

## **Appendix II - Establishment of a Public Art and Monuments Committee**

### **PUBLIC ART AND MONUMENTS GUIDELINES**

#### **PURPOSE**

The Region of Peel Public Art and Monuments Guidelines include procedures for the acquisition, preservation, and management of the Region's public art assets.

#### **SCOPE**

These guidelines apply to all relationships between the Region of Peel and businesses, organizations and individuals that contribute to the Region's Public Art and Monuments program. These guidelines apply to any proposed public art or monument installations on Region of Peel property. These guidelines do not apply to:

- Art that is part of a beautification or community art project
- Art that is associated with or derived from school programs or art programs that are offered at Regional facilities
- Personal works of art, prints or certificates installed by Regional staff in their office areas
- Donations of a tree or bench as a tribute to an individual or organization
- Donations to the PAMA permanent art collection
- Art works that have or are seeking Cultural Property designation

#### **ADMINISTRATION**

##### **Selection Criteria**

All proposals for Public Art and Monuments must meet the following criteria:

- Relevance to Region of Peel community
- Vibrancy, make it a livable space
- Enhance cultural profile

Provide professional development opportunities for artists **Public Art and Monuments Program**

These guidelines provide a cohesive plan under which all public art and monuments in the Region of Peel are developed and procured. The program will be consistent with, have regard for and support the Region's strategic directions and related strategies in support of a Community for Life. The program will select works in an equitable manner and will uphold the following tenets in its operation.

##### **Collaboration**

The implementation of the Public Art and Monuments Program will be a joint effort between PAMA's curatorial staff, Real Property Asset Management (RPAM) representatives from the proposed site, Marketing and Communications representatives, Office of Diversity and Inclusion representatives, Friends of PAMA Advisory Board representatives and community representatives where applicable (referenced herein as the Public Art and Monuments Committee, the "Committee"). Recommendations from this Committee will be brought forth to Regional Council for approval. The Committee will liaise with the applicable municipality as required.

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#### **Sustainability**

Core funding will be sourced via budget requests and capital budget dollars. Where available, appropriate staff will pursue provincial and federal grants, and private donations.

#### **Artist outreach**

The Public Art and Monuments Program will strive to engage the interests of artists locally and nationally and provide challenging opportunities for artistic development and community expression.

#### **Diversity, Equity, and Inclusion**

The Public Art and Monuments Program will reflect diversity, equity, and inclusion in all aspects of its endeavours and projects, including but not limited to:

- Artist selection (emerging and established)
- Installation site selection
- Style/scale/theme selection
- Art forms

#### **Considerations for Monuments/Memorial Art**

A person or event will not be memorialized without Regional Council's approval. Prior to seeking Council approval, the Committee will work with relevant parties to review all proposals for monuments/memorial art.

The Committee will review all proposals to determine adherence to criteria requirements and make a recommendation to the Commissioner of Service Excellence and Innovation (SEI). Upon approval of the proposal, The Commissioner of SEI or designate will ensure that a report from applicable Region of Peel staff is presented to Council. Any proposals for monuments/memorial art must include:

- Background and historical/cultural significance of the individual/event to be honoured
- Rationale for honouring the individual/event
- Evidence that the proposal meets the criteria outlined in the guidelines
- Commitment of funds
- Maintenance plan
- Site plan
- The values of the community should be represented; each memorial must be compatible with the diverse spectrum of perspectives, cultural heritage, traditions, and moral values of the Region of Peel's residents
- Timeless aspect of the memorial, recognizing future generations
- The designer must be a qualified professional in the field, and;
- If the memorial is honouring an individual, consideration is given to:
  - The individual's contribution to the Region of Peel, which should be extraordinary and merit the honour of a public memorial. Where the individual's contribution does not merit a public memorial, consideration may be given to another form of recognition.

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- The nature and record of the individual's public service and/or philanthropic acts (e.g. Donations or volunteer service to the community)
- The inspirational qualities characterized by the individual or the legacy which has or will be left to future generations, and
- Any achievements that have brought a provincial, national, or international focus to the Region of Peel

### **Risk Assessment**

All Public Art and Monuments proposals will be evaluated in relation to the enhancement and benefit to the Region; the reputation of the Region; any risks to the Region, including the following:

- Reputational
- Physical and psychological impacts
- Health and safety to the community
- Landscape, lighting, pathways, and other site-specific considerations
- Cultural heritage, archeological and environmental impacts as applicable
- Design/engineering
- Maintenance and care
- Vandalism
- Identification (plaque)
- Building permit, site plan approval, urban design reviews
- Heritage permits as applicable – site plan and urban design considerations
- Accessibility
- Insurance considerations
- Adherence to Regional Conflict of Interest, Procurement and Code of Ethics Policies

### **RESPONSIBILITIES**

#### **Public Art and Monuments Committee**

The Committee will create and implement the Public Art and Monuments Program. The program will provide a comprehensive plan under which all Public Art and Monuments on Region of Peel property are developed and procured. The program will be consistent with and have regard for the Region's strategic directions and related strategies. Through the Public Art and Monuments Program, the Committee will administer the development of the public art collection. The Committee will consist of:

- Two PAMA staff members – Specialist level
- One member of the Friends of PAMA Advisory Board
- One Real Property Asset Management staff member from proposed site – Management level
- One Office of Diversity and Inclusion staff member - Advisor level
- One Marketing and Communications staff member – Management level or delegate
- Project sponsor from proposed site location – Director level or delegate

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The Committee will develop a proposal form to guide the intake of public submissions.

#### **Selection**

The Committee makes recommendations to Regional Council. Regional Council will provide direction to staff.

#### **Acquisition**

Directors or delegates from the proposed site location are responsible for ensuring that the logistical aspects of each acquisition are handled appropriately (e.g. shipping and handling, import charges, contractual agreements, insurance, etc.). Access for research and reproduction must be coordinated through the Director or delegate from the selected location site.

All documentation related to acquisitions of all types must be filed with Real Asset Property Management. It is the responsibility of the Director of the selected location site to ensure that all files are complete.

#### **Maintenance**

Maintenance is the responsibility of the Director of the selected location site and Real Property Asset Management.

### **PROCUREMENT / ACQUISITION**

Art may be acquired through commission, purchase, or donation. All agreements and/or releases for the acquisition of art must be in a form approved by Legal Services and signed by the Regional Solicitor. The same principles noted below will apply to each of the acquisition methods.

All acquisitions are vetted by the Committee and will be evaluated on the following criteria:

- Relevance to Region of Peel community
- Contribution to increased vibrancy to enhance livable spaces
- Enhancement to the cultural profile of the Region of Peel
- Provide professional development opportunities for artists (originating from the Region of Peel or elsewhere)
- Risk assessment
- Artistic quality of the work(s)
- Artistic merit
- External funding sources for the proposed work, cost, and value to the Region of Peel
- The work does not minimize and/or detract from the image of the Region of Peel
- The work is not likely to cause deep or widespread offence
- The work must not pose or encourage hazardous engagement or behaviours
- Authenticity and provenance, (i.e. Documentary evidence that the art is authentic and that the corporation may acquire clear title to the work)
- Physical condition of the work and its long-term maintenance or conservation requirements and costs
- The Region of Peel's ability to display or store the work appropriately

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#### **Commission**

The Region of Peel, through the Public Art & Monuments Program, may solicit proposals through open competition, invited competition, or direct commission. The Region encourages site-specific public art and/or monuments commissioned through an objective and professional selection process. In competition, projects will be selected on merit through a process informed by expertise and community input. The Committee will evaluate proposals to make an artist/project selection. The Committee will review the selection and make a recommendation to Regional Council for artist/project approval.

When determining the public art and monuments budget, it is important to consider that the budget include all the various costs associated with the commissioning of the art/project. These costs may include and are not limited to: administration and fees, material and fabrication costs, transportation of completed work to site, site preparation, insurance and maintenance, lighting, plaque, other identifiers, brochure, engineering fees, legal fees, artist fees, documentation of the work, all applicable taxes etc. The budget for public art and monuments commissioned by the Region of Peel is approved through Council as appropriate for the value of the commission and the nature of the project and in consultation with relevant departments and other stakeholders. The selection process, evaluation criteria, schedule, budget, technical requirements, the art objectives unique to the circumstances, site characteristics and context are outlined in the request.

The Committee will oversee the selection of an artist and/or project. The Committee seeks to ensure fair, informed, and competitive artist/project selection methods. Depending on the site opportunities and the budget allocation, artists may be selected through an invitational competition, an open competition, or a direct commission. The Committee is responsible for selecting the final artist/project and providing the recommendation to Council for approval.

Artists should be considered based on experience and the relationship of their experience and talents to the nature of the opportunity for public art presented by the development. Regardless of other considerations, they must have the proven capability and experience to produce works of the highest quality. Depending on the site opportunities and overall budget, local, national, and international artists may be invited to compete. If the project allows, the Committee may consider a request for ideas and include a mentor or workshop program for the benefit of other artists to procure the best project possible. A mentorship, workshop or pairing opportunity would enable emerging practitioners to compete and gain valuable professional experience.

The Project Sponsor will oversee the artist contract from concept to completion, including the approvals process required by the Region through the Public Art and Monuments Program. The Project Sponsor will be responsible for providing the Committee with updates throughout the duration of the project. Some or all the Committee members shall be involved in reviewing the development of the project at key stages.

#### **Purchase**

Each work of public art or monuments considered for purchase will be evaluated by the Committee and the appropriate Project Sponsor, based on available budget, final approval will be provided by Regional Council. The Region of Peel will purchase art in accordance with the Procurement /

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Acquisition section of these guidelines. All visual arts mediums will be considered Purchased Art and will be the property of the Region of Peel.

#### **Donations**

The Region of Peel recognizes that individuals or organizations may wish to make Donations to the Region and that those Donations should be acknowledged appropriately.

Note: Sponsorship does not qualify as a Donation.

#### **Receiving Donations**

All donations of public art and monuments must meet the [Criteria for Public Art and Monuments](#)

As a matter of public record, Region of Peel Council will pass a motion to decline or accept donations of public art and monuments.

#### **Donation Receipts for Income Tax Purposes**

Upon acceptance by Council of a public artwork, The Committee will determine if the donation qualifies under Canada Revenue Agency (CRA) guidelines. If the donation qualifies, a tax receipt will be provided to the donor.

If an official receipt for income tax purposes is being issued, the donation receipt must include the following information in accordance with CRA standards:

- The day on which the donation was received
- A brief description of the property transferred to the qualified donor
- The name and address of the appraiser
- The fair market value of the property at the time the donation was made

#### **Associated Donation Costs**

The donor may be responsible for any of the following costs, at the discretion of the Clerk. The determination is based on such factors as the value of the Art and the complexity of the installation.

- Transporting the item
- Appraisal or evaluation by a certified specialist
- Photographs for inventory and insurance purposes
- For permanent public art, 10 per cent of the value of the art for future maintenance and conservation, in the form of a certified cheque, and.
- For public art, the costs associated with the engineering, site planning and preparation and installation of the artwork

#### **Capital Improvement Funding**

All public art projects are to be facilitated by the Public Art and Monuments Program, which will be funded as needed subject to Council budget approval. Funds for the program will be allocated

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on a per-project basis. Other Region of Peel departments or external organizations may also fund projects of interest, where deemed appropriate by Clerks.

#### **Fundraising**

As needed, the Committee may suggest a public donation campaign. Community engagement may be required to determine donation appetite for the work and will determine goals and methods of fundraising.

#### **Artist Contract**

A contract template will be developed through the Region of Peel Legal department and the Committee upon endorsement of policy. Each public art proposal will be subject to terms and conditions as outlined in contracts, memorandums of understanding, or other relevant legal or legislative requirements.

The contract may include but is not limited to the following subsections:

- Description of the work
- Term of purchase
- Artist's property
- Copyright
- Moral rights
- Right to inspect
- Installation
- Insurance/Liability
- Inspection of the work in progress
- Damage of commissioned work
- Maintenance
- Payment from sale
- Sales tax
- Non-destruction
- Proximity
- Snow removal
- Lighting
- Foundation and landscaping
- Delivery of the work
- Transportation and installation
- Quality and condition of materials
- Identification

#### **Funding Sources**

Funding sources may include operating, capital improvement, maintenance funding in reserve and fundraising campaign.

All public art projects will be funded subject to Council approval. Funds for the program will be allocated on a per-project basis.

#### **Appraisal**

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An appraisal is required for insurance and tax receipt purposes and should be reevaluated periodically to ensure accurate replacement value.

#### **Asset inventory**

Works will be listed as a Regional asset with RPAM.

#### **Ownership**

The Region of Peel solely owns all public art works acquired through the Public Art and Monuments Program. The Region of Peel will respect the artist's right of authorship and the integrity of public art.

#### **Site Selection and Installation**

Site selection and installation are subject to special engineering or architectural features, hard or soft landscaping, and lighting.

These guidelines apply to all Region of Peel facilities, excluding facilities which are leased or licensed to another party.

Site selection also depends on by-laws and review by other approval authorities such as Ontario Heritage Trust, Toronto Region Conservation Authority (TRCA), and Credit Valley Conservation Authority, as applicable.

#### **Locations for Art**

To maximize the potential for members of the public to enjoy public art and monuments, accessible exterior and interior public areas are given priority when selecting appropriate locations. Art may be re-located at the sole discretion of the Committee, in accordance with these guidelines. Public art and monuments may be installed in the following areas, as required and as pieces become available:

- Public areas in Region of People office buildings
- Regionally owned public spaces

In selecting locations for the placement of art, the Committee will consider the basic conservation elements of the effects of light, air quality, temperature, and accessibility on the subject Art piece.

Locations for Public Art and Monuments will be selected in consideration of the following additional requirements:

- There is geographic justification for the location choice (i.e. The artwork has a connection to the history or current use of the site and/or the site is identified as a potential site for public art in Region of Peel)
- The quality, scale and character of the public art and monument must be suitable for the location and the expected audience
- The public art and memorial art must not interfere with existing and proposed artwork, buildings, or structures in the vicinity



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- The location must be physically and/or visually accessible to the public and meet applicable municipal guidelines and by-laws
- The location should be in an area that has or is proposed to generate, a high degree of public use or activity, and.
- Factors such as environmental conditions, safety, site servicing and whether the site may have reached a saturation point, making it necessary to close off future installations in that location

### **MAINTENANCE**

The Region of Peel shall preserve the integrity and security of public art and monuments through asset management systems, standards and procedures that include:

- The identification of maintenance funding as part of the original project budget
- Development of an ongoing maintenance program, operated by RPAM Maintenance may include:
  - Periodic inventory, condition assessment and documentation
  - Conservation and repairs, related materials, and equipment.
  - Relocation expenditures, transportation, and installation.
  - Administration costs

### **Disposition and Disposal**

The Region of Peel retains the right and responsibility to dispose of public art and monuments. All reasonable efforts shall be made to rectify problems or re-site the artwork where appropriate. Reasons for disposition may include:

- Endangerment of public safety
- Excessive repairs or maintenance, or repair is not feasible
- Public accessibility is no longer available
- Demolition of a structure incorporating public art or redevelopment of site incorporating public art
- Expiry of lifespan, and.
- Discovery of details related to subject matter or maker/artist in contravention with Regional values