will inform the sponsor and artist(s) about the criteria, conditions and procedures governing the acceptance of gifts of public art.

6.3 In all cases, the sponsor will be asked to submit to the Public Art Committee prior to its consideration of the proposal:

- a) a brief statement of purpose from the artist;
- b) drawing(s) and/or photograph(s) and/or model(s) of the proposed work with scale and materials indicated;
- c) a plan showing the work in relation to the site;
- d) a visual projection of the work on the proposed site(s);
- e) a budget, with projected costs for the project;
- f) funds committed to date, and proposed source(s) of funds;
- g) artist's resume, and any additional supporting material.

6.4 Sponsor's Offer of an Existing Art Work

The Public Art Committee in co-operation with staff will designate a panel of no fewer than three and no more than five persons having suitable expertise, including always a majority of art professionals and at least one neighborhood representative, to evaluate the work according to the criteria, paying special attention to the choice of site. Staff and a member of the Public Art Committee will serve in a resource capacity as needed, representing the larger context and continuity of the developing art program. The panel chairperson will report the panel's decision in writing to the Public Art Committee, and staff will report the panel recommendation to City Council.

6.5 Sponsor's Offer to Commission a Specific Artist or Artists

The Public Art Committee in co-operation with staff will designate a panel of no fewer than three and no more than five persons having suitable expertise, including always a majority of art professionals and at least one neighborhood representative, to review the proposal. A member of the Public Art Committee will serve in a resource capacity as needed, representing the larger context and continuity of the developing art program. If questions regarding critical interpretation, site choice, structural requirements or other matters arise, the panel may at its discretion meet with the artist before making its decision. The panel chairperson will report the panel's decision in writing to the Public Art Committee, and staff will report the panel recommendation to City Council.

6.6 If the panel recommends against accepting the proposal, the City will notify the sponsor and the artist, and inform them of the appeal procedure. It will also advise City Council of its recommendation.

6.7 If the proposal is accepted, a formal agreement will be drawn up outlining the responsibilities of each party (the City, the sponsor, the artist and outside contractors, where applicable). The agreement will address project funding, fabrication, siting, installation, maintenance, transfer of title, artist's rights, public education costs, project supervision, the identification plaque, deaccessioning, and other issues as necessary.

6.8 Where possible, the artist will be consulted before any modification to the site that significantly affects the intent of the work, or any alteration of the work, is undertaken.

6.9 The completed and installed work of art will be registered in the Public Art Registry, together with the artist's statement of purpose and other information as appropriate.

7.0 APPEAL POLICY

7.1 All sponsors or artists who believe that the panel's consideration of their proposal was procedurally unfair, unreasonable or inadequate may appeal the panel's recommendation rejecting the proposed gift. No appeals will be entertained on the grounds of the panel's aesthetic evaluation of an existing or proposed work.

8.0 APPEAL PROCEDURE

8.1 Before pursuing a formal appeal, the sponsor and/or artist should seek an informal resolution by way of the following procedure:

- a) the sponsor and/or artist will first re-examine the Acceptance Guidelines, and the list of panelists who have evaluated the proposal; and
- b) the sponsor and/or artist will then informally review the panel procedure with the staff person attached to the panel, within three weeks of the date of written notification of the original panel decision.

8.2 Should no resolution be reached, the sponsor and/or artist may submit a formal appeal by way of a written request to the Public Art Committee, specifying the date on which informal review of the original panel decision was completed, and the factual bases on which the sponsor claims that the procedures utilized by the panel in reaching its decision were unfair, unreasonable, or inadequate.

8.3 The Public Art Committee will provide the sponsor, the artist and each member of the panel with at least fourteen days advance notice in writing of the date, time, and place of the appeal, to enable each of the aforementioned individuals to file written submissions for consideration and to arrange to appear to give a verbal presentation if desired. In addition, the Public Art Committee has the right to invite any individual whom it believes may contribute to the adjudication of the appeal, to appear before it. The deliberations of the Public Art Committee will be held *in camera*.

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Schedule 2: Revised Guidelines (2008)

Guidelines Proposed through the Public Art Review:

Objectives

Donations of Permanent Art and Memorials are an important way of building the City's public art collection. The City's procedures for accepting donations are designed to:

- Ensure that new works of art are in keeping with the Public Art Program's vision and goals for the collection.
- Ensure that works are sited appropriately in terms of media, scale, site usage and aesthetics.
- Anticipate technical concerns and hidden costs such as installation, lighting, insurance, easements, maintenance, conservation and safety.
- Provide appropriate siting and consideration for memorializing events, people and issues of importance to the City of Vancouver.

Procedures

Acceptance Conditions

1. To be considered for acceptance, a work of art or memorial must have a civic sponsor or co-sponsor to present the proposal.
2. All expenses for the donation or review are the responsibility of the sponsor. No City money will be used for the production, shipping, insuring, siting, installation, and lighting of the donations unless the City is a sponsor or co-sponsor of the artwork.
3. Funds equal to 10 percent of the commission cost/value of the artwork must be paid into the Public Art Maintenance Reserve at the time of installation. If, in the opinion of Public Art staff, the donation is likely to incur high maintenance costs, staff can require a larger contribution to the Maintenance Reserve.
4. The City will consider the following types of proposals for works intended for placement at a public site:
5. A sponsor's offer to commission an artwork by means of a public art competition. Rather than offer existing or preconceived work, donors are encouraged to collaborate with Parks or City staff to define an artist project that serves existing civic priorities. Such projects typically offer imaginative, high-profile opportunities for artists and their sponsors, and usually achieve broad public support.
6. A sponsor's offer to commission an artwork by a specific artist or artists. These donations can result in work that is responsive and appropriate to the site and potentially can be well integrated into its surroundings.
7. A sponsor's offer of an already completed work of art. These donations will undergo the closest scrutiny to ensure that they are appropriate to the site and are in keeping with the goals of the Public Art Program.

Procedures for Review

1. Technical Review is to be conducted by Public Art Program staff, the staff of the City Department where the work is to be sited, and the office of Risk and Safety Management.

2. After staff review, proposals for gifts and memorials are forwarded to the Public Art Committee for review and approval in regard to site, design, social and merit issues. For major works or significant sites, the PAC must convene an ad hoc panel to review the work and make a recommendation back to the PAC.
3. Public Art staff should undertake the proper community consultation, at their discretion.
4. For project on City lands, the PAC and staff reports should be forwarded to the City Council for action as a consent agenda or full agenda item.

Criteria for Review

Criteria for Technical Review

Technical Review is to be conducted by Public Art Program staff, the staff of the City Department where the work is to be sited, and the office of Risk and Safety Management.

1. *Ownership.* If the sponsor is offering an existing work of art, the sponsor must document that the work of art can be legally given to the City by the donor.
2. *Financial Costs.* The sponsor has adequately anticipated and can meet financial costs connected with donating the work, including, but not limited to, shipping, shipping insurance, site preparation, installation, proper signage, insurance, site restoration, landscaping, and lighting.
3. *Safety and Liability.* The work is durable and poses no safety or liability concerns.
4. *Maintenance and Conservation.* A qualified conservators report indicating anticipated maintenance needs must be provided with the proposed donation.
5. *Availability of Site.* The proposed site is available for the installation of artwork. Necessary electric, plumbing or other utility requirements are defined and available.

Additional criteria for technical review may be developed by the host Department.

Criteria for Site and Design Review

Site and design review is conducted by the Public Art Committee or by an ad hoc panel appointed by the PAC that includes specific artistic expertise and/or stakeholder representation.

1. The proposed gift must be consistent with the goals of the Public Art Program.
2. The proposed gift must demonstrate the highest level artistic excellence.
 - a. If a commissioned work, consider the artist's ability and potential to execute the proposed work, based on previous artistic achievement and experience.
 - b. If an existing work of art, consider the quality of the executed work.
3. The proposed gift must contribute to the diversity of the City's public art collection.
4. Artworks must be one-of-a-kind or part of an original series.
5. The proposed site must be appropriate to the artwork's content, scale and media. The analysis should take into account the visibility and access to the site; public use patterns of the site, and public realm and future development plans for the site, if any.

Criteria for Review of Social and Merit Issues

In addition to the above criteria, the Public Art Committee should review Commemorative and Memorial Artworks based upon the following criteria.

1. For ideas, principles or events, proposals for commemorative or memorial artworks will not normally be considered until at least twenty years after the occurrence of the event. In the case of individuals, ten years must pass following the demise of the individual or the last surviving founding member of an organization before he/she may be considered for commemoration. Where a clear city consensus exists for commemoration, proposals may be considered before these periods have passed.
2. For individuals or organizations, the subject of commemorative or memorial artworks must have been active in Vancouver. The subject must have been tangibly and directly associated with events, ideas or beliefs of significance to the city as a whole. In the case of ethnic contributions, for example, the individual or group must be seen to have had an impact on the city's history, which goes beyond the impact he or she may have had on his or her particular community.
3. A person, group, organization, idea, principle or event to be considered for commemoration in public space must have cultural significance for the city and be of "aesthetic, historic, scientific or social value." In addition, ideas, principles and concepts will be commemorated only if they are accepted as exemplary and a positive influence on the life of Vancouver residents.
4. The site and the subject of a commemorative or memorial artwork should have a historical or a thematic association.
5. Specific disasters, whether natural or man-made, and health-related themes will not normally be the subject of a commemorative or memorial artwork on public property unless it can be demonstrated that their long-term impact has shaped Vancouver history.
6. A commemorative artwork must not duplicate the themes or subject matter of an existing commemorative site.
7. In no instance shall permanent or temporary monuments depict subjects that are trademarked or commercially licensed.

6.4.2 Temporary Loans and Exhibitions on City Property

Objectives

Temporary loans and exhibitions of artwork on City property can bring new, high-quality artwork to the City's public spaces. The review process for temporary loans and exhibitions on City property is designed to:

- Ensure the quality of artwork on display on City property.
- Prevent the City from incurring unexpected costs related to the exhibition.
- Prevent City property from becoming a place to showcase works of art for sale.
- Meet the vision and goals of the Public Art Program.

Procedures

Acceptance Conditions

1. The term of temporary loans should be less than nine months. Loans of nine months or longer will be reviewed by the standard review process for permanent gifts and memorials.
2. Temporary loans and exhibitions should follow all requirements in regard to sponsorship, funding, technical factors, and safety as outlined in the review criteria for permanent gifts and memorials.
3. Temporary loans and exhibitions should be located in a manner that is sensitive to the Design, Social and Merit issues outlined in the guidelines for accepting permanent donations, in particular considerations of site relationships, compatibility with nearby features, and functional relationships. However, due to the temporary nature of the loans, temporary loans may not have the same intrinsic thematic, historic or cultural relationship to the site.
4. Temporary loans and artworks in exhibitions cannot be listed for sale while they are on public property. If, while the work is on temporary loan, a fundraising campaign is waged to make a permanent donation to the City, then the artwork must have already been through the approval process for a permanent donation.
5. Proponents of temporary loans must be non-profits with no ties to the artist whose work is being loaned.
6. Proponents of temporary loans can be required to post a letter of credit equal to the cost of removal and repair/restoration of public lands.
7. For exhibitions, curatorial plans should ensure there is no existing business relationship between the artists and the non-profit, private developer and/or curator; that the works are not intended for sale; and that there are adequate plans and funds for the removal of artworks at the completion of the exhibition.

Procedures for Review

1. Temporary loans or exhibitions of artwork on City-owned property for less than nine months will not be subject to the review process for permanent gifts.
2. Temporary loans or exhibitions will be reviewed by staff of the City Department with jurisdiction over the site (Parks Board, Engineering, Facilities and Design), with Public Art staff providing technical assistance as needed. Staff will review proposals for temporary loans or exhibitions based upon the criteria below.
3. The Public Art Committee will conduct an aesthetic review of temporary loans, commissions or exhibitions that are funded in whole or part with City funds, including Parks Board funds, or which are managed by City staff. For major works or significant sites, the PAC must convene an ad hoc panel to review the work(s) and make a recommendation back to the PAC.
4. For exhibitions of multiple artworks on multiple sites, or exhibitions facilitated by the City, the Public Art Committee will review the curatorial plan. This applies to exhibitions organized by the Public Art Program and non-profits sponsoring exhibitions in public spaces.

Final approval of temporary loans or exhibitions rests with City Council.