

Summary of Proposed Changes in Comparison with Existing Policy:

Administration has reviewed the individual clauses outlined within the Notice of Motion in relation to the Public Art Policy and provided comments and reference to the existing policy for Council's information reference and consideration.

That Administration bring forward for consideration at the GPFC meeting on January 14, 2019 a Bylaw to create a new Council Committee to be called the Public Art Committee, together with any required consequential amendments to or repeal of Council Policy C-CS-04 the Public Art Policy, in order to accomplish the following:

- 1. Create a Public Art Committee appointed by resolution of Council, consisting of five to nine members who reside in St. Albert including one Council member and at least four Committee members having experience or expertise in one of the following: artist, art educator or administrator, art historian, architect or landscape architect, graphic designer;**

The existing Public Art Advisory Committee is defined in the current Public Art Policy as a standalone committee, not a Council Committee. This is consistent with many public art committees across the country. The current policy is silent on the residential requirement; however, this is a practice in some communities.

The composition of the proposed committee is similar to that of the current policy. The current policy also includes the addition of a Curator, and civic representation including Community and Protective Services, Public Works, Planning and Engineering, Legal Services and other civic representation as required. The current Administrative practice is for staff to act in an advisory capacity only.

Should Council proceed with the creation of a Council Committee it would be important to ensure that the committee composition included individuals with technical expertise, including conservation, curatorial, visual artists as well as community representatives/ residents. Should the Committee not include the technical or artistic experts needed, this expertise would need to be contracted on an as needed basis for this professional advice. Administration suggests that Council consider a minimum number of St. Albert residents and to provide the option to fill the remaining positions with technical experts from the regions, should there not be St. Albert residents available in a particular area.

It is not anticipated that such a committee would require any additional staff time with the exception of the support required from Legislative Services to facilitate meetings and prepare agendas and minutes.

REF: C-CS-04 Definitions (p.4) “Public Art Advisory Committee”

“Public Art Advisory Committee” means a committee established by the City Manager or designate(s). The Public Art Advisory Committee is comprised of, but not limited to, individuals, who are qualified to ensure an artwork’s suitability to the community, and who are visual artists, curators, community representatives, such as St. Albert Place Visual Arts Council, or gift donor representatives, architects and civic representation as required.

REF: C-CS-04 Responsibilities 6. (p.5)

The City Manager or designate(s) will establish a Public Art Advisory Committee that adheres to the Public Art Policy. The Advisory Committee shall be comprised of a minimum of five (5) and a maximum of seven (7) representatives, with a minimum of two (2) visual artists, and the remaining appointees representing as many of the following disciplines as possible:

- a. Community Representative;
- b. St. Albert Place Visual Arts Council Representative;
- c. Conservator;
- d. Art Historian or Curator;
- e. Architect, Landscape Architect and Design Professional; and
- f. Civic representative from the following areas: Community and Protective Services,
Public Works, Planning and Engineering, Legal Services and other civic representation as required.

2. Make clear that Administration is not to be a member of the Committee, but rather serve as a resource to and in an advisory capacity to the Committee;

The current Administrative practice is that the Administration that serve the Committee and act as a resource and are not voting members. This clarification could easily be included in the next revision of the policy.

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- b. St. Albert Place Visual Arts Council Representative;
- c. Conservator;
- d. Art Historian or Curator;
- e. Architect, Landscape Architect and Design Professional; and
- f. Civic representative from the following areas: Community and Protective Services,
Public Works, Planning and Engineering, Legal Services and other civic representation as required.

- 3. Establish a definition of “Public Art” which includes: integration of art into the urban fabric; works, exhibits or performances produced through involvement of the community; location-specific works of art; collaboration between artists and other professionals whose concern is the quality of life in our urban environment such as planners, architects and engineers; and the concept that public art should “challenge or delight” those who experience it.**

The proposed definition of “Public Art” is similar to the intent of that captured in the existing Policy.

Should Council wish to pursue an update to the definition, administration requests additional time to conduct additional research, to review current trends and practices in the industry, and to bring forward a proposed definition for consideration.

REF: C-CS-04 Definitions (p.3) “Public Art” including points 1 – 6

“Public Art” means original works of visual art in any media that are sited or staged in the public domain, often incorporating elements of site specificity, community engagement and collaboration. These artworks are the creative visual expression of artists and encompass the shared identity of the community of St. Albert – multi-dimensional and ever-changing.

1. “Discrete” Public Art that is not integrated with the site either in physical or conceptual manner. Usually this type of work relates to the site in terms of scale, character and size, and can be created off site, installed and moved from site to site.
2. “Semi-integrated” Public Art, which is generalized in its conception, but is physically integrated into the site through its location, placement, context or site construction.
3. “Integrated” Public Art, which is conceived, designed and built specifically for a site and derives its conception from the local site narrative. A work of art such as this would not exist anywhere else.
4. “Temporary” Public Art created for a specific occasion, time frame or event and which is temporary in nature.
5. “Imbedded” Public Art that forms a physical part of the building or structure for which it is designed. If the structure were to be demolished the art would be as well.
6. “Stand alone” Public Art, which is integrated but is not a physical part of the building or structure that informs its design or concept.

REF: C-CS-04 Policy Statement (p. 1)

The City supports the display and development of public art that:

- a. enhances quality of life and place;
- b. distinguishes St. Albert as a destination city;

- c. fosters community cohesion, creating engaging spaces for community activity and interaction;
- d. encourages a sense of ownership, belonging and memory within the community; and
- e. develops community leadership, public dialogue and creative learning opportunities.

A Committee mandate that includes:

- 4. making recommendations to Administration on the content of a municipal Public Art Program including: objectives for the stewardship of Public Art, artwork display and access in the Public Art collection, municipally owned properties that would benefit from inclusion of Public Art, strategies for Public Art as an integral component of the Culture Master Plan, site considerations; templates for Requests for Proposals for Public Art; selection processes; procedures for private developer contribution to and participation in the Public Art Program; and recommendations for how the budget established by Council for Public Art should be spent;**

The existing Policy does include within the Public Art Advisory Committee's mandate/role to make recommendations to Administration on objectives for the stewardship of Public Art, artwork display and access in the Public Art collection, municipal properties that would benefit from inclusion of Public Art, strategies for Public Art as part of the Culture Master Plan and municipal properties that would benefit from the inclusion of public art as per below.

The City currently follows the City's Procurement Policy for public art projects. Technical experts are employed or contracted to assist in the development of selection processes and templates for Requests for Proposals for Public Art. Project Plans and templates are established with key community and City project stakeholders. The current Administrative practice is that the existing Committee provides community and thematic context where appropriate.

Given the changes and renegotiations of trade agreements such as NAFTA/USMCA, some municipalities are developing specialized Public Art Procurement processes, depending upon the scope of their projects. If it is the intent of the motion to identify a specialized procurement process, Administration would require additional research and legal advice to determine whether this would be warranted in St. Albert given the typical scope of Public Art Projects.

The existing Public Art Policy does not specifically mention procedures for private developer contribution to the Public Art program. Administration has explored developer contribution in the past, however this is currently on a voluntary basis.

The current policy does include procedures for the donation and development of public art, and the City does have a broader Donation Policy, which is currently followed. Some municipalities do require a developer contribution towards public art.

Should Council wish to consider including a procedure and or mandate for developer contribution to public art, Administration would require additional time to research current trends and practices and specific processes within other municipalities, and the opportunity to bring forward options for council's consideration.

Administration is planning to bring forward an accession plan for the City's collection in 2019. The current practice has been to pool the Public Art allocation in the Public Art Reserve and bring forward a request to Council for the withdrawal of funds for the proposed public art projects for the coming year, based on the recommendations of PAAC.

In addition, to reflect the existing Public Art Policy that the Public Art Collection shall be selected by the City Manager or designate(s) through appointment of an arms-length Public Art Advisory Committee and establishment of transparent public trust, community engagement and stewardship, including open public meetings and accessibility of information, the existing administrative practice has been to present to Council a recommendation from the Public Art Advisory Committee as to possible Public Art projects. As per C-SF-01 Financial Reserves - Schedule C4, it is Council's decision to approve the transfer of funds for Public Art projects from the Public Art Reserve, which is drawn from the Capital Reserve. Funds withdrawn must align with the available funding in the Public Art Reserve. Council currently approves funding of projects but does not select the artists and artists teams that would create, develop and implement projects.

REF: C-SF-01 Financial Reserves, Responsibilities 2 (p. 1)

The establishment of, contributions to, and withdrawals from, a specific reserve shall be approved by City Council through resolution or bylaw in accordance with the Municipal Government Act or as otherwise stated in the specified schedule.

REF: C-SF-01 Financial Reserves – Schedule C4 (p. 18)

To provide the necessary funds for the scheduled repair, maintenance, and replacement of existing tangible capital assets. This reserve will permit the City to remain current with required facilities, equipment and services.

Proper maintenance and or asset replacement are required to sustain the assets in a condition necessary to provide expected service levels. Deferring maintenance could result in increasing repair costs and decreasing service potential as the condition of the asset deteriorates.

Funds:

1. Mobile Vehicle and Equipment
2. Emergency Services Equipment
3. Office Systems
4. Arden Theatre
5. Servus Credit Union
6. Aquatics Facility
7. Public Art
8. Fire Buildings
9. City Playground
10. Public Transit
11. Infrastructure *

REF: C-CS-04 Responsibilities 2 (p. 4)

To develop and implement the Public Art Policy, the City Manager or designate(s) shall:

- a. review the Municipal Capital Budget to confirm the Public Art allocation inclusion of 1 percent of the Total Municipal Capital Project Budget up to a maximum of \$220,000 and as per the City's Standard Indices Process and, where necessary, advise municipal departments to comply with the Percent of Art Policy of City Council when budgeting;
- b. that the funding source will be the Capital Reserve Fund.
- c. manage the % projects' implementation in conjunction with municipal project managers and their consultants;
- d. allocate personnel and other resources to the program;
- e. prepare an annual budget that supports this Policy for Council's consideration;
- f. maintain accurate records of the public art collection, including inventory, de-accessioned public art, recommended, and completed maintenance and long-term care;
- g. liaise with organizations to identify potential sites, funds and partnerships for public art;
- h. provide expertise and support to organizations for public art fundraising initiatives;
- i. plan and assess public art projects;

REF: C-CS-04 Responsibilities 3 (p. 5)

Percent for Public Art Allocation

There are three considerations related to the expenditure of the percent for public art allocation:

- a. The public art allocation will reside with the initiating Department as part of the building or major restoration project for development of Public Art. This consideration is recommended for integrated or embedded projects.
- b. At the direction of the City Manager, the Departments will transfer all or a portion of the public art allocation to the Public Art Reserve Fund. This consideration is recommended for discrete, temporary or stand-alone projects.

c. The City Manager may choose to pool all or a portion of a public art allocation for use at a more publicly-accessible site or combine a public art allocation and a portion of the Public Art Reserve Fund for development of public art on a capital project site.

REF: C-CS-04 Service Standards/Legal References (p. 7)

The Public Art Collection shall be selected, preserved and promoted by the City Manager or designate(s) through:

- a. Administration of a budget for associated costs;
- b. Appointment of an arms-length Public Art Advisory Committee;
- c. Establishment of transparent public trust, community engagement and stewardship, including open public meetings and accessibility of information;
- d. Development of publicly-accessible Public Art inventory that identifies materials, construction, location, site conditions, and information about the artist(s);
- e. Development of a Public Art Plan and assessment process;
- f. Documentation guided by public art collection best practices;
- g. City insurance; and
- h. Appraisals for insurance purposes prior to accession, de-accession or where otherwise deemed appropriate by qualified appraisers or, by experts knowledgeable of particular artworks.

Public Art Projects currently in process are listed below. Council has reviewed the and approved the planned projects and the transfer of eligible 2017 Pooled Reserve Funds as per Financial and Public Art Policies.

Butterfly Project	\$30,000
2D Portable Art Accession	\$10,000
Diversity and Inclusion	\$90,000
Emerging Artists (annual)	\$2,000
Children's Festival Temporary Art (annual)	\$30,000
AGSA Barrier Free	\$10,000
SAP Waterfall / Indigenous Project	\$55,000

REF: C-CS-04 Responsibilities 8, 9 (p. 6)

The Public Art Advisory Committee shall make recommendations to the City Manager or designate(s) in the following areas:

- a. Objectives for the stewardship of public art;
- b. Public Art Strategy, as part of the Culture Master Plan;
- c. Artwork access and display in the Public Art Collection;
- d. Process for de-accession of artwork held in Public Art Collection;
- e. De-accession of public art; and
- f. Municipal properties that would benefit from inclusion of public art and priority.

The Public Art Advisory Committee shall establish juries to adjudicate public art and provide expertise in the selection of public art as required. Juries shall consist of members, who are qualified to ensure an artwork's suitability in the general community, City Administration and representatives from the visual arts community, including representatives of public or private art galleries in St. Albert, and persons qualified to ensure an artwork's technical feasibility. Administration is responsible for developing a management strategy that shall:

- a. Contribute to the overall direction and priorities determined by Council in the Public Art Policy and act as a blueprint for the implementation and administration of the Policy.
- b. Clearly outline the administrative processes and procedures, roles and responsibilities, lines of communication, accountability, and defined outcomes.
- c. Continue to evolve over time as public art industry practices, standards, administrative processes and outcome measures are developed and evaluated.

REF: C-CS-04 Procedures, Acquisition 13 to 16 (p.10)

13. Gifts of public art to the City must be preceded by a gift proposal package, which must include the following from the donor:

- a. In the process, directed by the City, the total amount of funds to be donated, and all specific requests or restrictions identified by the donor that are conditions of the gift. Specific requests or restrictions may include but are not limited to:

- i. theme;
- ii. artwork placement/location; and
- iii. artistic medium.

- b. If the gift will be the result of a donation process for Art in Public Places, the gift will also include:

- i. a critical path; project budget including funds for conservation and maintenance;
- ii. artist's portfolio and curriculum vitae if applicable;
- iii. conservation and maintenance requirements and schedules if applicable; and
- iv. maquette if applicable.

- c. If the artwork already exists, the gift will include:

- i. a description of the artwork;
- ii. an independent appraisal of the artwork's value;
- iii. verification of the artwork's origin and ownership by the artist, gallery and/or agent;
- iv. the artwork's maintenance requirements and schedules; and
- v. a guarantee that the minimum of 10% and a maximum of 20% of the total appraised value or accession budget will accompany the artwork as capital for public art associated costs.

14. The gift proposal package must be submitted to the City Manager or designate(s).

15. A jury selected by the Public Art Advisory Committee will adjudicate a proposal and, based on art selection criteria identified in this policy, will make a recommendation to the City Manager or designate(s) to accept or reject the gift. The donor will receive a written justification for the decision of the jury.

16. If a gift is rejected, donors will be eligible to submit an appeal from the jury decision through the City Manager or designate(s). A basis for an appeal will be a belief that the jury has based its decision on a misunderstanding of some aspect of the gift proposal.

REF: C-CS-04 Responsibilities 11 (p. 6)

City Manager or designate(s) shall present possible Public Art Collection artwork donations, gifts and purchases to the jury. Jury members shall:

- a. Select projects and artworks in consideration of the following criteria:
 - i. Public Art Policy;
 - ii. Donations to the City of St. Albert Policy (Refer to Administrative Policy A-FS-09)
 - iii. Artistic merit;
 - iv. Legal and ethical obligations regarding acquisitions, particularly the need to establish clear title;
 - v. Resources required to provide adequate care, storage, documentation and access for objects accepted into the Public Art Collection;
 - vi. Need for independent appraisal; and
 - vii. Donating group and/or public suitability.
- b. Recommend one or more of the following selection processes to accession art:
 - i. Request for Proposals (RFP);
 - ii. Request for Qualifications (RFQ);
 - iii. Open or Invited Competition; or
 - iv. Direct Award.

5. providing expert advice and guidance to Administration, Council, land developers, community groups and other stakeholders, with respect to all aspect of Public Art and the Public Art Program;

The current Public Art Policy outlines the role of the Public Art Advisory Committee in terms of making recommendations, however, for the broader focus of technical advice, the City employs technical experts, either on a full-time basis or contract to support the day to day operations and project needs such as installation, maintenance, conservation, financial, purchasing, legal, risk and insurance.

The current role of the Public Art Advisory Committee is to provide advice and expertise on the selection of art through the establishment of qualified juries, which are selected based on the individual project and its unique considerations. This process helps ensure broader engagement of the community and involvement of technical experts to ensure the community is investing appropriately.

REF: C-CS-04 Responsibilites 8, 9 (p. 6)

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6. establishing a conservation plan and deaccession protocols for the maintenance of the St. Albert Public Art collection

The current Policy outlines conservation and deaccession protocols and identifies that we are guided by the Alberta Policy on Disposition of Museum Collections and Objects, Alberta Foundation for the Arts and Alberta Museums associations standard practices for Public Art Collection as per below.

Typically, a conservation plan is developed by a conservator and conservation experts. The development of a conservation plan requires technical experts in specific mediums, if administration does not have the technical expertise in house, a specialized conservator would be contracted to develop that plan. The broader stewardship of the collection would include conservation priorities and de-accession.

REF: C-CS-04 Definitions (p.2)

"Alberta Policy on Disposition of Museum Collections and Objects" states that, "Whenever public funds are made available by the Provincial Government to a public museum or other public trust to purchase, acquire, restore, or maintain any

historic artifact, natural history specimen, work of art, sculpture, archival document or similar object deemed to be primarily of value for its historical interest, every reasonable effort shall be made by the agency or institution to have such materials remain in the care and custody of an appropriate public body in Alberta. No custodial authority, which has received public funds from the Government of Alberta as described above, or which is holding materials for which a federal or provincial government tax receipt has been issued, shall de-accession or dispose of this material except pursuant to this policy..." The complete policy is available upon request.

REF: C-CS-04 Responsibilities 5 (p.5)

The City Manager or designate(s) will be guided by Alberta Foundation for the Arts and Alberta Museums Association standard practices for public art collection.

REF: C-CS-04 Procedures, Risk Management and Sustainable Maintenance 1- 8 (p.8 & 9)

1. Sustainable funding for the development, accession and management of public art will provide for the following costs:

- a. Plans, designs and construction;
- b. Purchase and Installation;
- c. Management, maintenance and conservation;
- d. Insurance;
- e. Contractual due diligence.

2. A Public Art Lifecycle and Maintenance Fund shall be established in part by retaining a minimum of 10% of the total cost of each public art Acquisition.

3. Provisions for the care and maintenance of public art will be addressed early in the accession process by the City Manager or designate(s) including:

- a. conservation and repair requirements, appropriate supports and surfaces; related materials and equipment;
- b. relocation, expenditures, transportation and installation; and
- c. supporting infrastructure.

4. Sustainable conservation and maintenance requirements will be a consideration in determining accession of all public artworks for the Public Art Collection.

5. The City Manager or designate(s) will develop a Public Art Restoration and Maintenance Plan, which will include schedules, direction and resources for the conservation and maintenance of artworks in the Public Art Collection.

6. The City Manager or designate(s) will determine Maintenance work plans and schedules based on recommendations provided by a conservator and the Public Art Advisory Committee, and contracted by the City Manager or designate(s).

7. A conservator, contracted by the City Manager or designate(s), will determine the qualifications of individuals permitted to implement conservation work plans for specific artworks. In determining qualified individuals to implement a maintenance/conservation plan for an artwork, the conservator will consider as possible choices for doing the work the artist who created the artwork, specialized service providers, and City staff.

8. The City is committed to the preservation of the public art entrusted to it.

a. Public art will be maintained in a protective environment and the City Manager or designate(s) will ensure that public art is:

- i. Moved by professional staff and/or transport companies experienced in handling artwork;
- ii. Monitored for deterioration, vulnerability or damage;
- iii. Restored, at the Public Art Advisory Committee's discretion, by conservators or designate(s) specific to the medium of the artwork; and
- iv. Insured by the City.

b. If the artwork is part of the Permanent Art Collection, and as the budget permits, the City Manager or designate(s) will ensure that public art is:

- i. Stored in a museum quality, environmentally controlled, fire protected, monitored and secure vault;
- ii. Maintained to museum standards.

REF: C-CS-04 Procedures – Records Management, Access and Display 17 (p.10& 12)

The City Manager or designate(s) will suitably document accessioned and de-accessioned public art by maintaining a database that holds a record of each public artwork including:

- a. title;
- b. acquisition date;
- c. acquisition history;
- d. artist biography and contact information;
- e. maintenance requirements;
- f. records;
- g. appraisal/valuation; and
- h. confirmation that public art inventory and artwork values have been submitted to the insurer.