



City of Winnipeg

PUBLIC ART POLICY

A. PURPOSE

This policy is established to direct the integration of artwork into public spaces and public works projects in the City of Winnipeg, through a well-administered and appropriately funded public art program. Public art reflects the identity of a city, gives voice to community and builds relationships between diverse groups. Public art gives meaning to place by interpreting the social, historical, cultural and natural environment. In its long-term planning document *Plan Winnipeg – 2020 Vision*, The City of Winnipeg acknowledges its commitment to public art as follows:

The City shall implement a public art strategy to promote and facilitate the incorporation of art into existing public spaces and within appropriate new developments by:

- i) establishing requirements for public art, drawing on artistic expertise and community involvement, and introducing a funding mechanism to meet these requirements;
- ii) committing to the incorporation of public art in major public work initiatives; and
- iii) developing programs to exhibit temporary art in existing public spaces

A strong policy designed specifically for Winnipeg will ensure a public art program that integrates with our environment and is relevant to our city.

GUIDING PRINCIPLES

The City of Winnipeg's Public Art Policy and program shall uphold the following principles:

- **Collaboration** – Implementation of the public art program shall be a joint effort between the City of Winnipeg and the Winnipeg Arts Council Inc. The program will also encourage joint participation by artists and the community in projects that meet specific community needs and aspirations. The public art program will also encourage participation from other levels of government and the private sector.
- **Sustainability** – The public art program shall have an appropriate, long-term basis for project funding.
- **Fairness/Equity** – Public art projects shall be chosen in a fair and equitable manner.
- **Artistic Merit** – The Public Art Program shall strive for high artistic standards and public art projects shall be chosen on the basis of artistic merit.
- **Professionalism** – Individuals engaged in the management and implementation of the Public Art Program shall exhibit the highest degree of dedication and competence in the execution of their assigned duties.
- **Outreach** – The Public Art Program will endeavour to stimulate individual artist creativity at the local and national level through the provision of educational and public awareness opportunities for learning, participation, and experimentation in arts and culture.
- **Diversity** – Diversity will be incorporated into the public art program including artist and committee member selection, site selection, media, scale and style of artwork, through experimentation with new art forms as well as traditional forms, and through the work of emerging as well as established artists.

- **Innovation** – The public art program shall enable participation by professional artists throughout the design process of selected or eligible capital improvement projects.

B. ROLES & RESPONSIBILITIES

❖ The City of Winnipeg

- Approve the Public Art Program spending plan provided by the Winnipeg Arts Council Inc.
- Approve funding to be provided to the Winnipeg Arts Council Inc. for the Public Art Program.
- Review and approve proposed sites for public art projects.
- Coordinate the administration, financing and legal requirements necessary to implement the Public Art Policy and program on behalf of The City of Winnipeg, as specified in The City of Winnipeg Administrative Directive on Public Art.

❖ Winnipeg Arts Council Inc.

- The Winnipeg Arts Council Inc. shall be responsible for managing the Public Art Program, including the administration and disbursement of program funds approved by City Council, recommending viable sites for Public Art Projects, and selecting public art for approved sites in accordance with prescribed selection criteria.

Public Art Program Manager

- The Winnipeg arts Council Inc. shall appoint a member of its staff to act as manager of the Public Art Program.

Public Art Committee

- Reporting to the board of the Winnipeg Arts Council Inc., the Public Art Committee shall oversee implementation of the Public Art Program as a volunteer advisory board and in accordance with implementation guidelines and conflict of interest parameters referred to in this policy. The Committee shall consist of ten to twelve members who are artists, arts administrators, architects, landscape architects or individuals with considerable experience in the visual arts. These Committee members as well as one member of the board of directors of the Winnipeg Arts Council Inc., shall be appointed by the Winnipeg Arts Council Inc. The Committee shall also include a City of Winnipeg staff representative to be appointed by the Chief Administrative Officer of The City of Winnipeg. Appointed Committee members shall serve staggered terms as specified in Public Art Program – Policy Implementation Guidelines.

Selection Panel

- For each public art project a Selection Panel shall be recommended and assembled by the Public Art Committee and Public Art Program staff of the Winnipeg Arts Council Inc. The size of each Selection Panel shall vary between three to five people depending on the scope of the project but the majority of the members shall be artists and arts professionals, and include representation from the community in which the project occurs. Each Selection Panel serves through the completion of one public art project. Members serving on a Selection Panel may be paid a reasonable honorarium to be determined by the Winnipeg Arts Council Inc.

Technical Advisors

- Technical advisors may at the option of the Selection Panel, be asked to aid in the review of specific public art projects, based on their technical expertise.

- The Winnipeg Arts Council Inc. may also offer encouragement, guidance and assistance to the private sector wishing to include artworks in private spaces or projects that are accessible to the public, consistent with the procedures outlined in this policy for the selection, implementation and care of public art.

Conflict of Interest

Staff of the Winnipeg Arts Council, all members of the Public Art Committee, and members of the Selection Panel shall declare a conflict of interest and remove themselves in all cases from a juried selection process where a project comes before the committee in which he or she is involved either directly or indirectly.

C. IMPLEMENTATION DETAILS

The City of Winnipeg Public Art Policy shall enable a Public Art Program that provides, at minimum, for Public Art Program Funding, Public Art Project Selection Process, and Public Art Collection Management. The scope of the program will cover the entire city of Winnipeg.

PUBLIC ART PROGRAM FUNDING

- Subject to the annual budget approval process, the Public Art Program shall be funded by The City of Winnipeg with an annual grant. Council may, at its discretion, choose to approve Public Art grants on a multi-year basis, to a maximum of five years.
- As a condition of grant funding, the Winnipeg Arts Council Inc. shall provide an annual or multi-year spending plan for approval by The City of Winnipeg's Chief Administrative Officer.
- A grant agreement shall be executed setting out the specific terms and conditions of Public Art Program funding.
- A Public Art Program Fund shall be established by the Winnipeg Arts Council Inc. to account for all moneys allocated to the Public Art Program. The Winnipeg Arts Council Inc. shall be responsible for managing the Public Art Program Fund and ensuring that expenditures out of this fund have been made in accordance with this policy. An annual report of receipts and disbursements shall be submitted for review by The City of Winnipeg Chief Administrative Officer or designate, within 90 days of The City of Winnipeg's fiscal year-end. The City of Winnipeg shall also have the right to request an audited financial statement of Public Art Program Fund expenditures as a condition of the grant agreement.
- The Public Art Program Fund shall be used for the acquisition, creation, installation, maintenance and repair of public art, and for costs related to administration and implementation of the Public Art Program, including honourariums. The spending plan provided by the Winnipeg Arts Council Inc. shall stipulate estimates for Program and Project administration, and may be capped at a maximum of 15% of the annual grant at Council's discretion.

PUBLIC ART PROJECT SELECTION PROCESS

Site Selection

The Winnipeg Arts Council Inc. shall work collaboratively with The City of Winnipeg Administration to identify, evaluate and recommend potential public art project sites based on specific selection criteria detailed in the Public Art Program – Policy Implementation Guidelines. Consideration should be given to

appropriate existing sites as well as the incorporation of public art into major public works projects. The City of Winnipeg, as the owner, maintainer and insurer of public art projects once installed, shall have final approval of public art project sites.

Artist and Artwork Selection

The Winnipeg Arts Council Inc. shall be responsible for administering the Artist and Artwork selection process in accordance with this policy and based on selection criteria identified in the Public Art Program – Policy Implementation Guidelines. The Winnipeg Arts Council Inc. as independent professional adjudicators of proposed artworks, shall have final approval of artist and artwork selection for approved public art project sites. The successful Artist must enter into a tri-party contract with the Winnipeg Arts Council Inc. and The City of Winnipeg. Such contract shall on behalf of The City of Winnipeg, include provisions for licensing and subsequent use of the artwork by the City, insurance of the artwork prior to installation and warrantee of the artwork upon completion.

PUBLIC ART COLLECTION MANAGEMENT

Public Art Ownership

Ownership of artwork selected in accordance with this policy shall transfer to The City of Winnipeg upon final installation in the public domain. In accepting ownership of public art, the City also accepts responsibility for its maintenance, insurance, and for upholding contractual agreements made between the artist and Winnipeg Arts Council Inc. Copyright privileges in accordance with the Canadian Copyright Act shall remain with the artist.

Insurance and Liability

The artist in charge of the public art project shall provide and maintain insurance coverage for the duration of the creation, fabrication and installation of the artwork. Upon completion and installation at the prescribed site, the finished artwork shall be insured by the City of Winnipeg until such time as it is de-accessioned from the public art collection inventory.

Documentation

All public artworks shall be properly documented, and shall be included a Public Art Inventory maintained by the Public Art Program Manager.

Maintenance and Conservation

During the artwork and site selection process, due consideration shall be given to maintenance requirements including structural and surface soundness, inherent resistance to theft, vandalism and weathering as well as to the cost and amount of on-going maintenance and/or repair anticipated. In this regard, the artist shall be responsible for providing any and all requested information regarding maintenance requirements that are unique to a particular public art project. At minimum, 10% of the total cost of approved projects must be set-aside annually from the Public Art Program Fund, to be used by the City for on-going maintenance of additions to the Public Art Inventory.

Donations and Gifts

Under exceptional circumstances, and as agreed to by The City of Winnipeg and the Winnipeg Arts Council Inc., donations and gifts of artworks may be accepted into the Public Art Program. Under such circumstances, donated or gifted artworks must be evaluated in accordance with the selection criteria identified in the Public Art Program – Policy Implementation Guidelines prior to acceptance. The City of Winnipeg shall retain the right to accept or decline donations and gifts of other artworks.

De-accession

The Public Art Committee shall be responsible for reviewing all proposals for de-accession, based on an artwork meeting one or more of the criteria specified in the Public Art Program – Policy Implementation Guidelines. In all cases the rights of the artist shall be upheld in accordance with the Canadian *Copyright Act*. No public artwork or any portion thereof shall be relocated, removed, or destroyed without the prior notification of the artist or the artist's estate.

D. DEFINITIONS

Public Art:

Public Art: artworks created for, or located in, part of a public space and/or accessible to the public. Public art includes works of a permanent or temporary nature located in the public domain and created in any medium, including:

- Artworks created for specific locations.
- Exhibits/performances/artwork installations located in a public space.
- The integration of art and architecture to enhance the design of urban or public spaces.
- Collaboration of artists with architects, landscape architects, urban designers, planners and engineers to create unique environments or features, which integrates art into the urban fabric of the city. Examples include glass or water features, landscape elements, paving, furniture, and parts of buildings, sound and light works, earthworks, works that address design concerns of environmental systems such as waterways, garbage disposal, recycling facilities and landfills.
- Artworks produced through the involvement of the community.

Public Space:

For the purpose of public art projects funded in whole or in part by the City of Winnipeg, public space is defined herein as any space on or within City property, or any space that is accessible to the general public and approved by the City as a viable public art project site.

Artist:

A person who is critically recognized as an artist, possesses skill, training and/or experience in his or her artistic discipline; is active in and committed to his or her art practice, has a history of public presentation; and who is not exempted by the Conflict of Interest provision contained herein.

Winnipeg Arts Council Inc.:

Winnipeg Arts Council Inc. is an arm's length organization, incorporated in 2003, but originally established in 1984 as the Winnipeg Arts Advisory Council by Winnipeg City Council to assist the City of Winnipeg in determining funding to arts and cultural organizations, and to provide the City with advice on cultural policy development.

Public Art Committee:

A volunteer committee of citizens representing the art, design and general communities, which are appointed by the Winnipeg Arts Council as well as a City of Winnipeg staff representative who is appointed by the City of Winnipeg Chief Administrative Officer or designate.

Selection Panel:

A panel of qualified persons, selected by the Public Art Committee for each public art project.

Public Art Program

A program established and funded by The City of Winnipeg to enable the integration of professionally adjudicated public art projects into public spaces throughout the community of Winnipeg, for the benefit of residents and visitors.

Public Art Program Manager:

An employee or agent of the Winnipeg Arts Council Inc. who is responsible for managing the Public Art Program and Public Art Program Fund.

Public Art Program Fund:

A fund established by the City of Winnipeg and managed by the Winnipeg Arts Council Inc. to account for all moneys contributed to and expended for the Public Arts Program as defined herein.

Public Art Program Administration Costs:

Costs incurred by the Winnipeg Arts Council Inc. to run the Public Art Program, including staff salaries, office overhead and public relations.

Public Art Project Administration Costs:

Costs incurred by the Winnipeg Arts Council Inc. to manage a specific public art project, including project development, artist selection, community outreach, artwork dedication and maintenance.

De-accession:

The procedure undertaken to permanently remove an artwork from the public art collection

Community:

A group of people brought together by any number of forces including geography, tradition, culture or spirit.

E. ADDITIONAL REFERENCES

This policy shall be implemented according to details provided in the following companion documents:

- 1) A 'Public Art Program – Policy Implementation Guidelines' document, containing more specific details that are critical to the implementation of an effective Public Art Program. The Winnipeg Arts Council Inc. shall be responsible for maintaining the currency and relevance of these guidelines.
- 2) A City of Winnipeg Administrative Directive on Public Art specifying the roles of The City of Winnipeg Administration in implementing an effective Public Art Program. The City of Winnipeg's Chief Administrative Officer or designate will be responsible for approving and amending this document.

F. DELEGATED AUTHORITY

For the purpose of this policy, City Council shall appoint the Chief Administrative Officer as its designate. The appointment of a City of Winnipeg staff representative to the Public Art Committee shall rest with the City of Winnipeg Chief Administrative Officer or designate.