

City of Richmond

Public Art Program Administrative Procedures Manual

A companion document to the Public Art Program
Policy (8703) adopted by Council on July 27, 2010.

**Consolidated and Updated
January 4, 2018**

Public Art Program Administrative Procedures Manual

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The Public Art Program Administrative Procedures Manual supplements the Public Art Program Policy and the Richmond Public Art Advisory Committee Terms of Reference.

Note: The RPAAC Terms of Reference are a separate document from the Public Art Program Policy (8703), and were adopted by Council on July 27, 2010.

1. Public Art Process

1.1 Overview

- 1.1.1 These guidelines are intended to assist staff, developers, **art consultants**, **artists**, landscape architects and other interested stakeholders in the planning, selection and siting of public art in the City of Richmond.
- 1.1.2 These guidelines are founded on the conviction that the acquisition of public art, like the City's long-term investment in capital works and social development, is contingent on the involvement of professional advice and community representation.
- 1.1.3 It is intended that proponents discuss Public Art Program objectives and requirements with City staff prior to, and during the course of, project identification and/or the development application process (i.e. rezoning, Development Permit, etc.), in order to determine the preferred strategy for achieving a site-specific public artwork.
- 1.1.4 The **Richmond Public Art Advisory Committee (RPAAC)** provides informed comment to City Council through staff on the implementation of the Public Art Program's civic, private, community and donation programs.
- 1.1.5 For the purposes of this document, the project lead for either civic, community, donation or private development projects shall be referred to as 'the proponent'.

1.2 Project Assessment

- 1.2.1 The Public Art Program encourages the creation of work of the highest standards, that is deemed relevant to the community, and that allows the public to be inspired, make connections and understand relationships among the works in the collection and the community.
- 1.2.2 City staff assess each project for budget, schedule, method of **artist** selection.
- 1.2.3 **RPAAC** reviews and comments on all public art plans with respect to the proposed method of artist participation, terms of reference for artist and site selection, budget allocations, and the public consultation or participation process.
- 1.2.4 If the project allows, the proponent might consider including a mentor or workshop program for the benefit of other artists or community participants.

1.3 Art Consultant

- 1.3.1 City staff will identify and advise when a project may require an **art consultant** to facilitate the public art process. For large-scale projects, hiring an experienced **art consultant** is the best assurance of implementing a successful public art plan.
- 1.3.2 The **art consultant** may be responsible for aspects of the public art process or may be engaged to advise on some phases only (e.g. public art plan preparation, selection process management, artwork installation management, legal and technical aspects, artists' copyright, and etc.).
- 1.3.3 The **art consultant** is an independent agent who facilitates the plan, acts as the agent for the proponent and advocates for the artist(s) to achieve the successful integration of the artwork within the surrounding urban fabric.

1.4 Conflict of Interest

- 1.4.1 Any participant in the City's public art processes, including staff, members of **RPAAC** and their advisors or representatives, must declare any direct or indirect benefit to themselves, or their respective employers, partners, families or associates, which may arise from the City's acquisition

or de-accession of any public artwork or related activities, and will be required to remove themselves from such processes.

2. Public Art Plan

2.1 General

2.1.1 The public art plan should itemize and address the policies and guidelines of the Richmond Public Art Program (Policy 8703) and its stated program goals and objectives and should contain, but not necessarily limit itself to, the following sections:

2.2 Implementation

2.2.1 The public art plan should be drafted at the earliest possible stage to create a well-balanced plan, which can be successfully integrated with the timing of the overall civic, community or private development project. Single and multi-phased developments can offer a variety of artwork sites and opportunities if planned well in advance.

2.2.2 The public art plan shall include a projected schedule for implementation.

2.3 Public Art Opportunities and Site Potential

2.3.1 “Site-specific” opportunities identified should evoke some aspect of the historical, social, political or physical context of the site through public art.

2.3.2 If the project is large enough or multi-phased, the plan should include a balance of different types of public art opportunities.

2.3.3 See *Section 3 Site Considerations* for further details.

2.4 Estimated Budget

2.4.1 For private development projects, the proponent will initially estimate the budget at the rezoning or development permit stage.

2.4.2 If an artist is asked to address functional features, such as a fountain, façade, or windscreens, the art budget is the “upgrade” to the existing costs of the feature.

2.4.3 If located on private property, continued maintenance of the artwork will be the responsibility of the proponent and subsequent owners. The City shall provide a maintenance operating budget if the ownership of the artwork and the property where the artwork is located is transferred to the City.

2.4.4 Once the budget is implemented, the proponent must document all invoices and cheques issued so that a complete record exists when, at the completion of the project, the City is required to review all expenditures of the public art project.

2.4.5 See the Civic, Community or Private Developer Program sections for further details on Budgets and Financial Procedures.

2.5 Method of Artist Selection

2.5.1 See *Section 4 Selection Process* for further details.

2.6 Public Art Panel Composition

2.6.1 See *Section 4.4 Public Art Panels* for further details.

2.7 Public Relations

- 2.7.1 Public relations focuses on educational and promotional initiatives and may include such features as display material, signage and interpretive displays to help understand, appreciate and celebrate art in the public realm.

2.8 Preliminary Public Art Plan

- 2.8.1 To allow for early feedback on the proposed Public Art Plan, it is recommended that the proponent prepare a Preliminary Public Art Plan for review by staff and **RPAAC**.
- 2.8.2 The Preliminary Public Art Plan consists of a two to three page proposal identifying the estimated budget, public art opportunities, time-line for artist participation, and terms of reference for site and artist selection.
- 2.8.3 A *Public Art Plan Guide and Checklist* is available to assist Private Developers in the preparation and submission of the Public Art Plan.

2.9 Detailed Public Art Plan

- 2.9.1 The detailed Public Art Plan describes the selected public art site(s) and concept; artist(s) qualifications; budget allocations; schedule for design, construction, installation, and documentation; public participation proposed; progress reports; anticipated needs for property dedication or encroachment; and a proposed maintenance plan.
- 2.9.2 Staff will present the detailed Public Art Plan to the **RPAAC** for review and comments.
- 2.9.3 For Private Development projects, a summary of **RPAAC**'s review and recommendations will be included in the development application staff report (e.g. rezoning and/or development permit application) for approval by City Council. (See *Section 12 Public Art Process* for process details.)
- 2.9.4 For Private Development projects, fulfillment of the terms of the Public Art Plan is secured by the legal agreement agreed to by the proponent and the City.

2.10 Presentation of Private Development Public Art Plans to the Richmond Public Art Advisory Committee

- 2.10.1 Richmond Public Art Advisory Committee (RPAAC) meetings are held monthly throughout the year. The meetings are normally held on the third Tuesday of the month at 7:00pm in the Room M.1.002, 1st Floor, City Hall, 6911 No. 3 Road. Public attendance is permitted; however, the public may not address the committee.
- 2.10.2 The **RPAAC** meetings are conducted by the elected Chairperson in the following manner:
- a) For the presentation of Public Art Plans for private development projects, the applicant is normally represented by a Public Art Consultant retained by the applicant. For exceptional instances (generally smaller projects) the City Public Art Program will manage the preparation of the Public Art Plan and selection process.
 - b) The private development Public Art Consultant shall submit the materials for presentation to the Public Art Planner for distribution to the **RPAAC** a minimum of ten (10) days prior to the scheduled meeting. Electronic submittals are encouraged.
 - c) The presentation materials are distributed to **RPAAC** seven (7) days prior to the **RPAAC** meeting.
 - d) Public Art Plans are to include information on the public art opportunities and site potential; themes, parameters, and constraints; estimated budget; method of artist selection; potential artists (i.e., experience, media, residency); selection panel composition; implementation plan (phases, schedule); and public relations program.

- e) The Public Art Planner introduces the project to **RPAAC** (referring to its location, context, background, scope and response to established policies and guidelines).
- f) Artists should not be part of the presentation team. Selection of the artist occurs at a later stage through an independent, arm's length selection panel process.
- g) The applicant has the option to make a brief presentation (ten minutes maximum) to provide highlights and clarify any aspects of the Plan to **RPAAC**. **RPAAC** will have received the Public Art Plan for review prior to the meeting.
- h) **RPAAC** members review the project material and provide comments and observations.
- i) The Chairperson summarizes the comments of **RPAAC**.
- j) **RPAAC** then votes for either "Support", "Non-Support" or "Deferral".
- k) Detailed minutes of the meeting are distributed to the applicant and all relevant City staff and approving authorities.

3. Site Considerations

- 3.1.1 Artwork must be located in areas offering the public a free and unobstructed experience of the artwork, with preference given to areas providing the greatest opportunities for interaction and accessibility.
- 3.1.2 Locations designated for the installation (current or future) of public art projects should meet the following criteria:
 - a) Visibility for pedestrians and/or motorists (including public transit);
 - b) Proximity to recognized pedestrian routes and high pedestrian activity areas (e.g. active retail areas), transit stops (especially those serving high ridership routes), places of public gathering, public open spaces; and
 - c) Opportunities to expand on existing or future public **artworks** as part of an existing or proposed multi-**artwork** concept.
- 3.1.3 Given these criteria, indoor areas are usually unsuitable, but if sited indoors, the artwork must offer the general public a free and uninhibited experience during normal business hours.
- 3.1.4 Places of special heritage, community or environmental significance may be considered for locating public art.
- 3.1.5 The designation of public art siting locations (as required for current and/or future installations) should be indicated on the appropriate document (e.g. Development Permit and Building Permit drawings) to the satisfaction of City staff, with regard to urban design and technical considerations (e.g. utilities, pedestrian and vehicle safety, maintenance access).

4. Selection Process

4.1 Overview

- 4.1.1 The Richmond Public Art Program seeks to ensure a fair, informed and competitive artist selection process.
- 4.1.2 Depending on the site opportunities and overall budget, local, national and international artists may be considered for a public art project.
- 4.1.3 Acquisition of artworks and the selection and commissioning of artists and artists' proposals, including gifts of artwork are generally directed through a panel process.

- 4.1.4 The panel's role is to select the best artist and/or artwork that meets the public art project's design parameters, theme and location conditions, as outlined in the public art plan terms of reference.
- 4.1.5 All panel recommendations and findings are reported to **RPAAC**.
- 4.1.6 The process undertaken by the panel must ensure artists and artworks are selected on their own merit by a process informed by expertise and community awareness, free of personal bias or influence.
- 4.1.7 Anyone employed by the proponent or involved in the project development team (e.g. architect, landscape architect, engineer) should not apply to be the artist of the artwork.
- 4.1.8 Staff may designate some projects as suitable for artists new to public art.

4.2 Forms of Artist Selection

- 4.2.1 **Request for Qualifications (RFQ)** – A call to artists to submit their credentials and qualifications to be considered for a public art project.
- 4.2.2 **Request for Proposals (RFP)** - An artist call soliciting a concept proposal for a public art project.

4.3 Types of Artist Call

- 4.3.1 **Open Call** – A widely publicized **RFQ** or **RFP** with no specific recipient list.
- 4.3.2 **Invitational Call** – An **RFQ** or **RFP** with a predetermined recipient list of specific and qualified artists.
- 4.3.3 **Direct Selection** - After consulting with curators and/or other art and design professionals, an invitation to submit a project proposal is issued to a specific artist or artist team.
- 4.3.4 Depending on the site opportunities and the budget allocation, artists may be selected through an invitational competition, an open competition or a direct commission.
- 4.3.5 Calls are assessed thoroughly to provide unique public art opportunities. The parameters outlined in the call ensure that the public art collection remains diverse with regards to artistic mediums, disciplines and methods, and a varied group of artists are engaged.

4.4 Public Art Panels

- 4.4.1 Each public art panel is unique with its own objectives and terms of reference. While there are many different types of panel, the majority of Richmond Public Art Panels are one of two types: Selection Panels and Review Panels
- 4.4.2 Selection Panel: The panel reviews multiple submissions (dependent on the form of the call) and recommends one artist or a shortlist of artists.
- 4.4.3 Review Panel: The panel reviews a single submission to ensure that it meets with the goals and objectives of the public art program and the terms of reference specific to the project or opportunity. This panel also reviews the method in which the submission was chosen to ensure that it meets with the goals and objectives of the public art program.
- 4.4.4 Public Art Panels may take curatorial considerations into account and assess the public art collection as a whole when making recommendations on new public art projects.

4.5 Panel Composition

- 4.5.1 Panels include artists, art professionals and design professionals (i.e. architects, landscape architects, engineers, urban designers, and planners).

- 4.5.2 The composition of a public art panel must have a majority of its members with professional art experience.
- 4.5.3 The panel process may provide for neighbourhood input or representation, and panels should reflect community diversity.
- 4.5.4 In community and private development projects, the proponent has the right to appoint a representative to the panel.
- 4.5.5 Art dealers are usually not allowed to participate on selection panels due to potential conflict of interest.
- 4.5.6 A panel will be comprised of no less than three and usually no more than five panel members.
- 4.5.7 Staff will maintain a list of candidates for panels, with input and periodic review by **RPAAC**.
- 4.5.8 Non-voting advisors may be included as needed to supply technical information or community advice. Typical panel advisors might be: community residents, project staff, and technical staff.
- 4.5.9 An appointed panel shall not include any person from **RPAAC**, City of Richmond staff, or City Council; nor their respective partners, employees or families of the aforementioned.
- 4.5.10 **RPAAC** members may attend panel meetings as observers. Meetings are scheduled at the convenience of panellists and proponents.
- 4.5.11 Panel composition and panel terms of reference for each panel will be set prior to commencement of the project or as early in the project development stage as possible, by the public **art consultant** or the City's project staff team. **RPAAC** will review the terms of reference.
- 4.5.12 Panellists and/or others consulted or asked to provide an evaluation of the proposals or artists' qualifications will be paid an honorarium (ranging from \$100 to \$300 per panellist).

4.6 Selection Criteria

- 4.6.1 Artists and artists' proposals will be selected for recommendation to staff by the panel's majority vote on the basis of:
 - a) Artist's qualifications and proven capability to produce work of the highest quality;
 - b) Artist's capacity to work in demanding environments with communities and other design professionals, where applicable;
 - c) Appropriateness of the proposal to the project terms of reference and Public Art Program goals;
 - d) Artistic merit of the proposal;
 - e) Degree to which the proposal is site and community responsive, and technically feasible;
 - f) Probability of successful completion; and
 - g) Environmental sustainability of the proposed **artwork**.
- 4.6.2 A panel may determine that none of the submissions fulfill the project criteria. In this case, the selection process may be re-opened.
- 4.6.3 Artists that are currently under contract with the City in a **public art** project, are ineligible for other projects until the current contract is deemed complete. City staff, in exceptional cases, may waive this condition for an artist.

4.7 Technical Review

- 4.7.1 City staff will act as a resource to various panels, providing technical review and an analysis of proposed materials, construction, scale, costs, durability, public access, environmental

sustainability and safety, as they relate to the ability of the City or development proponent to maintain and accommodate the proposed artworks.

- 4.7.2 The proponent, in conjunction with participating City departments, will ensure all recommended proposals are reviewed prior to final selection for safety and liability, compliance with City by-laws and requirements, technical feasibility, environmental impact, cost, maintenance and other aspects as needed. Final selection will not be made or announced until any question on these issues is resolved.

5. Art Documentation

- 5.1.1 An Art Record Form must accompany all completed artworks. This form is used for the proper curatorial gathering of data relating to the artwork. The data gathered includes (but is not limited to):

- a) Name of **artwork**;
- b) Name and biographical details of the **artist(s)** including place of birth;
- c) Contact mailing and email address, phone number and website;
- d) Specifications of the **artwork** including medium, method of construction and installation, and dimensions;
- e) **Artist** description of the work;
- f) **Artist** statement including how the **artwork** relates to its environment, and/or area history, and/or community as applicable;

- 5.1.2 The Art Record Form should also be accompanied by six high quality, high-resolution electronic images (minimum 700 dpi) showing the artwork close-up, details, and in context.

- 5.1.3 Other related materials as necessary may also be required to reveal the artwork and/or artist intentions (e.g. film, video clips, book works, etc.).

- 5.1.4 A copy of the artist's maintenance plan, including method, materials and frequency of inspections or maintenance and person or organization responsible for maintenance and long term conservation

5.2 Condition Inspections

- 5.2.1 On occasion, condition inspections will be carried out and recorded.

5.3 Photography of the Collection

- 5.3.1 On occasion, updated professional photos of the public art collection (in part or in whole) will be obtained.

5.4 Public Accessibility to Database

- 5.4.1 The City's public art database shall be updated regularly and remain accessible to the public through the City's website.

6. Civic Program

6.1 Civic Financial Procedures

- 6.1.1 City departments will identify and pro-rate 1% of construction funds allocated to the capital project budgets identified in the Annual Capital Project Budget for public art. Only construction costs will be used in the calculation of the public art budget.

- 6.1.2 City departments will transfer the approved public art allocation funds, as agreed in consultation between the department and Public Art Program staff, to a City Projects Account for the development of public art projects.

6.2 Project Identification Procedures

- 6.2.1 An interdepartmental City staff team will identify priority locations and projects for public art.
- 6.2.2 City Council approval is required on public art plans for the Civic Public Art Program.

7. Donations Program

7.1 Project Identification

- 7.1.1 The City will consider gifts of artwork for placement at City-owned sites on the following basis:
 - a) That the donation contribute to and enhance the City's **public art** collection
 - b) That the donation meet a high standard and is appropriate and meaningful to the community
 - c) That the donation follows the procedure for reviewing proposed **gifts of artworks** to the City intended for placement in public places under the City's jurisdiction
 - d) That the donation is made with the understanding that no City funds will be required for production, siting, installation or ongoing maintenance of the work without prior approval of City Council.
- 7.1.2 The City will not accept a gift of artwork until all funds for its development and siting have been secured.
- 7.1.3 The City will consider the following types of donation proposals for artworks intended for placement at a public site under the City's jurisdiction:
 - a) An already completed work of art.
 - b) A commissioned **artwork** by a specific **artist** or **artists**.
 - c) A commissioned **artwork** by means of a public competition, as described in the Public Art Program.
- 7.1.4 Donations of creative or innovative public art projects are welcomed and encouraged. (For example: provision of a site and/or an endowment for an **artist** residency, public art symposium, a changing exhibition of public art, sculpture garden, etc.)

7.2 Gifts of State

- 7.2.1 The guidelines contained here in Section 7 do not apply to gifts of state (e.g. gifts from Sister Cities or visiting dignitaries) unless requested by the Office of the Mayor or the Chief Administrative Officer.

7.3 Role of Sponsor

- 7.3.1 A donation of artwork must have a **sponsor** or co-sponsors, who will present the proposal.
- 7.3.2 The **sponsor's** principle role is to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation, and maintenance.
- 7.3.3 Community groups or corporations can act as a **sponsor**, provided that they are capable of demonstrating community support for the proposal.
- 7.3.4 Demonstrating community support reinforces the public nature of the proposal.

7.4 Donation Proposal

- 7.4.1 All offers of artwork proposed for sites under City jurisdiction must be made in writing and submitted to the Public Art Program.
- 7.4.2 The **sponsor** will be asked to submit a detailed proposal for consideration. The proposal must contain:
- h) A rationale for the intent and purpose of the proposed **gift**;
 - i) A brief statement about the proposed **artwork** and theme from the **artist**;
 - j) A project time line;
 - k) Project ownership, transfer to the City and stakeholder responsibilities;
 - l) A site plan showing the installation of the work in relation to the site;
 - m) Visual presentation of the work on the proposed site(s), including drawings, photographs and models of the proposed work with scale and materials indicated;
 - n) A detailed budget, with projected costs for the project, including: materials, installation, documentation, construction, maintenance, insurance, etc.;
 - o) Funds committed to date and proposed source(s) of funds;
 - p) Anticipated maintenance for the **artwork**;
 - q) Artist's resume and any additional supporting material; and
 - r) All other program criteria should be addressed in the proposal.

7.5 Donation Review Process

- 7.5.1 All proposals for gifts of artwork must follow a three-stage review process:
- a) Review by City staff and **RPAAC**
 - b) An independent assessment and review by a **public art** review panel. See *Section 4.4 Public Art Panels* for further details.
 - c) Recommendations and findings from the **public art** review panel will be presented to **RPAAC** for review and recommendations, followed by a report to City Council for approval.
- 7.5.2 If, at any stage, the City decides against accepting the proposal, City staff will notify and provide a rationale to the **sponsor** and the **artist**.

7.6 Donation Review Criteria

- 7.6.1 All stages of the Donation Review Process will be based on, but not limited to, the following criteria:
- 7.6.2 **City Sites:** Gifted public artwork must be located on sites under the City's jurisdiction (e.g. City-owned, City-managed). See *Section 3 Site Considerations* for further details.
- 7.6.3 **Theme:** A stated theme of the artwork, which is consistent with the goals, objectives and mandate of the City and the Richmond Public Art Program (*and/or other relevant City plans*), must be identified.
- 7.6.4 **Relevance:** Works of art must be appropriate for the proposed site and its surroundings, and/or complement surrounding architecture, topography, history and the social dynamic of the particular community in which the art will be placed.
- 7.6.5 **Artistic Excellence:**
- a) The work of art shall merit placement in a City public place.

- b) The **artist** demonstrates the ability and potential to execute the proposed **artwork**, based on previous artistic achievement and experience.
 - c) In the case of a donation of an existing work of art, the quality of the work(s) must be supported by documentation from an independent professional evaluator.
 - d) The **artwork** must enhance the City's **public art** collection.
- 7.6.6 **Physical Durability:** The artwork will be assessed for long-term durability against theft, vandalism, and weather of the artwork.
- 7.6.7 **Public Safety:** The artwork will be assessed for any public safety concerns.
- 7.6.8 **Environmental Sustainability:** Consideration will be given to the environmental impact and sustainability of the proposed artwork.
- 7.6.9 **Legal:** Consideration will be given to the proposed terms of donation, legal title, copyright authenticity, **artist** right to reproduce, liability and other issues as deemed appropriate.
- 7.6.10 Other considerations may include (but are not limited to): sponsorship, acquisition terms and procedures, and ability to de-accession, if required
- 7.6.11 See *Section 4.6 Selection Criteria* for further details.

7.7 Acceptance and Registration of the Artwork

- 7.7.1 If the proposal is accepted by City Council, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the **sponsor**, the **artist** and outside contractors, where applicable). The agreement will address project funding, insurance, siting, maintenance, project supervision, vandalism, the right of removal or transfer, public safety and other issues as necessary.
- 7.7.2 The City will be the owner of the artwork and reserves the right to move or alter the work to meet public safety or other City concerns. Any such change will be made in consultation with the **artist** and **sponsor**.
- 7.7.3 The completed and installed artwork will be registered in the City's Public Art Inventory together with all accompanying documentation. See *Section 5 Art Documentation* for further details.

8. Private Development Program

- 8.1.1 The City will advise developers who are applying for development approval if they meet the criteria to participate in the Private Development Public Art Program.
- 8.1.2 Public Art Program staff will meet with developers to discuss the public art project details and procedures. Developers will then advise staff of the option which they have selected. The developer and City staff will agree upon one of the public art options (below) and a contribution amount.

8.2 Calculation Method for Private Sector Public Art Contributions

- 8.2.1 To achieve the 0.5% Flat Rate Policy objective, the following table provides a guideline for the public art contribution. Contributions are based on maximum developable floor area (FAR) and categorized by building type.

**Recommended Public Art Contributions by Building Type
Effective January 1, 2018**

Building Type	Recommended Public Art Contribution (\$/sq. ft.)
Residential (all construction types)	\$0.85
Commercial, Office	\$0.45
Industrial, Light Industrial	\$0.24

Rates to be adjusted annually based on Consumer Price Index

8.2.2 Eligible items for private sector public art budgets include:

- a) Preparation of a **public art** plan;
- b) **Public art consultant** and **artist** selection process administration fees;
- c) **Artist**, engineering and consultant fees;
- d) Legal and insurance fees;
- e) All costs for materials, fabrication, transport and installation for the **artwork**;
- f) A public relations program; and
- g) Documentation costs.

8.2.3 Ineligible items for private sector public art budgets include:

- a) Maintenance costs for **artwork(s)** situated on private property;
- b) **Artworks** acquired outside Public Art Program process and administrative procedures; and
- c) Costs not directly related to selecting, designing, fabricating, or installing **artwork**, such as related landscape, structural, lighting, and architectural design and construction.

8.2.4 It is encouraged that for projects with public art budgets of less than \$40,000, a monetary contribution be made to the City's Public Art Statutory Reserve Fund (**Option 1**).

This approach enables the City to pool contributions from developers for **public art**. In this way, the benefits of these contributions are maximized and administration costs are reduced.

8.3 Private Development Public Art Options

8.3.1 Option 1 – Cash Contribution to the Public Art Statutory Reserve Fund

- a) Proponent designates the full contribution to the City's Public Art Statutory Reserve.
- b) A cash contribution for **public art** is provided to the City before a development or building permit is issued.

8.3.2 Option 2 - Proponent Manages the Public Art Selection Process

- a) A **public art consultant** is retained by the proponent to work with the development team and the City to manage the **public art** selection process.

8.3.3 Option 3 - City Manages the Public Art Selection Process

- a) The City manages the **public art** selection process using funds provided by the proponent.

- b) This option allows proponents to dedicate funds to the creation of **public art** and to minimize their administration involvement and costs.

8.3.4 **Option 4 - A Combination Approach**

- a) A combination of designating a portion of the contribution to the City's Public Art Statutory Reserve and a portion to development of a **public art** project or projects. In essence, combining Option 1 with either Option 2 or Option 3.

8.4 **Contribution Allocation**

8.4.1 **Options 1 & 3:**

- a) A minimum of 85% of the **public art** contribution will be allocated to the creation of **artwork**;
- b) A maximum of 15% of the **public art** contribution will be dedicated to the City's **Public Art Program Operating Provision** to support and sustain the management, administration and promotion of the Public Art Program.

8.4.2 **Option 2**

- a) A minimum of 85% of the **public art** contribution will be allocated to the creation of the **artwork**;
- b) An amount equal to 5% of the **public art** contribution will be dedicated to the City's **Public Art Program Operating Provision** to support and sustain the management, administration and promotion of the Public Art Program;
- c) A maximum of 10% of the contribution amount will be directed towards consultant fees.

8.5 **Timing of Contribution**

- 8.5.1 Proponents will be notified of the public art program contribution details at the earliest possible time in the development review process (e.g. at the rezoning, development permit, or subdivision stage);
- 8.5.2 The City will secure the proponent's public art contribution prior to the Rezoning Adoption and/or Development Permit Issuance.
- 8.5.3 During the Rezoning/Development Permit review, City staff will confirm whether a public art contribution has been made with the application.
- 8.5.4 For multi-phase developments, legal agreements, including no-build covenants on land title, may be required to secure future contributions.
- 8.5.5 Where a contribution has been agreed upon, but has not yet been made, the outstanding contribution will be regarded as a condition of the issuance of the Rezoning or Development Permit.

8.6 **Approval Phase**

- 8.6.1 The Planning & Development Department will include the selected public art option in its final rezoning or development permit report to Planning Committee, Development Permit Panel, and City Council, as appropriate.
- 8.6.2 City Council approves the public art contribution.

8.7 **Implementation Phase**

8.7.1 **Payment/Security**

- a) Option 1: developers make their contribution to the City's Public Art Reserve, with the administration portion deposited to the City's Public Art Provision.

- b) Option 2: the administration portion is deposited to the City's Public Art Provision and a letter of credit or cheque is provided to the City, before a development permit or building permit is issued, whichever takes place first. The letter of credit is secured in the amount of the **public art** budget.
- c) Options 3: developers make their contributions for **public art** to the City's **Public Art Reserve Fund** before a development permit or building permit is issued, whichever takes place first. The City, with the City Public Art Planner named as the Administrator of the funds, administers the public art project budget on behalf of the developer, releasing funds as agreed in a contract between the developer and **artist**.
- d) Letters of credit are released back to the developer upon the satisfaction of the City that the **public art** has been completed, including transfer of title to the City or Strata and all accounts paid.

8.8 Implementing the Public Art Plan – Timeline

8.8.1 Generally speaking, the average public project takes:

- a) A minimum of three months to select the **artist** and/or **artwork**; and
- b) A minimum of six months to fabricate and install the **artwork**.

8.9 Further Developer Procedural Guidelines

8.9.1 All contracts are negotiated between the proponent and the **artists** involved, and should consider best practices for terms of service, insurance, copyright, warranties and acceptance of transfer of title.

8.9.2 **Artists** and developers are advised to seek independent legal counsel.

8.9.3 The **artist**, developer and City jointly agree on the public art project completion date and final transfer of ownership.

8.9.4 **Acceptance:** the **artist**, developer and City jointly accept the built public art.

8.9.5 **Public Relations:** Developers recognize that public art can enhance their corporate image by better relating their new development to the community as a whole. As a result, public relations are an important component of a public art project and may include: news releases, newspaper articles, opportunities for public comment, media events, official openings, City brochures, maps and guides and public tours.

8.9.6 **Accessibility and Maintenance:** it will be the responsibility of the proponent to ensure that the artwork is accessible and functioning at times when the public has access to the site or artwork. For example, in open spaces, a fountain should be operating in the evenings and on weekends for the benefit of the public.

The proponent is responsible for transferring the duties of accessibility and maintenance to the subsequent owners of the development.

9. Community Program

9.1.1 The Community Program will include artist-initiated and community-initiated project proposals.

9.1.2 Artist-initiated projects must serve a community within Richmond.

9.1.3 Community-initiated projects will generally be considered once a year and follow the procedures described below:

9.2 Program Applicants

- 9.2.1 The program is open to submissions of interest by **artists** and communities wishing to collaborate on artwork for public sites in Richmond.
- 9.2.2 Calls will be issued separately to community groups and to **artists**.
- 9.2.3 Community groups wishing to participate in the Community Public Art Program must complete an application. Community groups are asked not to have a specific project, end product or **artist** in mind when applying.
- 9.2.4 To be eligible, community groups must be located in or serving Richmond and be willing to spend the time that the collaborative process requires. Community group applicants must demonstrate the involvement of a sizable membership/constituency in the project, extending beyond a board of directors, staff or a committee.
- 9.2.5 **Artists** wishing to be considered for Community Public Art projects must apply for inclusion on the Community Public Art **Artist Roster**. This call is issued once per calendar year in the first quarter. **Artists** should not apply with a specific community partner in mind.
- 9.2.6 The Community Public Art **Artist Roster** will be maintained by City staff and periodically reviewed by **RPAAC**.
- a) Artists will be asked annually if they wish to remain on the **Artist Roster**
 - b) Artists must update their submission materials every two (2) years in the manner compliant with the current **Artist Roster** Call to Artists.
- 9.2.7 The Community Public Art Program is open to **artists** from a wide variety of disciplines including:
- a) Visual arts: **public art**, film and video, photography, installation, multi-media and other visual art forms
 - b) Performing arts: performance, music, dance, theatre
 - c) Literary arts: writing, story-telling, poetry.

9.3 Community Public Art Selection Process

- 9.3.1 A panel will be convened to review applications from community groups. The panel will recommend community groups to develop projects.
- 9.3.2 The panel will compose a shortlist of artists, compiled from the **Artist Roster**, for each selected community group. In exceptional cases, staff may issue a "Call to Artists" for selected projects.
- 9.3.3 The panel's recommendations are reviewed by **RPAAC**.
- 9.3.4 A second selection panel, comprised of the selected community groups along with arts and design professionals, will choose an artist from the shortlist, whose art practice is most compatible with the community group's interests and goals.
- 9.3.5 See *Section 4 Selection Process* for further details.

9.4 Community Proposal Assessment

- 9.4.1 A Community group's application will be reviewed on the basis of:
- a) Expression of a shared goal, theme or idea to explore through art, including but not limited to issues such as identity, social history, cultural expression or the environment;
 - b) Commitment to working collaboratively with an **artist** to explore these **community** issues;
 - c) Willingness to enter the process without a predetermined idea about the outcome;

- d) Belief that the art-making process is a unique and valid way to express **community** identity and concerns; and
- e) Commitment of **community** time to work on the project.

9.5 Artist Assessment

9.5.1 In addition to applicable criteria stated in *Section 4.6 Selection Criteria*, artists' applications will be reviewed by a review panel on the basis of:

- a) Evidence of broad thinking, conceptual clarity and problem-solving capabilities;
- b) Ability and willingness of the **artist** to work collaboratively with **community** members on a shared goal;
- c) Ability to work well with a wide range of people including **community** members, City staff, arts professionals, and professionals in other fields; and
- d) An expressed desire to create **artwork** in the **public realm**.

9.5.2 Interdisciplinary and team approaches are welcome.

9.6 Community Program Funding and Project Development

9.6.1 The artist and community group will work together during the initial development stage to formulate the kind of ideas they wish to explore. They will develop a concept proposal, budget and implementation plan describing their goals for the project.

9.6.2 The Public Art Program shall make available a total budget of \$15,000 (as of 2011) for each community public art project. Community groups are encouraged (but not required) to raise additional funds or in-kind service to expand the scope of the project.

9.6.3 Artists or artist teams matched with a community group will receive a planning fee (maximum \$2,000) during the initial development stage of the program. Artists working as a team must share the planning fee.

The remaining budget (\$13,000) will be made available to the **artist** to carry out the project, based on a payment schedule.

9.6.4 The project budget will be developed in collaboration with the artist(s) and community group. The budget must include an artist fee for the implementation stage of the collaboration as well as cover all aspects of the project including, but not limited to planning, community consultation, materials, insurance, installation costs and any other resources necessary to complete the project. Community groups will not receive funding.

9.6.5 All budget and project implementation plans are reported to **RPAAC**.

9.6.6 The community group will be required to enter into an agreement with the artist, facilitated by the City, that outlines the roles and responsibilities of all parties as well as rights of use and ownership.

10. De-accession Guidelines

10.1 Overview

10.1.1 These guidelines were created to ensure the de-accessioning process of public artwork does not occur haphazardly (e.g. due to fluctuations of fashion).

10.1.2 The de-accessioning of an artwork, whether through sale, exchange, gift or any other means, must not be contrary to the terms on which it was received.

- 10.1.3 The decision-making process to de-accession must be informed by the advice and expertise of art and other professionals qualified to assess the effects of de-accession on both the artwork in question and the integrity of the City's public art collection.
- 10.1.4 The decision making process to de-accession must be carried out with the informed involvement of the public and all potentially affected communities and stakeholders.

10.2 Conditions

- 10.2.1 The City will consider de-accessioning an artwork when directed by Council or requested by an owner of private property where the artwork in question exists or if any of the following conditions apply:
- a) The **artwork** is fraudulent, not an authentic work, or there is valid challenge to title;
 - b) The **artwork** possesses faults of design, workmanship, or inferior materials, that result in excessive or unreasonable maintenance, a threat to public safety, and/or damage to an extent where repair is unreasonable or impractical;
 - c) The destruction of, or changes to, the **artwork** or site threaten the **artwork's** survival, maintenance costs, or result in a significant diminishing of its artistic integrity and effectiveness;
 - d) A written request with justification from the **artist** has been received; or
 - e) An exceptional and unforeseen reason arises (e.g. other priority uses of City or private land, etc.) for removing the **artwork** from its current site, and no other suitable site can be found.

10.3 Procedures

- 10.3.1 Providing one of the conditions in the preceding section applies, as evidenced in a written submission, City staff will report the following information to **RPAAC** for their review:
- a) Reasons for the suggested **de-accessioning**;
 - b) Opinion of the City's Legal Department;
 - c) Implications arising from the terms of the initial acquisition;
 - d) Expert appraisal of the current value of the **artwork**;
 - e) A report on the condition of the **artwork** from a professional conservator;
 - f) Costs of site mediation, **de-accessioning**, removing, storage and relocation;
 - g) All documented public responses to the work;
 - h) Relocation and storage options;
 - i) Alternative uses and treatment of the site;
 - j) Suggested and alternative course of action;
 - k) Where applicable, the **artist** whose work is being considered for **de-accessioning** will be notified and invited to comment in writing or in person by a specified date; and
 - l) Where applicable and achievable, the original **sponsor** of the work shall be notified of the **de-accessioning** request and invited to comment in writing or in person, by a specified date.
- 10.3.2 The City will designate a panel to review the proposed request. See *Section 4.4 Public Art Panels* for further details.

- 10.3.3 The panel may recommend any of the following courses of action as a result of its de-accessioning review. The panel shall be advised that these options are not in any order of preference.
- a) Sell, auction or trade the **artwork** after receiving a bona fide current appraisal;
 - b) Give the **artist** and/or **sponsor** the first opportunity to buy back the work at the current appraised value;
 - c) Give the **artist** the opportunity to propose repurposing the work;
 - d) Relocate the work retaining ownership by the City;
 - e) Transfer ownership to another public institution, organization or public site;
 - f) Properly store the work temporarily with a plan for its future;
 - g) Retain the work as sited;
 - h) Recommend improvements or alterations, agreeable to the **artist** and or **sponsor** to the **artwork** or site; or
 - i) Other solutions or recommendations as determined by the review and circumstances.
- 10.3.4 Staff will convey the panel's findings/recommendation(s) to **RPAAC** and to City Council for final approval.
- 10.3.5 All financial proceeds resulting from any sale or trade of public art are to be deposited in the City's Public Art Reserve Fund.

11. Definitions

- 11.1.1 **Art Consultant:** An advisor to the developer or the City on art siting, selection, and public art plans. Consultants should have broad knowledge of and experience with current art-making practices, and knowledge of artists able to work in public and development contexts.
- 11.1.2 **Artist:** A skilled and recognized practitioner of the fine arts of various media, including but not limited to painting, drawing, sculpture, photography, music, literature, theatre, film, dance and electronic arts.
- 11.1.3 **Artist Roster:** A list of active artists. Calls for inclusion on the Artist Roster are issued yearly. The Artist Roster is used in Community Public Art Projects and is an available resource for other Public Art Projects.
- 11.1.4 **Artwork:** A work created by an artist exhibiting aesthetic expression and skill, craftsmanship, and creativity in its production.
- 11.1.5 **Community:** Community refers to a group of people brought together by any number of forces including geography, tradition, culture, faith, lifestyle, common experience, interest or spirit.
- 11.1.6 **De-accession:** A set of actions that result in the removal of an artwork from a collection.
- 11.1.7 **Gift:** An existing or proposed work of art or funded project offered as a donation to the City for placement at a public site under the City's jurisdiction or taking place in a public building or area.
- 11.1.8 **Public Art:** Public art is defined as artwork in the public realm, which is accessible physically or visually to the public and possesses aesthetic qualities.
- 11.1.9 **Public Art Reserve Fund:** A City account that reserves funds from public and private sources for Public Art Program purposes.
- 11.1.10 **Public Art Program Operating Provision:** A City account that hold funds from private sources for Public Art Program operation and administration purposes.

- 11.1.11 **Public Realm:** Places and things, such as building facades, parks, public open spaces, and streets that provide physical or visual access to the general public.
- 11.1.12 **Richmond Public Art Advisory Committee (RPAAC):** A Council-appointed volunteer advisory committee that provides input on public art policy, planning, education and promotion. See the Richmond Public Art Advisory Committee (**RPAAC**) Terms of Reference (adopted by City Council on July 27, 2010) for further details.
- 11.1.13 **Request for Qualifications (RFQ)** – A call to artists to submit their credentials and qualifications to be considered for a public art project.
- 11.1.14 **Request for Proposals (RFP)** - An artist call soliciting a concept proposal for a public art project.
- 11.1.15 **Sponsor:** An individual or group, other than the artist, who proposes a donation of a work of art or funds a project for placement on a public site under the City's jurisdiction or in a public building or area.

12. **Richmond Public Art Program Process for Public Art Projects Chart**
Civic–Private–Community

