Minute No. 600
Report - Executive Policy Committee - September 23, 2003

Item No. 3 The Public Art Policy
File FG-1

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Public Art Policy of the Mayor's Task Force on Public Art in Winnipeg be approved in principle.

2. That the Public Art Policy be forwarded to the Chief Administrative Officer to work in conjunction with the Winnipeg Arts Council to develop the necessary procedures for implementing the direction of the policy, including but not limited to, those areas relating to governance and funding.

3. That the Administration be requested to report back to Executive Policy Committee on the immediate steps for implementing the Public Art Policy, outlining plans for both the short and long term, including but not limited to regulations and budgetary implications.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Executive Policy Committee - September 23, 2003

DECISION MAKING HISTORY:

Moved by His Worship Mayor Murray,
That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2003, the Executive Policy Committee recommended:

1. That Council be requested to approve in principle the Public Art Policy of the Mayor's Task Force on Public Art in Winnipeg.

2. That the Public Art Policy be forwarded to the Chief Administrative Officer to work in conjunction with the Winnipeg Arts Council to develop the necessary procedures for implementing the direction of the policy, including, but not limited to, those areas relating to governance and funding.

3. That the Administration be requested to report back to Executive Policy Committee on the immediate steps for implementing the Public Art Policy, outlining plans for both the short and long term, including but not limited to regulations and budgetary implications,

and submitted the matter to Council.

The Mayor's Task Force on Public Art in Winnipeg

PUBLIC ART POLICY

Public Art in Winnipeg Draft Policy
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P O L I C Y

1.0 PURPOSE OF POLICY

To establish procedures for the funding, administration and implementation of a Public Art Program in Winnipeg.

2.0 INTRODUCTION TO POLICY

Public art gives meaning to place by interpreting the social, historical, cultural and natural environment. Public art reflects the identity of a city, gives voice to community and builds relationships between diverse groups. A strong policy designed specifically for Winnipeg will ensure a public art program that integrates with our environment and is relevant to our city. Winnipeggers take great pride in the achievements and benefits of our rich cultural community and the time is right to establish a program that will further add meaning to our city through public art projects and community collaboration.

In October 2000 City Council directed the Winnipeg Arts Advisory Council to develop a public art policy and program for the City of Winnipeg. To facilitate this development The Mayor's Task Force on Public Art was formed by His Worship Mayor Glen Murray. The Task Force researched public art policy and programs in other municipalities, consulted with experts in the field of public art, met with staff of various departments of the City of Winnipeg and conducted a public education and consultation process in Winnipeg. Using the results of this research the Task Force developed a draft policy document containing a set of recommendations and a framework for the development of a program of public art unique to Winnipeg. The following draft policy document makes recommendations for the funding and administration of a Public Art Policy and outlines procedures necessary for the implementation of a Public Art Program. A history of public art policy development in Winnipeg, a mission and vision statement and set of guiding principles, the benefits of public art and a set of definitions provide a context for the implementation of a Public Art Policy and Program for Winnipeg.

3.0 RECOMMENDATIONS

The goal of this policy is to establish procedures for a Public Art Program that enriches our environment, integrates art works and the ideas of artists into public spaces, achieves high artistic standards, and asserts the unique character and qualities of Winnipeg. To achieve this goal, the Mayor's Task Force on Public Art recommends that:

- The Winnipeg Public Art Policy and Program be funded by an annual City of Winnipeg capital grant or a 'percent for art' allocation
- The funds collected for the Public Art Policy and Program be held in an account to be administered by the Winnipeg Arts Council

- The Winnipeg Arts Council, working in co-operation with the City of Winnipeg, has the exclusive authority to administer, manage and implement the Public Art Program and public art projects.
- The private sector be encouraged and offered incentives to participate in a 'percent for art' strategy through private development projects
- The Public Art Policy and Program be administered and managed by professional staff and an advisory board through the Winnipeg Arts Council
- All City of Winnipeg public art proposals, projects, and donations be reviewed by the Winnipeg Arts Council public art staff and advisory board
- Sites for public art projects be identified in early development stages in order that artwork projects can be integrated and that artists can be included throughout the entire design process
- A procedures document be developed for all aspects of a Public Art Program including project initiation, artist involvement, implementation, collection management, and education
- City Council adopt this proposed Public Art Policy for the City of Winnipeg

4.0 BACKGROUND: History of Public Art Policy Development in Winnipeg

The development of a public art policy has long been supported and encouraged by the City of Winnipeg. The 1993 *Plan Winnipeg . . . toward 2010* policy recommended the adoption of a public art strategy to establish requirements for public art and a policy of proportional funding. In 1994 the Civic Buildings Department recommended the development of a public art policy. In 1996 CentrePlan and the Urban Idea Centre established a public art working group to pursue the development of a policy as expressed in CentrePlan's action plan for 1995-96. As one of its actions, this plan, adopted by City Council in 1994 put forward that the City of Winnipeg institute a "Percent for Art" policy for all downtown development projects.

The recommendation for a public art policy was reinforced by the *Report of the City of Winnipeg Cultural Review Panel, "Into the 21st Century: Arts and Culture in Winnipeg"* (April 1997). This report recommended that "the City should, with the advice and collaboration of local visual artists, adopt a Public Art Program which promotes and facilitates the incorporation of art into existing public spaces and within appropriate new developments." *Plan Winnipeg 2020 Vision* (adopted December 2001) further supports a Public Art Program, recommending the implementation of a public art strategy that facilitates the incorporation of art into public spaces by introducing a funding mechanism, committing to public art in major public work initiatives and developing programs to exhibit temporary art in existing spaces.

In October 2000 City Council voted unanimously to request that the Winnipeg Arts Advisory Council develop a public art policy. Subsequently a Public Art Committee was formed, representing a broad cross-section of the community. The committee began to research public art policies in other cities, examined Winnipeg's unique situation and organized a well-attended public form held September 2001 at The Winnipeg Art Gallery. Following up on the interest and

enthusiasm generated by the forum, the Committee drafted a set of guiding principles, and mission and vision statements for a Winnipeg public art policy.

In May 2002 the Mayor's Task Force on Public Art was formed by Mayor Glen Murray. A contract co-ordinator was hired to work with the Task Force to co-ordinate and develop the policy. In July 2002 a briefing note was presented at an informal meeting of the Executive Policy Committee of City Council which provided an update on policy development, recommendations of the policy, and a schedule of policy delivery. The draft policy was distributed to members of the board of the Winnipeg Arts Council on October 24, 2002 who voted unanimously to adopt the Public Art Policy proposed by the Mayor's Task Force on Public Art and refer it to City Council for implementation.

A series of community consultation meetings followed. A summary of these meetings appears in *Appendix I.* The series was launched with a public forum on November 13, 2002, featuring guest speaker Barbara Goldstein, Director of Public and Community Arts, Seattle Arts Commission. She spoke about the history of the Seattle program, how it engages artists, community members and city agencies in expanding the civic dialogue through the development of permanent and temporary artwork in public spaces, providing a context in which to discuss Winnipeg' public art plan. The response to the public forum was overwhelming positive – over 175 people from diverse communities attended – and it has generated continuing dialogue and interest.

Momentum has been building over the last decade toward the realization of a Public Art Program for Winnipeg. Now, reinforced by solid research, community consultation, and public eagerness, it is particularly powerful. We are confident that this policy provides a framework for an informed and exciting Public Art Program in Winnipeg, one that will bring richness to the public life of Winnipeg and reinforce our city's reputation as the cultural capital of Canada.

5.0 DEFINITIONS

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; and has a history of public presentation.
Community: a group of people brought together by any number of forces including geography, tradition, culture or spirit.
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.

6.0 BENEFITS OF PUBLIC ART

Art is an essential component of a healthy society. Works of art in public spaces engage people in their everyday lives and provide an opportunity for dialogue and social interaction that is at the heart of a vibrant city. Public art says that a city is proud, interesting and informed. A public art program helps to create visible works of art and sets high aesthetic standards for all types of building projects.

PUBLIC ART DEFINES IDENTITY:
- Proclaims a city's identity and pride
- Gives meaning to place by interpreting the environment socially, historically and culturally
- Gives voice to community by providing an expression of collective identity.

PUBLIC ART BUILDS STRONG COMMUNITIES:
- Builds relationships between diverse groups
- Reflects a diversity of cultures, ideas and perspectives
- Creates a legacy for future generations

PUBLIC ART ENLIVENS SOCIAL SPACES:
- Promotes social gathering and interaction
- Makes encounters with art an everyday experience
- Introduces the elements of delight, surprise and curiosity to public spaces

PUBLIC ART ENCOURAGES DISCUSSION AND DEBATE:
- Draws attention to social and environmental concerns
- Provokes, questions and challenges

PUBLIC ART PROMOTES DEVELOPMENT:
- Enhances the quality of the built environment
- Promotes local economic development for all industries involved in the process
- Promotes and increases tourism

7.0 MISSION, VISION AND GUIDING PRINCIPLES

7.1 Mission Statement

Winnipeg's Public Art Program contributes to the social, cultural, visual and economic development of our city. The Public Art Program is participatory, community-based, financially sound, professionally run, enriches our environment, achieves high artistic standards and reflects our diverse cultural community.

7.2 Vision Statement

Winnipeg's Public Art Program engages artists and citizens in enhancing our environment and celebrating community pride.

7.3 Guiding Principles

The program:

- Shall be properly financed and sustainable
- Is designed to include professional artists throughout the design process of capital improvement projects
- Employs professional staff dedicated to program management
- Is a collaborative effort between the City of Winnipeg, the Winnipeg Arts Council and other levels of Government
- Includes policies related to documentation, copyright, insurance, maintenance, liability, and de-accessioning
- Is fair and equitable in the selection and commissioning process
- Encourages artist-community collaboration on projects that respond to specific needs and aspirations
- Is designed to stimulate creativity in individuals through the provision of educational and public awareness opportunities for learning, participation, and experimentation in arts and culture.

8.0 DIVERSITY

Diversity refers to a broad spectrum of demographic and philosophical realities, including those related to cultural, economic, social, geographic, aesthetic, and sexual orientation. The diversity of Winnipeg's broad community will be respected and incorporated into all aspects of the Public Art Program, by:

- Ensuring that committees and juries and artists selected for public art projects reflect Winnipeg's broad population as described above.
- Implementing public art projects throughout the entire city of Winnipeg.
- Encouraging the creation of artwork that includes a wide variety of styles, scale, and media.
- Encouraging the exploration of new experimental art forms as well as established and traditional forms.
- Developing and implementing a community arts program.

9.0 SCOPE OF POLICY

The policy shall cover the entire City of Winnipeg.

10.0 OWNERSHIP

The artwork produced through the Public Art Program shall become the property of the City of Winnipeg. In accepting artwork the City also accepts responsibility for its maintenance, insurance, and for upholding contractual agreements, as outlined in the procedures document.

11.0 COPYRIGHT

The copyright of the artwork shall in all cases remain with the artist and the rights of the artist shall be upheld and protected in accordance with the Canadian *Copyright Act*.

12.0 CONFLICT OF INTEREST

The Winnipeg Arts Council shall develop conflict of interest guidelines for all persons involved with the Public Art Program including artists, staff and committee members.

13.0 FUNDING

13.1 Funding Source

The Public Art Program shall be financed through an annual City of Winnipeg capital grant or 'percent for art' allocation. Several considered options appear in *Appendix II.*

13.2 Collection of Funds

The method of fund collection appropriate to the funding option shall be determined by the City of Winnipeg and the Winnipeg Arts Council.

13.3 Administration of Funds

Funds collected for the Public Art Program shall be held in an account to be administered on behalf of the City of Winnipeg by the Winnipeg Arts Council. The funds deposited in the Public Art Program Fund can be "pooled" from one project to another and even from once fund source to another; they do not have to be spent on the project from which they originate.

13.4 Uses of Funds

The Public Art Program Fund shall be allocated to the acquisition, creation, installation and maintenance and repair of artworks and to costs related to administration and implementation of the Public Art Program. (For a sample budget see *Appendix III*.)

14.0 PRIVATE SECTOR INVOLVEMENT

The Winnipeg Arts Council shall, in conjunction with the City's Planning Department and the private development community, develop an incentive program to encourage the private sector to participate in the Public Art Program. Incentives may include bonuses related to density in new and rezoning projects and/or a tax credit program. The Winnipeg Arts Council shall offer guidance and assistance to the private sector wishing to include public art in private building projects and would strongly encourage adherence to the procedures outlined in this policy for the selection, implementation and care of public artworks.

15.0 MANAGEMENT AND GOVERNANCE

15.1 Role of the Winnipeg Arts Council

Working in co-operation with the City of Winnipeg, the Winnipeg Arts Council shall have exclusive authority to administer, manage, and implement the Public Art Program and all public art projects, including gifts of artwork to the City of Winnipeg, according to policy guidelines.

15.2 Role of City of Winnipeg Administration and Other Departments

City of Winnipeg Administration and appropriate City Departments shall provide information and co-ordinate with the Winnipeg Arts Council for the development of public art projects.

15.3 Committee on Public Art in Winnipeg

The Committee on Public Art in Winnipeg is a volunteer board that shall report directly to the Winnipeg Arts Council. Procedures outlining the role, composition and term of the Committee shall be developed and shall include the following responsibilities:

- recommend public art policies and guidelines
- review new public projects and approve Selection Committee/Jury members
- consider donations of artwork to the City of Winnipeg
- aid in public education and advocacy.

It is recommended that the Committee be composed of fifteen to twenty members representing the arts, design, architectural and general communities and that members serve three year, staggered terms. In order for artists to be more frequently eligible to participate in public art projects, it is recommended that the term for artists to serve on the Committee be two years.

15.4 Selection Committee/Jury

For each public art project a Selection Committee/Jury shall be assembled by the Committee on Public Art and public art staff. Procedures outlining the role, composition and term of Selection Committee/Jury shall be developed and shall include the following responsibilities:

- prepare project brief for each project
- review submitted proposals
- recommend selection of artists and projects.

It is recommended that the Selection Committee/Jury be composed of five to ten members representing the arts, design, architectural and general communities. The term of each Selection Committee/Jury shall be determined by the Committee on Public Art.

15.5 Staff: Public Art Program Co-ordinator/Manager

A Public Art Program Co-ordinator/Manager shall be employed by the Winnipeg Arts Council to oversee the development and implementation of the Public Art Program. A job description shall be developed for this position and shall include the following responsibilities:

- facilitate the Committee on Public Art
- develop and assist in the implementation of procedures for the initiation, selection, and implementation of public art projects
- guide the public art process, including facilitation of the Selection Committee/Jury
- create opportunities for public education, promotion and advocacy of the Public Art Program
- liaise with all appropriate City departments
- maintain a directory of artists for public art projects.

P R O C E D U R E S

16.0 INTRODUCTION TO PROCEDURES

The procedures for implementation and administration of the Public Art Program will require further consultation, research and development in order to create a fair and professional set of procedures and guidelines. However, it is important to address in this policy document the essential components of those procedures. The following are recommendations for procedures for the initiation of public art projects, artist participation implementation, management and governance, collection management, and public participation, education, outreach and advocacy.

17.0 ARTIST INVOLVEMENT

17.1 Public Art Project Identification and Initiation

The Winnipeg Arts Council shall be responsible for the development of procedures for the initiation of public art projects, recognizing that opportunities may originate from many sources including artists, City departments, community groups, the Committee on Public Art and private developers.

17.2 Artist Participation

All artists shall be eligible to participate, and do not have to be residents of the City of Winnipeg although the projects will be located in the City. Opportunities should be created for artists who are not familiar with the public art process to mentor with experienced artists. Artist participation methods may include:

- Open Competition: artists respond to an open public call for proposals.
- Invitational Competition: a limited number of artists may be requested to submit materials and/or proposals for a specific project when the project specifies a particular art form, expertise, or other limiting factors.
- Direct Selection: an existing artwork may be selected, or an artist invited directly, for a specific project.

17.3 Artist Implementation

- Discrete Works (distinct piece created by an artist).
- Design Team/Interdisciplinary Approach (artist is a member of design team, participating in the architectural concept, and integrating art into all aspects of the project)
- Temporary Exhibits in Public Spaces
- Special Projects (for example, works integrated into infrastructure or public work projects, environmental rehabilitation art projects, artist residency programs.)
- Community Public Art (public art projects proposed jointly by community non-profit organizations in collaboration with artists.)

17.4 Agreements with artists

Procedures shall be developed for all aspects of artist involvement in public art projects including:

- Application/selection process.
- Artist contract and fee schedule.
- Copyright, in accordance with the Canadian *Copyright Act.*
- Insurance/Liability.

- Establishment of an artist's directory.

18.0 ARTWORK

18.1 Collection Management

The Winnipeg Arts Council shall establish procedures and guidelines for all aspects of collection management including:

- Documentation.
- Inventory of artwork.
- Maintenance/Conservation.
- De-accession.
- Donations and gifts.

19.0 PROGRAM ADMINISTRATION

19.1 Management and Governance

The Winnipeg Arts Council shall establish and regularly review procedures and guidelines for all aspects of program management, administration and governance, including:

- Role of the Winnipeg Arts Council.
- Role of City Administration and City Departments.
- Committee on Public Art: Role, Composition, Term
- Project Jury/Selection Committee: Role, Composition, Term.
- Staff: Duties and responsibilities.
- Managing controversy.

19.2 Public Participation, Education and Outreach, and Advocacy

In order to encourage awareness of public art, the Winnipeg Arts Council shall develop procedures and guidelines for an education and outreach program, including:

- Community meetings, conferences, workshops, artist's talks, educational programs and public art tours.
- Advocacy of the Public Art Program and of artists selected for Public Art Programs projects.
- Collaborative projects with arts groups, community organizations and educational institutions.
- The development and distribution of promotional and publicity materials.
- An informational Web site.

APPENDIX I
Public Art in Winnipeg: Summary of Community Meetings

In September, 2001, prior to the formation of the Mayor's Task Force, the Committee on Public Art organized a forum on public art at the Winnipeg Art Gallery. Close to 200 people attended. Bess Jillings, a public art administrator from Victoria presented an illustrated discussion on public art and the role of community.

The Mayor's Task Force on Public Art organized a series of public meetings on public art in November 2002. The purpose of the meetings was to:

- Provide an update on the public art policy development process
- Suggest a method of implementation, using Seattle's innovative program as a guide
- Receive feedback on the draft policy.

All meetings were open to the public. Invitations were made widely available to the public, including to members of the arts community, planners, architects, business leaders, developers, educators, the Aboriginal community, politicians, community groups, and City of Winnipeg staff. The meetings were held in various locations throughout the city. The following is brief summary of each meeting and major topics covered.

The first meeting was a large public forum:

Wednesday, November 13, 2002. 4:30 – 6:30 pm, Planetarium Auditorium.
Attendance: 175, representing diverse communities including artists, arts administrators, City Council, City of Winnipeg staff, WAC board members, developers, business leaders, architects, educators, and community group members.
Public Art: Making It Happen In Winnipeg. Barbara Goldstein, Director of Public and Community Arts, Seattle Arts Commission was invited to present an illustrated lecture on public art, using Seattle as a case study. The Seattle program is a model for public art programs for a number of reasons that are particularly relevant to Winnipeg. The thirty year-old program services a similar sized city (560,000), is committed to community participation, achieves high artistic standards, and is funded through a civic "percent for art" allocation from capital improvement projects. Prior to Ms. Goldstein's talk, Mayor Glen Murray brought enthusiastic greetings to the audience and expressed his commitment to the development of a public art policy and program in Winnipeg. Ms. Goldstein then presented slides of a number of public art projects in Seattle and talked about the history of the Seattle program, how it engages artists, community members and city agencies in expanding the civic dialogue through the development of permanent and temporary artwork in public spaces. The event included a question period from the audience which addressed a number of pertinent issues such as cultural diversity, identification of project opportunities, role of education, artist involvement, managing controversy and private sector involvement.

The following four meetings were held to ensure broad citizenship participation:

Tuesday, November 19, 2002. 7:00 – 9:00 pm, General Byng School (Fort Garry)
Much of the discussion centred around the importance of bringing attention to our environment through public art, the role of the artist in design team collaborations and education.

Wednesday, November 20, 2002. 7:00 – 9:00 pm, Indian Family Centre.
Education, public involvement and media strategy were the main topics of this meeting.

Tuesday, November 26, 2002. 7:00 – 9:00 pm, St. Norbert Arts Centre.
A varied discussion included funding sources, media strategy, mandating program quality, dealing with private public art initiatives, advocacy and the role of the Province.

Wednesday, November 27, 2002. 7:00 – 9:00 pm, Urban Shaman Gallery.
This discussion at this meeting focused on artist involvement, importance of flexibility, and experimentation, types of projects, selection committees, and public art controversy.

APPENDIX II
Public Art in Winnipeg: Funding Options

Funding Mechanism or Formula	**Administrative Advantage(s)**	**Administrative Disadvantage(s)**
1. Annual operating grant of $1.0 million	- ease of review and administration. - amount and timing of support stable and certain, subject to annual review by Council	- no specific link to development activity or capital expenditure.
2. Capital Expenditure a. A percentage of certain capital expenditures (e.g. civic construction projects) to a maximum level of $1.0 per year. b. A percentage of the broad base of capital expenditures (including the streets and other capital items) to a maximum level of $1.0 million per year.	- linkage between level of general capital expenditure and need for public art.	- complex administration as tracking would have to occur on multiple projects and transactions. - "Capital expenditures" are difficult to define particularly if only a portion of the capital budget is targeted. There may be less than $1.0 million available if the scope of qualifying capital projects are reduced - determination must be made whether support is to be based on actual or budgeted capital expenditures. The timing of capital projects may delay the payment of support to the Winnipeg Arts Council.
3. Video Lottery Terminal (VLT) Revenue a. Funding of $1.0 million per year from the urban economic development project component of the Province's revenue from video lottery terminals	- amount and timing of support is stable and certain. - accesses provincial funding so there is no direct impact on the City budget.	- would require provincial approval.
b. A percentage of the basic annual operating grant received from the Province related to video lottery terminal revenue to a maximum level of $1.0 million per year.	- simple calculation and easy to administer. - amount and timing of support is stable and certain, subject to annual review by Council.	- no specific link to development activity or capital expenditure.

4. Component of the Entertainment Funding Tax equivalent to $1.0 million in annual funding.	- current entertainment tax funds directed to cultural grants.	- would not provide sufficient support to match the $1.0 million target level under the current rate and base of taxation.
5. Building permits – fee on all building permits to provide support to an annual maximum of $1.0 million.	- linkage between level of construction activity and need for public art.	- additional revenue would have to be raised, requiring a surcharge of approximately 40%; or - existing funds would have to be re-directed; or - would need more than one source to raise sufficient funds.
6. Tax Credit Program – with cumulative credits subject to a maximum of $1.0 million in City revenue per year.	- would encourage private development to include public art.	- no direct funding to the Winnipeg Arts Council. - complex administration for both the City of Winnipeg and the Winnipeg Arts Council. - rules would have to be developed for credit cancellation if the public art were to be removed.
7. Land Dedication Fee – maximum support of $1.0 million per year.	- linkage of the need for public art with new development and construction activity.	- would involve a change in policy. - at current experience levels, would not provide enough cash to fund target level of support. - amounts and timing of support uncertain.

APPENDIX III
Sample Budget (based on initial $500,000 allocation)

1)	**Administration** – Salary, office expenses	$60,000
2)	**Acquisition, creation, maintenance, and repair of artwork**	415,000
3)	**Program Expenses:**	
	Advertising	10,000
	Communications/Promotion	10,000
	Citizen Involvement	5,000
	TOTAL	**$500,000**