

These guidelines replace Guidelines for Accepting Gifts of Art Intended for Long-Term Placement at Public Sites under City Jurisdiction.

Gifts of Art Intended for Permanent Placement at Public Sites

PURPOSE:

This document identifies procedures for reviewing proposed gifts of artwork intended for permanent placement in public space in Vancouver. The intent is to ensure that only artworks of the highest quality and appropriateness are added to the public art collection and that adequate resources are available to manage and maintain the donation.

These guidelines do not apply to artworks that are specifically designed as memorials (see definition in Appendix A).

SCOPE:

Vancouver City and relevant advisory boards. For the purposes of this document, “the City” encompasses City jurisdictions.

AUTHORITY:

All donations of art for public spaces are reviewed by the Public Art Committee and recommended to the Managing Director of Cultural Services.

REQUIREMENTS:

The following types of proposals will be considered:

- a) an existing work of art,
- b) an offer to commission an artwork by a specific artist or artists, or
- c) an offer to commission an artwork by means of a public art competition.

Title: All rights, title and interest in and to the work must be assigned to the City.

Sponsorship: All artworks proposed for donation must be represented by a sponsor (an individual or group) or co-sponsor other than the artist who can legally represent the proposal and enter into a donation agreement with the City. The sponsor must be capable of representing or demonstrating community support for the artwork. Proof of ownership or authority to act as agent and all other agreements, encumbrances, liens or other arrangements respecting the provenance of an existing artwork, including with the artist and/or owners or any others having an interest in the work, must be disclosed and attached as schedules to the agreement between the sponsor and the City.

A **legal agreement** will be required 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, copyright,

artist's rights, public education, project supervision, identification, documentation, de-accession and other details as necessary.

Production/Installation: Production and installation costs are the responsibility of the sponsor. Installation plans must be approved by the City staff and the required insurance in place prior to installation. Artworks must meet all requirements of safety, site, archeological and technical reviews.

Maintenance: A maintenance review and plan, to be paid for by the sponsor and approved by the City, is required. A contribution to the Public Art Maintenance Reserve is required and will be specified at the time of the donation. A general guideline is a minimum of 10% of the project cost. The requirement will depend on the nature of the artwork. A conservator's report or maintenance audit and estimate of costs may be required prior to acceptance of the work.

Fundraising and Publicity: A potential gift must be approved prior to embarking on a fundraising campaign for donations. The City requires pre-approval of all publicity related to gifts including at the time of installation and inauguration.

ACCEPTANCE CRITERIA:

Relevance and Compatibility

Relevance of the proposal to Vancouver, its place in the province and Canada, and to the public art collection, the proposed site and its surroundings, including considerations of scale, architecture, topography, history and the physical and social dynamics of the community in which the art will be placed. Will the artwork remain relevant over time?

Artistic Excellence

Quality of the artist's concept and assessment of the artist's ability and potential to execute the proposed work, or in the case of an existing work of art, the qualifications of the artist and quality of the executed work. Does it merit placement in public space?

Durability

The artwork's long-term maintenance needs and estimated costs in regard to theft, vandalism, technical and mechanical functioning, weather, etc. Will it require extensive maintenance?

Public Safety

All proposals must address issues of public safety and may require engineering certification and review by the Office of Risk Management.

Viability

Consideration will be given to the timing of the proposal, the terms of the donation, the quality of the selection process for the artist/artwork, the capacity of the sponsor to manage the project and cover all costs of production, acquisition, consultation, installation, documentation and maintenance and/or the feasibility of a proposed funding plan.

Authenticity

Consideration will be given to the clarity of provenance and legal title, originality of artwork, and other issues as appropriate.

PROCEDURES:

Proposals for donations of artworks may be submitted at any time, but may be held for consideration in relation to other donations within a 12-18 month period. A preferred location may be identified but cannot be guaranteed.

Proposals should be submitted in writing to the Manager, Public Art Program:

501 - 111 West Hastings
Vancouver, BC V6B 1H4
604 871 6002

The proposal should include a description of the proposed gift, its relevance to the city of Vancouver, the nature of the sponsorship and primary contacts. Staff will inform the sponsor and artist(s) about the criteria, conditions and process for consideration.

Staff will undertake a preliminary review in regard to technical and financial feasibility and availability of potential sites. Consideration will be given to staff and site resources required. The staff review team may include representatives from Cultural Services, Planning, Engineering, Real Estate, other departments and senior management as needed. Please note: this preliminary review does not preclude further in-depth reviews before acceptance.

Public Art Committee Review: If there are no impediments to proceeding, the sponsor will formally submit the proposal to the Public Art Committee for consideration. The proposal should include:

- A written statement describing the project, its relevance to Vancouver and proposed nature of placement (priority sites may be proposed but are not guaranteed);
- If the artist is not yet in place: the process and criteria for artist selection;
- If the artist is selected: an artist's statement about the work;
- If an artwork is proposed:
 - drawings, photographs or models showing scale and potential placement
 - A preliminary list of materials and maintenance requirements;
- A budget for fabrication, installation and maintenance;
- A report on the funds committed to date and proposed sources of funding;
- An artist's bio, list of participants and CVs of key personnel.
- A plan showing work in relation to proposed site, if established.

The Public Art Committee may respond to the proposal or may designate a review panel of no fewer than three and no more than five persons having suitable expertise, including a majority of art professionals of which one is a member of the PAC, and may include up to two neighborhood representatives if pertinent, to evaluate proposals. Staff will serve in a resource capacity. 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 a decision. The Public Art Committee will review and recommend regarding approval.

If a proposal is recommended in principle, a formal agreement will be drawn up outlining the responsibilities of each party (the City, the sponsor, the artist, outside contractors, etc.). Further technical reviews and public consultation may be required prior to final acceptance.

If the Public Art Committee recommends against the proposal, the City will notify the sponsor and the artist and inform them of the appeal procedure.

PUBLIC CONSULTATION GUIDELINES:

Installations on city land require varying degrees of notice and public/community process, tailored to particular circumstances. Local stakeholders will be notified at minimum. To ensure that the public and stakeholders have input into the process of siting public art, a public consultation process may be required. All costs of the process are borne by the sponsor.

APPEALS

Sponsors who believe that the process for consideration of their proposal was unfair, unreasonable or inadequate may appeal the Committee's recommendation. No appeals will be entertained on the grounds of the panel's assessment of the aesthetic merit of an existing or proposed work.

Appeal Procedure

Within three weeks of the written notification of the Public Art Committee recommendation, the sponsor and/or artist should first seek an informal resolution by contacting the staff person in charge and reviewing the criteria, procedures and the list of panelists.

If no resolution is 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 of completion and the outcome of the informal review process of the original panel decision and the factual bases on which the sponsor claims that the procedures were unfair, unreasonable, or inadequate. In the case where there was no designated review panel, the PAC will refer the appeal to the Managing Director of Cultural Services.

The Public Art Committee will provide the sponsor, 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. Any of the aforementioned individuals may file written submissions for consideration and/or arrange to give a verbal presentation if desired. In addition, the Public Art Committee may 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* and the artist and sponsor will be notified of the decision.

De-accession Review

Gifts of art will be reviewed over the course of time and may be de-accessioned if deemed necessary. The process will be in accordance with national standards for de-accessioning artworks.

APPENDIX A: DEFINITIONS

Artist - A practicing professional art maker, with training or apprenticeship in visual practices, a history of unique creation and public display of artwork, and recognized as an artist by peers in the field of visual art.

Memorial - A physical marker, which may or may not be an artwork, designed specifically to honour the memory of a person, group or event.

Permanent - Permanent in relation to artwork in public space is subject to considerations of the reasonable life of the materials, maintenance costs, changes to the site or public relevance. A work may be re-sited or de-accessioned as deemed necessary by the City.

Curator - A recognized practicing professional in the visual arts who is knowledgeable about art history, contemporary art practices and artists, and who works to organize public displays and analyze artwork and the relationship of artwork to the larger field of art practice, history and place.

Public Artwork - Creations or collaborations by professional Artists, commissioned by civic or other institutions or individuals and intended for installation in freely accessible public areas.

Public Art may be in any medium, including electronic or environmental elements or socially engaged practices, or any material or combination of elements appropriate to a particular work of art. Public art opportunities include but are not limited to:

- design-team collaborations on public open spaces, i.e. streetscapes;
- free-standing sculpture or two-dimensional work;
- video and LED artworks for designated screens;
- artist-designed building elements, i.e. facades or floors, or exceptional landscape plantings, etc.;
- decorative site elements such as a pavement pattern, walls, gateways; or
- unique functional elements such as benches, bus shelters, water features, light standards or other open space and streetscape amenities.

Public Art Committee (PAC) - A skills-based volunteer advisory committee consisting of artists, urban designers, and others that advises staff, civic committees, artists, developers and others on the implementation of the Public Art Program. The PAC recommends to the Arts and Culture Policy Council, City Council on policy and public art matters generally.

Public Art Maintenance Reserve - An interest-bearing reserve managed by the City for the purpose of maintaining those artworks that contribute to the Reserve and with interest generated by the Reserve used to maintain public-site artworks.

Sponsor - An individual, community group or corporation other than the artist, that proposes a work of art for placement on a public site. A sponsor must be a legal entity willing to enter

into a contract with the City. The sponsor must be capable of representing or demonstrating community support for the artwork and assume clear financial responsibility for its acquisition, production, installation and maintenance.