

**THE CORPORATION OF THE CITY OF WINDSOR  
POLICY**

Service Area:	<b>Social Development Health &amp; Culture</b>	Policy No.:	
Department:	<b>Cultural Affairs</b>	Approval Date:	
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**1. POLICY**

- 1.1** The Public Art Policy is a framework whereby public art is selected, showcased and maintained in specific areas around the City to promote the diverse culture and heritage of this area. This policy provides a vision and goal for the direction of public art in the community while maintaining integrity and a fair process for selection.
- 1.2** The City of Windsor is fortunate to have such a widely diverse collection of public art. Sculptures, monuments, murals, statues, fountains, and paintings dot the landscape along the riverfront and throughout the City in parks, buildings, and offices. This integration of art into the fabric of the City enriches residents' lives and contributes to the physical attractiveness of this area.

**2. PURPOSE**

- 2.1** The City of Windsor Public Art Policy has been established to:
- a) Guarantee an approved, fair and consistent public selection process of public art so that all the citizens of Windsor can access and participate in the cultural, economic, social, developmental and tourism opportunities afforded by public art;
  - b) Provide stewardship for public art and municipal collections;
  - c) Ensure that public art is included in the planning and design of publicly accessible spaces;
  - d) Ensure that public art continues to make the environment visually engaging, while reflecting the City's heritage and cultural diversity;
  - e) Recognize the importance of public art;
  - f) Allow for the integration of public art into various parts of the City to be enjoyed by all;
  - g) To support and promote the development and creativity of local artists by offering a venue to showcase works of art, encouraging civic pride;
  - h) Provide an opportunity for the general public to enjoy and take pride in their community by providing/showcasing these visually appealing and often times significant works of art, presenting a positive image to visitors and potential investors;
  - i) Determine appropriateness and method of placement of various works of art;
  - j) Promote the City's creative appeal to residents and visitors;

- k) Increase public awareness regarding public art and the value it brings to the area;
- l) Interpret the City's collective values, social issues, political events and cultural patterns that contribute to civic life;

**2.2** The objectives of the Public Art Policy are:

- a) To demonstrate through projects that public art can significantly enhance the City;
- b) To ensure that through its selection process, qualified artists provide a variety of arts and cultural expressions that are compatible with development aspirations;
- c) To encourage community members to participate in developing the resources of public art to reflect the diverse cultural nature of the City of Windsor;
- d) To create a public education plan for learning and participation in arts, heritage and culture.

**2.3** The guiding principles of the Public Art Policy ensure that public art activities will:

- a) Be accessible to all citizens by providing opportunities for participation that are equitable and inclusive;
- b) Be flexible to encourage a wide variety of creative expression, art practice and art work;
- c) Be integral to the civic planning and development process;
- d) Be supported with adequate resources to create and preserve the City's significant public art works;
- e) Encourage excellence, quality and innovation;
- f) Demonstrate the significance of art in community life;
- g) Create cultural links through the promotion of opportunities for community development, community engagement and community partnerships.

**2.4** General Management of the Collection

The City recognizes that it is in the public interest to preserve the integrity and security of a work of art. The City owns and has responsibility for many works of art.

The City will care and preserve its art collection by establishing:

- (a) an inventory of current City owned public art works and significant private works placed at publicly accessible private sites; and
- (b) annual maintenance and long term care plans of works in its collection.

The inventory should, as is reasonably possible, provide information on materials, construction, location, site conditions, and other information about the work of art, the donor, if applicable, and the artist.

The City will ensure the development of collection management systems and associated policies with documentation standards and procedures modelled on museum practices and with an ongoing program of maintenance and inspection of works of art in public places through the professional practice of civic cultural staff and/or contract specialists as required.

Prior to the installation of any public art, whether on a permanent or temporary basis, the City will enter into an agreement with the appropriate party or parties governing the rights, obligations, custody and care of the work of art.

The agreements should, as is reasonably possible:

- identify the party responsible for the costs of maintaining and insuring the work of art;
- acknowledge the artist's moral rights;
- identify responsibility for the installation, maintenance, documentation and long term care of the work of art;
- allow the City to move, modify or repair the work of art in the event of an emergency without the prior consent of the artist or donor.

Discussions with the artist or donor of the art and outcomes should be documented and retained in the database.

When appropriate, stamped engineering drawings should be obtained from the artist or donor of the work of art prior to installation to provide direction for the installation and ongoing maintenance of the work of art.

When partnering with another person or organization regarding the commission or receipt of a work of art, the City should also require the partnering party to advise it of any key terms and specifications that the party has with other parties which may have an impact upon the City related to the work of art.

### **3. SCOPE**

- 3.1** This policy applies to all pieces of public art, public art projects or private art works that are located on public property within the City of Windsor.
- 3.2** This policy applies to public art that is created for, facilitated, owned or maintained by the City of Windsor.
- 3.3** To ensure the fair and equitable treatment of all participants in the public art process, members of the Public Art Advisory Committee (PAAC) are prohibited from directly or indirectly benefiting from their participation in the Public Art Advisory Committee during their tenure. The City of Windsor Code of Conduct and Code of Ethics/Conflict of Interest policies will apply to all members.

### **4. RESPONSIBILITY**

- 4.1** The Mayor and City Council will determine, from the qualifying pieces of art chosen as a result of the initial selection process completed by Administration and/or the PAAC Committee, which piece of public art will be selected for a specific area.
- 4.2** The Manager of Cultural Affairs will:
  - a) Advise Council on proposed artwork gifts, bequests and donations to the City of Windsor according to the established guidelines;
  - b) Implement and maintain the Public Art Policy while working directly with the Public Art Advisory Committee (PAAC);

- c) Foster a relationship between the City, developers, and artists and provide consultation that is current, informed and professional;
- d) Ensure a fair and equitable process is in place for the selection of public art and its location within the City;
- e) Ensure that the proper maintenance program of public artworks is in place and practised;
- f) Develop and maintain an inventory/cataloguing system to ensure all pieces of Public Art and their locations are documented and accessible to specific members of administration;
- g) Encourage the development of private sector public art and public-private partnerships for public art;
- h) Advise Council on the implementation of the accessioning and de-accessioning components of the Public Art Policy;
- i) Ensure the provision of opportunities for direct and informed public involvement in the direction and selection of art work;
- j) Manage the day to day internal support for civic capital projects;
- k) Work with the Parks Department to determine the feasibility of selected sites for the placement of public art and to address any maintenance/repair concerns;
- l) Ensure that all applicable laws are followed, including those regarding censorship and obscenity;
- m) Work in conjunction with the Finance Department to ensure that any gifts/bequests of public art made to the City of Windsor have been issued a proper tax receipt satisfactory to current Canada Revenue Agency guidelines.
- n) Work in conjunction with the Legal Department to ensure all agreements are executed in accordance with current legal practices.

**4.3** With the assistance of City administration the Public Art Advisory Committee (PAAC) will:

- a) Advise Council on all matters concerning public art including providing input to the selection process;
- b) Review all proposed public art projects and ensure the application of established procedures and guidelines on a project-by-project basis;
- c) Advise Council on communication and outreach to the community regarding public art;
- d) Report their findings to the appropriate Standing Committee through a Committee Report.

**4.4** City of Windsor Cultural Affairs staff are responsible to maintain and/or update as required any records produced as a result of the Public Art Policy.

## **5. GOVERNING RULES AND REGULATIONS**

**5.1** A key feature of public art is the integration of art into the urban fabric of the City in order to enrich and enhance its physical and cultural dimensions. Public art can transform and enliven public spaces, contributing several benefits, from the purely aesthetic, to economic and social benefits such as tourism, links with the City's heritage, and an appreciation of different cultures. Examples of public art may include but are not exclusive to sculpture, statues, murals, functional art (seating,

lighting, manhole covers, sidewalks, etc.), forms of landscaping, and the like. Public art may serve as a gateway, a memorial or commemoration, a marker or part of an open space or landscape design. Public Art must be created by an artist. They may be invited to complete an independent artwork or work as a collaborative member of a design team.

**5.2** The City of Windsor has several examples of the integration of public art into the urban landscape; *the Mural Programmes in Ford City, Wyandotte Business area* and in the *Postcards from Home program*. Such integration can also result in functional art, such as the inclusion of lighting, seating and walkways in public places. Art enriches its natural environment, and provides lifelong opportunities for access to the arts, enhancing the quality of life for the community and its visitors.

**5.3** To ensure that artistic design becomes an ever-increasing component of the City of Windsor's urban fabric, the potential for integrating art (including functional art) into the design of public spaces should be an active consideration in all Council approved development projects in the City.

**5.4** The Windsor Sculpture Park

The Windsor Sculpture Park was initiated through the generosity of the P&L Odette Foundation and its maintenance has been undertaken by the City of Windsor. The City is endeavouring to further develop the Sculpture Park, in large part through the establishment of conditions that will broaden its potential donor base.

**5.5** Temporary Art in Public Places

An increased emphasis will be given to promoting temporary public art works, which enliven the environment, raise awareness and engender debate about public art. The Public Art Advisory Committee, formed to implement aspects of this Policy, will have a role in actively promoting and facilitating temporary public art works. A list of possible sites where artists could locate public art works will be developed, and a process established for artists seeking to create a temporary exhibition/art work. There may be opportunities for promoting temporary public art works, possibly with a focus on regular temporary exhibitions.

**5.6** Community Art in Public Places

Community public art aims to assist communities towards self celebration and self definition through the expression of a sense of identity and the creation of community consciousness. It encourages active participation from community members while also developing audiences as in the case of the international art installation *CarTunes on Parade*. Other forms of community art expression may also include murals created by students around construction projects. City Council will provide opportunities to continue to work with the community to support and develop community-based quality arts programmes and activities, including community-based public art.

**5.7** Funding

The goal of funding opportunities is to establish a sustainable funding mechanism that supports the City's commitment to spend existing and future funds more creatively. City cultural staff will identify ways of encouraging the community to play an active role in supporting and facilitating public art opportunities with the

City of Windsor and in developing partnerships with other cultural organizations, corporations, small business, residents and community groups to:

- a) Recognize achievements in the arts;
- b) Provide financial support for community programs;
- c) Contribute to scholarships for arts education;
- d) Contribute exhibit space;
- e) Establish a Civic Public Arts endowment fund for the long-term maintenance, preservation, conservation and acquisition of public works of art.

The Percent for Public Art program will cap funding for Public Art projects to a total value of \$250,000 per project. The allocation for public art will be identified in the project's initial capital budget and will be reported to City Council with the planned process for the inclusion of public art into the project. This will enable Council to direct on a project by project basis to determine which projects to enhance with a Public Art component and will give City Council the discretion as to the final funding amount.

#### **5.8 Acceptance of Gifts, Donations and Bequests**

The Public Art Policy directs the process for determining acceptance for all gifts, donations and bequests of public art work made to the City. These items may be in the form of an existing artwork or a proposal for an installation of public art on civic property, to be chosen through an objective art selection process.

Through the Public Art Policy, the guidelines and criteria for acceptance of gifts, donations, bequests, the placement of artwork, acceptance of time limited loans, the procedures of documentation and the authentication of proposed artwork to professional standards are all to be developed by City of Windsor cultural staff and PAAC, following museum practices.

Any official gifts received by the Mayor or Members of Council are deemed to be presented to the City of Windsor and become the property of the City of Windsor. If the gifts are considered artworks by City administration and/or PAAC they may be accessioned into the City's collection to be displayed as a public artwork.

City Administration in conjunction with PAAC will inform City Council on a regular basis of any donation, gift or bequest of artwork that is proposed for the City.

#### **5.9 Maintenance and Asset Management**

The City is responsible for maintaining its public art to a reasonable and safe standard. An Asset Management Plan for Public Art should be completed and regularly updated to represent a complete register of Public artworks for which the City has responsibility. The register will provide a conservation management plan that details the condition and maintenance requirements of each artwork.

#### **5.10 Deaccessioning of Artwork**

Any actions or set of procedures that result in the cessation by the City of its ownership and possession of the artwork is possible, provided that disposition of the artwork is not contrary to the terms on which the City received it.

Deaccession guidelines cover the relocation, removal, destruction or disposal of public artwork. Considerations for deaccessioning may include:

- a) Beyond restoration;
- b) Duplication with another work on public display;
- c) Copies, forgeries or reproductions;
- d) Irrelevance;
- e) Accidental loss (disappearance or theft)

#### **5.11 Commissioning Public Art**

Works of art may be commissioned by the City of Windsor for a specific situation from time to time. In this case sole sourcing may be considered as part of the regulations within the Purchasing By-law.

#### **5.12 Definitions:**

**“Accession”** is to make a formal record of an addition to a collection.

**“Acquisition”** is something that has recently been bought or obtained.

**“Artist”** is somebody who does something skilfully and creatively.

**“Bequest”** is something such as knowledge or a practice handed down to future generations; something left to somebody in a will.

**“Culture”** is people with shared beliefs/attitudes and practices which identify the particular place to which they belong.

**“Donation”** is a gift or contribution made to an organization or institution.

**“Deaccessioning”** is the procedure for the removal of an artwork from the public collection.

**“Endowment”** is an amount of income or property that has been provided to a person or institution.

**“Gift”** is something that is given to somebody.

**“Heritage”** is a country or area’s history, historical building, and sites that are considered to be of interest and value to present generations.

**“Inventory”** is a list of items, such as property, assets, or other resources.

**“PAAC”** is the Public Art Advisory Committee of the City of Windsor.

**“Preservation”** is the maintenance of something, especially something of historic value, in an unchanged condition.

**“Public Art”** is an original artwork installed permanently or temporarily in such a way as to permit viewing by the public indoors or outdoors. It is intended to be integrated as part of its environment and/or interactive with its surroundings and encompasses a wide expression that may extend beyond traditional forms.

**“Public Spaces”** are areas owned by the City of Windsor provided for the use of the community that may be frequented by the general public or visitors from time to time.

**“Purchase”** is the act of buying something using money or its equivalent.

**“Restoration”** is returning something to an earlier and usually better condition.

**“Temporary Public Art”** is an original artwork that lasts or is designed to last for a limited time.

**“Works of Art”** are objects of fine art of both a permanent or temporary nature, e.g. a painting or sculpture.

## **6. RECORDS, FORMS AND ATTACHMENTS**

- 6.1** The City of Windsor Cultural Staff will review and recommend revision of the Public Art Policy to Windsor City Council every four years in conjunction with the new term of Council, or as required.
- 6.2** The Public Art Works Application Form is attached.
- 6.3** The City of Windsor Code of Conduct and Code of Ethics/Conflict of Interest policies will apply.