



Corporate Policy Manual

Policy Name: Public Art Policy	Policy Number: CP-2021-03
Adopted: February 17, 2021	Division/Department: Corporate Services – Culture and Tourism
Authority: Resolution 2021-37	Supersedes: N/A
Review by Date: February 2024	Last Modified: N/A

1. Purpose

This Policy provides a standard for the implementation of, and framework for the administration of, a Public Art Program. It will guide the administration, selection and maintenance processes of Public Art (as defined below) in the Town of Midland.

2. Policy Statement

The Town of Midland is dedicated to enhancing arts and culture as an integral part of the community and recognizes Public Art as a key contributor to enhancing and transforming the places where we live, work, learn and play into vibrant, inviting and meaningful public spaces.

Public Art enriches and connects a community by enhancing the area's unique identity and sense of place in a symbolic and/or creative way to reveal an aspect of the social, natural, physical, and/or historical context of the location.

Public Art is recognized nationally and internationally as a significant tool for building economic development and tourism through the creation of destinations for visitors and residents.

The Public Art Policy connects to the following Strategic and Corporate Plans:

- **Council's Strategic Priorities (2018-2020)**
 - **Economic and Community Development**
 - **Safe, Sustainable, Healthy Community**
- **Municipal Cultural Plan (March 2014)**

3. Definitions

For the purposes of this Policy:

- a) **“Council” means the Council of the Town of Midland**
- b) **“Town” means the Corporation of the Town of Midland**

- c) **“Public Art” means art of any media placed, installed or created in or on Town-owned buildings and spaces. Public Art may also include artworks located on private property for which the Town of Midland has an interest in working with the property owner for the preservation and maintenance of artwork.**
- d) **“Staff” means staff members employed by the Town of Midland. For the purposes of site selection and collections management specifically refer to the CAO, the Executive Director of Environment and Infrastructure or designate, the Manager of Planning and the Cultural Development Coordinator.**

4. Guiding Principles for Public Art

i. **Public Art is accessible to all**

Public Art is defined as art in any medium situated in a public space. Public Art are original works of art created for, or located in, public spaces and are accessible to the public at no cost. Public Art installations may include, but are not limited, to the following:

- Sculptures
- Murals
- Street Art
- Mosaics
- Two-dimensional Artworks
- Interactive Artworks
- Temporary Installations
- Community Art Projects
- Monuments*
- Water and Outdoor Garden Features*
- Street Furniture/Functional Art*
- Engineering or Architectural Features*

*these Public Art works must include a strong design component or integrated artistic feature.

ii. **Acquisition of Public Art will be open and professional**

Public Art may be acquired by the Town of Midland through a variety of means, including purchase or commission, donation, temporary loan or partnership. Art acquired through the Public Art Policy will become part of the Town’s Public Art Inventory.

Public Art proposals will be reviewed and selected based on:

- a) Community Relevance and Impact
 - Suitability for display in a public space

- Responds to or complements the installation location
 - Reflects the Town's heritage/history, culture, and/or natural elements and landscapes
 - Builds appreciation for Public Art
 - Be appropriate to the physical characteristics of the site
- b) Overall Quality and Authenticity
- Originality of design
 - Intrigues the viewers and stimulates the imagination
 - Artist/Artist Team reputation, demonstrated and related experience
- c) Installation, Maintenance & Conservation
- Town's ability to accommodate installation requirements
 - Town's ability to safely display, maintain and conserve work
 - Site around/near Public Art meets AODA (Accessibility for Ontarians with Disabilities Act) standards
 - Long-term maintenance cost
 - Longevity of the artwork
 - Environmental impact
- d) Submission
- Compliance with guidelines established in call for submissions
 - Quality of the approach/work plan and methodology
 - Ability to meet budgetary estimates and guidelines
- iii. **Public Art creates a more interesting, visually-rich community and cultivates community pride through illustrating or representing the history, heritage and/or landscape/land features of the Town of Midland.**
- Additionally, Public Art proposals for the Town of Midland must be inclusive and diverse and respect the rights of Indigenous people to own and control their heritage, including Indigenous images, designs, stories and other cultural expression.
- iv. **Quality art is acquired**
- The selection of quality art will be demonstrated through a commitment to excellence and craftsmanship, creativity, and innovation.
- Public Art projects will promote the recognition of artists as an important asset for a vibrant community and provide opportunities for emerging, mid-career and established professional artists.

- v. **Increase tourism and economic development by attracting visitors and potential investors, creating partnerships and employment opportunities, and increasing land values.**

5. **Town of Midland Staff**

Town of Midland staff are responsible for overseeing and implementing the Public Art Policy. Responsibilities include:

- a) Developing all procedural aspects related to the Policy.
- b) Developing a Public Art budget and submitting it via the capital and operating budget.
- c) Developing Calls for Public Art Proposals including the scope of the Public Art that the Town wishes to acquire, outlining aspects such as, but not limited to, theme, timeline, compensation, and location.
- d) Reviewing and selecting Public Art based on the project, Call for Proposal and Public Art Policy. Projects with a budget of \$5,000 or less will be reviewed and selected by the Cultural Development Coordinator. Projects with a budget of \$5,001 or more will be reviewed and selected by the CAO, the Executive Director of Environment and Infrastructure or designate, the Manager of Planning, the Cultural Development Coordinator, and the Mayor and Deputy Mayor as representatives of Council, or their designates as appointed by the Mayor. Staff may consult with other staff members or community partners/members based on the nature and theme of the Public Art proposal.
- e) Provide regular information reports to Council on selected Public Art and the Public Art Program, as well as regular reviews of the Public Art Policy.
- f) Liaising with selected artists/artist teams, overseeing installation and development of agreements in forms acceptable to the Town Solicitor.
- g) Developing promotional and marketing initiatives to communicate Public Art activities.

6. **Site Selection for Public Art**

Town of Midland staff will identify appropriate locations for the installation of Public Art in and/or on Town-owned buildings and spaces.

The strategic placement of Public Art in Midland shall complement current and future development and infrastructure projects.

Types of locations include:

- Municipal buildings
- Street Features (e.g. Gateways/entrances, roads, tunnels, bridges)
- Parks
- Trails

Sites for Public Art should:

- Be safe to the public, have optimum visibility and promote public interaction with Public Art
- Be publicly accessible and meet AODA standards
- Be relevant to the community and be respectful of landscape design and surrounding architecture
- Aim to be resistant to vandalism

7. Collections Management

The Town of Midland will acquire works of art that are unencumbered and that will result in the full transfer of ownership from the artist/artist team to the Town. The artist/artist team will seek to retain all or any copyright, moral and intellectual rights to the artwork.

The Town of Midland will maintain records relating to the selection, acquisition, deaccessioning, maintenance and conservation of all Public Art works. Staff will oversee the Public Art Inventory which will list all Public Art works as well as:

- Title of artwork
- Artist(s) name and biography
- Agreements (e.g. artist, partner, building owner)
- Location of artwork
- Maintenance plan
- Conservation activities and condition reports
- Photograph of the artwork
- Other applicable documents

The Town of Midland will be responsible for the care and maintenance of Public Art and will budget accordingly. Staff shall monitor the Public Art inventory for maintenance requirements and will undertake an inspection of the artwork according to a pre-determined five-year schedule. Specific inspections may take place within this five-year schedule if required. The Town may choose to retain a qualified professional to undertake the inspection, and subsequent conservation work, if deemed necessary.

Artists/artist teams may be required to submit a five-year maintenance and conservation plan with their proposal.

Maintenance of Public Art works is at the sole discretion of the Town with repairs or restorations being considered when the damage or deterioration does not meet the criteria to be deaccessioned.

Staff will consider artwork(s) for deaccessioning when appropriate or necessary. Deaccessioning will include permanently removing a piece of art from the Public Art Inventory and could include the relocation, removal, or disposal of an artwork provided that these actions are not in conflict with the terms under which the Town acquired the work.

Public Art may be deaccessioned under any of the following situations or as otherwise determined in the Town's sole opinion:

- Restoration is not feasible due to deterioration
- The art is no longer relevant to the Town's Public Art Inventory
- The art endangers public safety
- The art is too costly to insure or maintain
- The site is no longer accessible to the public and an alternative location cannot be found
- The art is discovered to have been stolen, or was offered to the Town using fraudulent means

Deaccessioned art may be moved, sold, or destroyed upon a motion approved unanimously by Council. Where possible, the artist or donor will be notified of the Town of Midland's decisions regarding deaccessioning.

In the event of a sale, all funds received from the sale of the artworks will be placed in a Public Art Reserve Fund for future acquisitions or conservation projects only.

8. **Agreements**

The artist/artist team will enter into a written agreement with the Town of Midland following the approval of the acquisition of the Public Artwork. All agreements will be in a form satisfactory to the Town Solicitor and will be approved and signed by the Town Clerk. This agreement will address the artist's obligations, which will include, but are not limited to:

- Materials and drawings/plans
- Ownership and copyright
- Timelines and installation
- Maintenance and conservation plans, warranty
- Payment to artist and sub-contractors
- Insurance

9. **Installation**

The artist is responsible for the safe, environmentally sustainable and proper installation of artworks that the Town of Midland acquires. The Town shall, however, and when feasible, assist and accommodate installations. All acquired works will be condition-reported upon receipt and any problems found will be referred to the artist for resolution.

The installation of Public Art, for which the artist is responsible, shall:

- Involve consultation with all appropriate Town departments
- Ensure all legal, permitting and other requirements for all applicable levels of government are met at the artist's expense
- Consider the technical requirements of the work and site
- Analyze all associated cost factors (e.g. road and sidewalk closures)

Where possible, plaques with the title of the artwork, artist name, date and other information will be installed to accompany the Public Artwork. The text on these plaques may appear in English, French, Anishinaabe, Ojibway, Huron-Wendat, Michif, and/or Braille.

10. Funding

The funding necessary to support the design and commission, acquisition, site preparation and installation, and inspection, evaluation and maintenance of Public Art under this Policy shall be subject to Town Council approval annually as part of the annual budget process.

11. Insurance

The Town of Midland will provide appropriate insurance coverage for Public Artworks owned by the Town.

The Artist must provide proof of insurance coverage in accordance with the agreement, including protection against all risks of physical loss or damage to the artwork until final installation, with the Town of Midland listed as an additional insured.

The Artist must provide an external appraisal of the artwork to the Town of Midland for insurance purposes.

12. Marketing and public relations

Town staff will be responsible for ensuring that the community is aware of any Public Art initiatives and developing any educational and promotional initiatives which help the public to understand, appreciate and celebrate Public Art.

13. Private properties

Private landowners are encouraged to participate in the Public Art process and to incorporate Public Art in the development of their property. Town staff will endeavour to work with external partners and property owners to include the integration of Public Artworks on their properties.

Public Art located on these properties may be encompassed in the policy.

14. Monitoring and Evaluation

Staff will regularly monitor and evaluate the effectiveness of the Public Art Policy, with reviews to be conducted at least every three years.