



SUBJECT: Public Art in Public Spaces	SECTION: Parks NUMBER: 6.6 PAGE 1 OF 10
ADOPTED: September 19, 2006 REVISED: May 18, 2021	RESOLUTION NO.: R2006-559 RESOLUTION NO.: R2021-217

PREAMBLE:

“Our public spaces are critical to a civic life that honours and celebrates our humanity and history and responds to cultural and political change. Residents and visitors – diverse in culture, age and interests – seek the freedom to move about and use public space spontaneously and for a wide range of purposes...public art continues to enrich our environment, promotes us to ask questions and feeds our imaginations.” (Rika Smith McNally and Lilian Hsu, ‘Conservation of Contemporary Public Art’, The Getty Conservation Institute, Fall 2012.)

The Town of Gibsons established this policy to give guidance and incorporate a community-based process for the integration of artwork into public spaces throughout the Town. The policy is intended to provide Council, staff, and the arts community with a clear, consistent framework for decision making and for the implementation of this policy. This policy does not include art on private lands; however, for private developments, projects or developments that are accessible to the public; the inclusion of art for public display, or a community amenity contribution, is encouraged.

1. PURPOSE:

The Town of Gibsons recognizes the benefits that the “Art in Public Spaces” program will bring to the community throughout the years. This policy is intended to increase the richness of the Town of Gibsons by:

- Strengthening and enhancing civic pride and the identity of the community;
- Recognizing the importance of the culture and history of the Sk̓wx̓wú7mesh Nation through the art that already exists in the community, with a vision to encourage and incorporate additional elements of Sk̓wx̓wú7mesh art with consent and assistance of the Sk̓wx̓wú7mesh Nation and artists;
- Demonstrating clear belief in the importance of culture, heritage and creativity;
- Enhancing public spaces for residents and visitors;
- Recognizing the cultural community and their contribution to our environment;



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- Leaving a lasting legacy for future generations; and
- Acknowledging the importance of temporary art specific to events or cultural activities.

2. POLICY FRAMEWORK

2.1 Policy Statement:

The Town of Gibsons believes that Art in Public Spaces, throughout the community, will benefit the community through strengthening our identity and pride, enhancing public spaces for residents and visitors, demonstrating support for and stimulating the growth of the arts within our unique community.

2.2 Goals and Objectives:

- Celebrate and strengthen the culture, living heritage and creativity of the community through building and displaying a unique public art and cultural collection for the Town of Gibsons;
- Increase the number of public art projects undertaken to enhance the richness of the community;
- Increase public awareness and appreciation and education of visual arts through the display of public art works;
- Increase the opportunities for local artists and individuals to create and display their work in Gibsons;
- Engage the community in discussions and decisions regarding public art projects;
- Give recognition to the wide range of artistic expressions that is accessible to all and compatible with the surrounding environment;



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- Incorporate additional elements of Skwxwú7mesh art with consent and assistance of the Skwxwú7mesh Nation and artists;
- Incorporate artwork and beautification in both public and private developments of significance; and
- Develop opportunities for engaging youth in art.

3. DEFINITIONS

Public Art (Art): art in public places, is defined as original artwork selected, commissioned, created or donated for location in the public domain, and created by an artist. Artworks may be permanent or transitory, functional, integrated or discrete to the site. Artwork created or initiated by the community for the public realm is also considered public art. (City of Victoria-Art in Public Places Policy 2018)

Public Space (*Public Domain*) means the space that is available and frequently used by the public within the Town of Gibsons and for which the Town of Gibsons holds title or an interest. Included, but not limited to, are streets, parks, boulevards, trail systems, open spaces, waterways, exterior and interior public areas associated with Town owned buildings and places.

Public Art Advisory Committee – A volunteer citizen committee that reviews and recommends to the Committee of the Whole, through the Town of Gibsons Staff, acquisitions, proposals, projects and de-accessioning related to public art within the Town of Gibsons. The Public Art Advisory Committee is responsible for ensuring that the works of art are compatible with the culture, history and character of Gibsons and assists in promoting Public Art in Public Spaces.

De-accessioning – The process of permanently removing a piece of art from the Town of Gibsons Public Art collection.

4. POLICY AND PROGRAM ADMINISTRATION

The Town of Gibsons will be responsible for the development and implementation of the policy and program.



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4.1 Role of the Town of Gibsons Council:

- Promotes public art throughout the community.
- Approves the Art in Public Spaces Policy and any changes to the policy if warranted.
- Appoints seven (7) members of the community to sit on the Public Art Advisory Committee, one of which may be a Councillor.
- Approves any additions or deletions to the Town of Gibsons Public Art collection.
- Approves the annual budget for this function.
- Approves any Town initiated fundraising plan associated with the policy or program.
- Approves the naming of art in public spaces.

4.2 Role of the Public Art Advisory Committee:

- Promotes awareness and understanding of the benefits of public art in public spaces. Encourages appropriate sponsorship.
- Supports community initiatives in the creation and provision of public art within the Town of Gibsons.
- Works with local developers to provide advice on including the installation of public art as part of development plans.
- Develops evaluation criteria and process in the selection of art for Council's approval and recommends any changes or additions to the criteria for the selection of public art projects.
- Provides guidance to staff, Council and sponsors on the type and location of public art on public land.



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- Administers the selection process of public art and makes recommendations to Council in the commissioning and/or competitions (open or by invitation) for public art.
- Works with staff to identify potential sites and projects for future public art installations.
- Ensures recommendations are compatible with the project and surrounding environment.

4.3 Role of Town of Gibsons Staff:

- Assists committee, as required, in policy development, research, community development, work planning, communications, budget preparation and fundraising.
- Coordinates the maintenance of the Town’s collection.
- Liaise with the various community organizations and potential donors, including developers, in managing and promoting the policy.
- Apply for funding where available.
- Makes recommendations for the allocation of funds for purchases, programs and maintenance through the annual budget process.
- Provides public notification of installations or de-accessioning.
- Attend Public Art Advisory Committee meetings.

4.4 Conflict of Interest Guidelines:

The Town of Gibsons confidentiality and conflict of interest guidelines apply to all committee members. Committee members must remove themselves from judging or deciding on the outcome of a particular competition or selection process if it is their own work, or work of members of their family.



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5. ACQUISITION OF PUBLIC ART

The acquisition of public art may be provided through, but not limited to:

- Purchasing a finished work of art;
- Commissioning a work of art through a competition or proposal call;
- Accepting a donation of a work of art, for which the ownership is transferred to the Town of Gibsons;
- The temporary display of a work of art in which ownership is not transferred to the Town of Gibsons and liability or responsibility on the part of the Town of Gibsons is limited; and
- Working with developers to include public art in new developments or to provide funding for public art projects in the community.

Council shall approve each purchase, commission, donation or temporary display upon the recommendation of the Public Art Advisory Committee through the Director of Planning.

.5.1 Selection Criteria:

- Relevance to the Town of Gibsons' cultural heritage and/or history;
- Fit with the Towns art acquisition strategy;
- Quality or condition of the work;
- Suitability of the work for display in a public space;
- Degree of fit with existing or proposed displays or programs;
- The Town of Gibsons ability to safely display or conserve the work;



TOWN OF GIBSONS
POLICY AND PROCEDURE MANUAL

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- Ethical and legal considerations regarding ownership;
- The ability of the Town to maintain the work; and
- Value of the work as a potential for resale or auction to increase the public art reserve.

Upon Councils' approval of acquisition, the successful artist will enter into a written agreement that will address the artist's obligations including, but not limited to:

- The scope of work;
- Materials;
- Timelines;
- Installation;
- Maintenance or conservation plans;
- Warranty;
- Copyright; and
- Payments to sub-contractors.

This written agreement will also provide the Town of Gibsons obligations that will include:

- Payment,
- Community notification, and
- Artist recognition.

The Town of Gibsons, at its discretion, may require works solicited or unsolicited to be removed from display. For unsolicited works, the removal shall be at the owner's expense.



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5.2 Maintenance:

The development of the maintenance plan is the responsibility of the artist and must be submitted with the proposal for review and consideration of the Public Art Advisory Committee as part of the selection process. Key information such as maintenance specifications and budgets, any shop drawings and contacts, including the artist, will be provided.

The Town of Gibsons will be responsible for the care and maintenance of the work for which they own.

5.3 Alteration and Relocation:

Due to the changing nature of urban and built environments, the location of an artwork may, in time, no longer be appropriate to the context, and the Town may determine that the artwork shall be relocated. Where this is the case, the Town of Gibsons will notify the artist of any proposed significant alteration to the Public Art site or any relocation of the artwork that would affect the intended character and appearance of the art. The Town will endeavour to contact the artist to consult with them prior to any such alteration but will not be bound by the artist's advice.

5.4 De-accessioning:

De-accessioning will only occur after an assessment is undertaken and reviewed by the Public Arts Advisory Committee, and a report justifying the recommendation, including recommended method of disposal, is provided for Councils' consideration and approval. Public art can be de-accessioned under any of the following conditions:

- The work of art is deteriorating, and restoration is not feasible.
- The work of art is no longer relevant to the Town's collection.
- The work was donated to the town with agreement, in writing, by the donor that it may be sold to raise money for the Public Art Acquisition Reserve.



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- The work of art is discovered to be stolen or was offered to the Town for acquisition using fraudulent means.

In the event of accidental loss, theft or vandalism, the Town of Gibsons retains the right to determine whether repair, replacement or de-accessioning is appropriate.

5.5 Community Amenity Contributions and Public Art

Community Amenity Contributions (CAC) are monetary (or in-kind) contributions that may be made by a developer to the Town as part of the rezoning process. CACs are intended to help offset the cost of providing community amenities associated with new residential development that are seeking a change in use or change in density. CAC rates are derived from the change in land value under higher density zoning. A community amenity is any public benefit, improvement, or contribution that can enhance the quality of life for a community. Amenities may include arts and culture facilities, heritage conservation, and public art. A percentage of CAC revenue received by the Town of Gibsons may be allocated to the Town's General Community Amenity Contribution Reserve to assist with the funding of other public amenities deemed appropriate by Council.

5.6 Funding:

Funding to support the Public Art in Public Spaces program will be provided through the following options:

- By Council approval through the annual budget process;
- By Council approval through the capital budget process;
- Grants from government agencies and other organizations;
- Sponsorships;
- Donations;



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- Sale of donated works of art (with the knowledge of and written agreement of the donor);
- By encouraging developers to incorporate artistic elements or design features in their projects encouraging the use of local artists;
- By council policy designating 2.5% of Community Amenity Funds and/or 2.5% of annual building permit fees for public art acquisition and maintenance;
- Any funds that may be allocated by Council from the Town's General Amenity Contribution Reserve.

5.7 Insurance:

Public art works purchased by the Town of Gibsons will include the appraised value of the work of art for insurance purposes. Art works not owned by the Town of Gibsons but accepted for display will be insured. A waiver of insurance from the owner could be accepted by the Town of Gibsons.