

POLICY C103

Public Art

Approved by Council

Date: May 8, 2006

Motion: COU06-163

Department: Community Art Committee



1.0 POLICY

It is the policy of the Town of Banff that public art will be managed by the Community Art Committee. The Community Art Committee has determined its vision, mission, and mandate as follows:

Vision: To enrich Banff through public art.

Mission: The Town of Banff seeks to celebrate and expand the diverse and unique nature of Banff through public art. Through siting, acquiring, commissioning and facilitating arts for public spaces, we will create links between the cultural, human, and geographic aspects of Banff. We will provide opportunity for discovery, moments of reflection, dialogue, and engagement – enriching the quality of life for residents and visitors alike.

Mandate: The primary purpose of the Community Art Committee is to enhance the Banff town site with diverse art forms. To fulfill that objective, the committee is charged with setting goals and making plans that articulate the vision and mission, engaging the community, and implementing through an integrated process, policies, and procedures which identify and select new opportunities for public art.

2.0 PURPOSE

This policy clarifies the role of the Community Art Committee in the public art process from selection through to installation, and provides the guidelines and procedures to be followed for the acquisition of public art and effective project development.

The installation of public art throughout the Town declares to visitors and residents Banff's commitment to culture and identifies Banff as a healthy, vital, and proud community. Public art has the potential to:

- Document the past and provide a legacy for the future;
- Contribute to civic pride;
- Contribute to economic development and tourism;
- Enhance the commercial atmosphere of Banff;
- Provide creative opportunities and challenges for artists;
- Create and raise awareness of assets in the community;
- Involve residents in shaping the community;
- Stimulate private investment in cultural resources;
- Develop partnerships and collaborations among community members;
- Convey to the public the significant role the Town of Banff plays in developing public art in the community;
- Portray a positive image of the municipality;
- Improve visitor experience; and
- Improve quality of life.

Public art will also provide another means to realize the objectives of the Heritage Tourism Strategy, significantly contribute to downtown enhancement, and improve the visitor experience. Public art addresses the following goals of the Banff Community Plan:

- 3.2.3 Development Quality – by creating assets in the community.
- 3.2.7 Tourism and Economy – by enhancing the natural and cultural heritage to support tourism.
- 3.2.8 Transportation and Parking – by encouraging more pedestrian movement.
- 3.2.11 Community and Visitor Services – by adding to the aesthetics of Banff.

3.0 SCOPE

This policy establishes a framework to govern the conception, selection, commissioning, siting, installation, acquisition, maintenance, and conservation of all art located on lands within the Town's jurisdiction.

4.0 RESPONSIBILITIES

- 4.1 **The Community Art Committee:** As set out in the committee's Terms of Reference (attached as Appendix A)

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- 4.2 **The Community Art Committee Town of Banff Staff Liaison:** is responsible for providing administrative support to the Community Art Committee and facilitation between artists, contractors, Town of Banff staff, Council, and Community Art Committee members.

- 4.3 **Council:** Any public art installations upon or involving the use of public lands must have the prior approval of Council.

5.0 RELATED POLICIES

The Public Art Policy shall be consistent with the policies, bylaws, and regulations applicable to the Town of Banff, including but not limited to, the following:

- Banff Community Plan
- Town of Banff Heritage Resource Policy
- Town of Banff Street Pole Banner Policy
- Town of Banff Land Use Bylaw
- Town of Banff Street Use Bylaw
- Banff National Park Management Plan
- Town of Banff Model Class Screening / Canadian Environmental Assessment Act
- Town of Banff Purchasing Policy

6.0 DEFINITIONS

- 6.1 Public Art Program** refers to the entire process by which the Town of Banff Community Art Committee places art in public locations. This includes, but is not limited to: proposing locations, creating competitions, arranging commissions, fundraising, jurying, awarding, adjudicating, siting, installing, collecting, promoting, maintaining, inventory management, and relocating and decommissioning all works of art held within the Town of Banff's Public Art Collection.
- 6.2 Community** refers to the town of Banff proper. While the town of Banff is the primary community this committee seeks to serve, the wider community of the Bow Valley, Alberta, Canada, and the sensibilities of our international tourist market will be considered in realizing the goals of the Community Art Committee.
- 6.3 Art** is defined as any medium of artistic expression resulting from the human creative process. For the purposes of the Community Art Committee, art shall be of the highest quality at all times and shall also serve the criteria of this program.

7.0 PROCEDURES

7.1 General Procedures – Administration

a) **Funding Sources:**

Council will provide an annual allocation to the Public Art Capital Reserve. In addition, the Community Art Committee will use other sources of funding when available and appropriate, such as:

- Grants;
- Donations and gifts;
- Gifts-in-kind;
- Partnerships and co-sponsors; and
- New funding mechanisms created by Council.

b) **Budget:**

Council is responsible for approving the use of all capital budgets. If a public art project is under consideration, administration will make a submission in the Capital Budget Plan. In some circumstances, a project may be brought forward after the budgeting process, but only if funds are available in the Public Art Capital Reserve.

The budget for any public art project will include an allocation for administration for the art and all its related costs and maintenance. The maintenance allocation must be ten percent of the total budget for the project and will be set aside in the Recreation Operation Reserve. Unused amounts from this reserve may be factored into future projects, depending on the nature and scope of the project, and the likelihood of future maintenance concerns.

c) **Management of the Public Art Program:**

The management of the Town of Banff's public art program is the responsibility of the Community Art Committee.

d) **Dedication of Town Resources:**

To support the public art program, the Community Art Committee will collaborate and consult with other Town departments where different perspectives and skills are required, such as: Planning and Development; Community Services; Corporate Services; Engineering; and Operations. Depending on the nature and scope of the project, dedication of additional Town resources through the departments will vary.

e) **Staffing Requirements and Town Support Staff**

The Town of Banff will support the work of the Community Art Committee by providing staff resources as outlined in the committee's terms of reference.

f) **Public Engagement**

While the committee recognizes the importance of community-building, it acknowledges that the committee's first responsibility is public art. It is the desire of the committee to engage the community defined earlier in an active relationship with works of public art. Residents of Banff may be involved in the work of the Community Art Committee in a number of different capacities including participating in public art selection open houses; becoming a committee member; acting as a jury member in the art selection process; or planning and implementing events, celebrations, and unveilings.

g) **Communication**

The Community Art Committee will keep residents of Banff well informed of its initiatives and projects through the use of various forms of media, including press releases and other such announcements.

7.2 General Procedures – Public Art Projects

a) **Initiating Projects:**

The Community Art Committee is responsible for initiating public art projects, including developing an ongoing inventory that identifies key sites and types of projects, as well as encouraging private sector and other initiatives.

b) **Artwork Selection Criteria:**

The Community Art Committee encourages the consideration of challenging as well as traditional art forms in its public art program. The Committee will evaluate all public art pieces for its collection according to the following requirements:

- Relevance to the Town of Banff;
- Relevance to the Request For Proposal (RFP) or Call to Artists;
- Relevance to the Heritage Tourism Strategy;
- Quality of work;
- Uniqueness;
- Ability to withstand the weather conditions of this area;
- Ease of maintenance; and
- Ability to meet the conditions of the contractual agreements between the Town and the artist.

c) **Artist Selection Criteria:**

Artists shall be professionals having proven exhibition experience and sound creative History. A history of public work is preferred

d) **Site Selection Criteria:**

The Community Art Committee will work with Planning and Development, Engineering, Community Services, and other prospective project partners to identify the most appropriate location for public art. Before a site is selected, a number of different factors must be taken into consideration, including:

- Public accessibility to the artwork, visibility and potential for profile;
- Environmental impact;
- Traffic and pedestrians;
- Structural, electrical, and mechanical considerations;
- Maintenance;
- Budget;
- Project aesthetics;
- Potential to fulfill Town objectives, goals, and departmental initiatives;
- Public safety;
- Town employee safety;
- Potential theft or defamation; and
- Partnership potential.

e) **Methods of Art Selection:**

There are four different methods of selecting art for a public art project:

- Open Call – Invites any artist to submit a proposal for a public art project. A jury appointed by the Community Art Committee will adjudicate the selection process based on the appropriateness and quality of art for placement within the town;
- Limited/Invitational Call – Invites selected artists to submit proposals. A jury will be appointed by the Community Art Committee for the selection process;
- Direct Award/Commission – A specific artist is chosen by the Community Art Committee to develop a public art piece for an identified site; and
- Acquisition of an existing work as selected by the Community Art Committee.

f) **Selection Panels/Juries:**

In the case of the first two methods mentioned in the previous section, the Community Art Committee is responsible for appointing a jury which will adjudicate on the appropriateness and quality of art. A jury will be appointed for each project, made up of individuals with professional expertise, practicing artists, and members of the community. Jury size is determined by the scope of the project, but a five to seven member jury is generally desirable. Throughout the jury process minutes will be taken, records kept, and information will be clearly communicated. All information exchanged between the jury is strictly confidential until the announcement of a winner.

g) **Agreements/Contracts:**

The selected artist will enter into a written contract with the Town following the approval of the proposed project. Contracts over \$2,000 must be co-signed by the Manager of Corporate Services for the purchase of products or services. While other

agreements may be necessary, depending on the nature and scope of the project, the contract will include:

- Description of project;
- Work timeline and installation plans;
- Description and list of materials;
- Proof of artist insurance;
- Drawings as approved by a structural engineer;
- Liaison with and payment to sub-contractors;
- Payment schedules;
- Plaquing;
- A maintenance and conservation plan;
- Copyright;
- Reproduction rights;
- Property transfer;
- Property of the artist;
- Assignment of contract;
- Warranty; and
- Handling of disputes.

A general template will be used for drafting contracts between the Town and artists. However, additions and/or revisions to this contract will occur depending on the nature and scope of the project.

h) **Insurance:**

Public art on public land will be insured under the Town's property insurance, which covers the Town for all risks related to direct physical loss or damage to an art piece.

i) **Safety & Liability:**

For all projects, a safety audit and liability assessment will be undertaken in conjunction with a structural engineer and the Town of Banff Risk Management Coordinator, and will be based on project and environmental variables associated with each installation.

Artists participating in the selection process will work with the structural engineer to create an engineering drawing for the proposed art project. Once an art project has been selected and approved, the artist will submit an engineer stamped drawing. During various stages of installation, the engineer will be present to ensure that structural engineering standards for the project have been met.

The Community Art Committee will complete a final evaluation of all projects including, but not limited to, an evaluation of: project administration and related procedures, contracts, calls/invitations to artists, jury processes, installations, and openings.

Upon substantial completion, a final review of the installation by the Community Art Committee will be conducted. Subsequently, any outstanding conditions or aspects of the project found to be unsatisfactory or unsound will be addressed until the committee is satisfied with the state of the project.

j) **Periodic Policy Review:**

Upon completion of each public art project, the Community Art Committee will review this policy and recommend any necessary policy amendments. Council must approve any amendments to the public art policy before they come into effect.

7.3 General Procedures – Management

a) **Public Art Collection**

The Community Art Committee is responsible for the public art collection. This entails keeping clear and thorough records of each acquisition, ensuring the provision of routine care and maintenance, and addressing any related issues that may arise.

b) **Ownership, Rights, and Responsibilities**

As per federal legislation, copyright of an artistic work, including preliminary drawings, models, sketches, and work incidental to the production of the artwork will remain with the artist.

Reproductions of artwork may be used for public relations, marketing, and educational purposes. As per federal legislation, reproduction rights of an artistic work belong to the owner of the artwork. In most instances, the Town will be the sole owner of the artwork. In other instances, jointly owned works between the Town and artists require each party to inform the other of each new, one-time use of these rights and the purpose thereof. Other conditions of ownership must clearly grant reproduction rights to the Town of Banff. Failure to do so may void the Town's ability to collect the work.

c) **Materials and Warranty**

Materials will be supplied by the artist and will be indicated in the artist's proposal to the Town prior to the award of contract. A detailed maintenance plan will also be included in the artist's proposal.

The artist will provide to the Town warranties with respect to materials and workmanship. This will guarantee and maintain the work of art against all defects of materials or workmanship following installation and acquisition. The artwork will be the responsibility and at the risk of the artist up to and including the date of delivery of the artwork to the location designated by the Town.

Upon delivery, regardless of the stage of completion, the Town will assume responsibility for the artwork, and will keep and maintain insurance against all risks and file any necessary claims in the event of damage to or destruction of the artwork. The Town will accept responsibility for the site where artwork is to be installed, and will also be responsible for providing a storage area for materials and equipment during installation.

d) **Routine Care and Maintenance**

It is the responsibility of the Town of Banff to maintain all works of art, including periodic cleaning, routine site checks, conservation, and repair of damages in accordance with the artist's approved maintenance plan. An appropriate Town department may be responsible for the care and maintenance of public art pieces unless the Town has recommended to retain a more qualified contractor to undertake this task, or has deemed another body responsible.

e) **Plaquing**

Town of Banff public art installations must be clearly labelled with a standard Town of Banff plaque including the following information:

- Name of piece
- Name of artist
- Date of piece
- Credit line citing all parties involved in the acquisition of the work including grantors, partners, the Town of Banff, etc.
- One line description to create context for public (may be optional).

The plaque will be considered a requirement of the installation and will be included in the RFP process. The plaque will be the artist's responsibility but final approval (including text and design) rests with the Community Art Committee. All costs associated with plaques will be included in the overall budget for the project.

8.0 ATTACHMENTS

- 8.1 Appendix A – Community Art Committee Terms of Reference as attached to but not forming part of this policy.

Amended 2017.09.25 COU17-198

9.0 REVISION HISTORY

2006.05.08 Policy approved.
 2006.09.25 Policy Amended COU06-253
 2017.09.25 Policy amended COU17-198

This policy shall be in effect on the date it is approved by resolution of Council.

Approved on May 8, 2006 per Council motion COU06-163.

John Stutz
Mayor

Robert Earl
Town Manager

TOWN OF BANFF

Terms of Reference

Community Art Committee

1.0 COMPOSITION OF COMMITTEE

- 1.1 The Community Art Committee (the “Committee”) is comprised of seven (7) members, consisting of one (1) Councillor and six (6) members of the public eligible in accordance with the Town of Banff Committee Appointments Policy.
- 1.2 Committee members should include representatives from the Whyte Museum of the Canadian Rockies and the Banff Centre if possible, as well as the local art and business community. Council shall encourage representation from the tourism industry when appointing public members.
- 1.3 Members of the Committee will be appointed by Council directly in accordance with the Town of Banff Procedures Bylaw and Committee Appointments Policy.
- 1.4 The Committee shall elect a chairperson and a vice-chairperson from among their members at the first regular meeting following an annual organizational meeting of council.

2.0 STATEMENT OF PURPOSE

- 2.1 The purpose of the Committee shall be to advise the Town of Banff Council (the “Council”) on matters pertaining to public art.

3.0 DUTIES AND POWERS

- 3.1 The Committee is advisory in nature, making recommendations to Council by way of motion at a Committee Meeting and submitted to a subsequent council agenda for consideration by way of report.
- 3.2 The Committee shall:
 - (a) Create a public art policy that will:

- Establish processes and criteria for the selection, placement and maintenance of public art;
 - Identify funding mechanisms for public art, independent of capital budget funding;
 - Identify opportunities for community engagement, education, and enjoyment of public art; and,
 - Establish processes for gifts, donations, bequests and loans of artworks.
- (b) Plan and implement public art projects in accordance with the public art policy;
- (c) Develop private sector public art and public/private partnerships for public art;
- (d) Act in an advisory capacity to Council on matters pertaining to the purchase or acquisition of public art;
- (e) Review Town of Banff initiatives involving opportunities for public art;
- (f) Conduct its operations and meetings in accordance with the Town of Banff Procedural Bylaw and the Committee Appointments Policy; and,
- (g) Act in a manner respecting the Corporation of the Town of Banff, Banff National Park, the community, residents, and visitors.
- 3.3 The provisions of the Municipal Government Act regarding pecuniary interest shall apply to all members of the Committee.

4.0 MEETINGS

- 4.1 Regular meetings of the Committee will be set by resolution of the Committee.
- 4.2 Committee meetings shall be scheduled to occur a minimum of three times annually, based on the work requirements of the Committee. Other meetings may designated as working meeting.
- 4.3 Committee members are expected to attend all meetings; however, it is recognized that Committee members may be unable to attend some meetings due to conflicts with other commitments or unforeseen circumstances. It is important that the Chair be informed prior to any absences.
- 4.4 Where a committee member fails to attend 75% of the meetings of the Committee in a 12 month period, the Chair shall discuss the reason for the absences with the member and may ask the individual to resign, if the member has not discussed the reasons for the absences in advance with the Chair.

- 4.5 A member's record of attendance may be submitted to Council with respect to renewal of the Committee term.
- 4.6 All Committee meetings shall be open to the public, with items protected by the Freedom of Information and Protection of Privacy Act discussed in camera in accordance with usual procedures.
- 4.7 The Committee meeting is to comply with the requirements of the *Municipal Government Act*, as amended, and the Procedural Bylaw of the Town of Banff, as amended or repealed and replaced from time to time.

5.0 LIAISON

- 5.1 A representative from Planning and Development will act as the primary liaison between the committee and the Town of Banff administrative staff and will support the working activities of the Committee. Other administrative staff shall attend and/or provide information to the Committee as required by the chair.
- 5.2 The representative from the Planning and Development shall act as recording secretary and will facilitate communications between the Committee and Council through the distribution of meeting minutes and reports.
- 5.3 Planning and Development shall provide clerical support, including but not limited to, agenda package preparation, meeting scheduling, and meeting notification.

6.0 REVIEW

- 6.1 The Committee Terms of Reference shall be reviewed in the year preceding a general election to ensure that they reflect the current mandate of the Committee.