



REPORT TO THE LIBRARY BOARD

MEETING DATE: APRIL 28, 2011

Session:	Public Session
Subject:	Public Art Policy
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Presented By:	Margaret Mitchell
Purpose of Report:	For Decision: Approval <input checked="" type="checkbox"/>

Recommendation

It is recommended that the Library Board approve the Public Art Policy found in Appendix 1 of this report.

Issue/Opportunity

In 2007 (amended 2009) the City of London approved its Public Art Policy upon the recommendation of the Creative City Task Force. This document can be found at

http://www.london.ca/d.aspx?s=/Committees_and_Task_Forces/Creative_City/publicart.htm

The City's policy governs art intended to be installed on City-owned lands and facilities. The Library was advised that Library facilities and land were excluded from the policy.

After discussion with the City's Culture Office and a review of past library experience in procuring public art, it was determined that the Library should develop a policy to establish criteria and processes for future procurement and management of public art.

Background

Public art is defined as a work of art or design that is created by an artist specifically to be sited in a public space. For the purposes of this policy, public art may include, but is not limited to, sculptures; attached murals, paintings, stained glass, statues, distinct and unique hard and soft landscaping components, special engineering or architectural features of existing capital project. Public art is intended to be a positive contribution to the

Library as urban space and, by extension, a contribution to the overall public art program of the City of London.

The London Public Library does not have, nor does it intend to have, an active public art acquisition program. Nevertheless, in the past, London Public Library has obtained pieces of public art. For example, in 2003, the Library acquired Ted Gooden's 12 piece stained glass collection, "Perpetual Illuminations", housed at the Landon Branch Library. In 2009, funded from the River Project, the Library acquired Ron Milton's "Above & Below (Rowing Scull)", hanging on the 3rd floor of the Central Library.

Process of Policy Development

Consistent with the Library's policy development practice, a set of guiding principles for the development of the public art policy was approved by the Library Board in May 2009.

In developing the recommended policy, LPL undertook a review of:

- the City of London's Public Art Policy;
- public art policies of other public libraries and cities;
- past practices of the London Public Library related to the procurement of public art;
- LPL Procurement and Financial Management policies to ensure consistency.

As a final step, the Library undertook an external peer review process with Robin Armistead, Manager, Cultural and Municipal Policy, City of London and Brian Meehan, Executive Director, Museum London.

Key Components of the Policy

The Library's purpose in acquiring public art is to

- enrich the library experience for the enjoyment of all;
- enhance the library environment as public space;
- serve as an expression of LPL's Vision, Mission and Values;
- be a visual resource, complementing LPL's collections, services and programs; and
- exemplify the LPL's role as a significant cultural institution in the City of London.

This policy does not apply to temporary art exhibits by local London artists, which are governed by the *Art Exhibit Policy*. LPL's works of art collection, housed and displayed at and maintained by Museum London are also outside the scope of this policy.

The acquisition of public art is a value-added component and will be funded outside the Library's operating budget.

Any acquired public art will become the property of the Library. The Library retains the right to select a site within Library facilities and properties suitable for the art. Contractual agreements with donors and/or artists, covering such details as financial arrangements, maintenance, marketing and disposition will be in place for all acquisitions.

Next Steps

Upon approval of this policy, Library Administration will finalize procedures related to this policy. The Library will continue to liaise with the City's Culture office in the application of this policy.

LONDON PUBLIC LIBRARY POLICY

Title: Public Art Policy

POLICY No: C-P-10

Issuing Date: April 28, 2011

Review: April, 2015

PURPOSE:

The purpose of this policy is to enable the London Public Library (LPL) to:

- establish the requirements for the acquisition of public art which is intended to become the property of the LPL; and
- enhance the public space and the LPL's role as a significant cultural institution.

SCOPE:

1.1 This policy covers all acquisition of public art, whether through purchase, commission or donation, which is intended to become the property of the LPL and is housed in library-owned facilities, externally on library-owned lands or within Library-leased facilities.

. This policy does not apply to:

- temporary art exhibits, which are governed by the *Art Exhibit Policy*; and
- LPL's works of art collection, housed and displayed at and maintained by Museum London as referenced in the Agreement of June 2, 1981 between the London Public Library Board and the London Regional Art Gallery, and its subsequent amendments.

DEFINITIONS:

For the purpose of this policy,

“public art” may include artistic creations in any medium, whether fixed or freestanding, including but not limited to murals, paintings, textile works, stained glass, sculptures, distinct and unique hard and soft landscaping components, special engineering or

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architectural features of existing capital project, intended to be freely accessible to the general public in a significant public interior area in the Library or in a visible accessible external location.

“professional artist” means a person who is critically recognized as an artist, who possesses skill, training and/or experience in an artistic discipline, and who is active in and committed to his or her art practice.

“purchased art” means works that are purchased and subject to the terms and conditions of this policy.

“commissioned art” is a work of art created by a selected artist by request of the LPL for a specific site.

“donated art” is existing artwork given to the Library in the form of a bequest, a gift, or a sponsored acquisition and subject to the terms and conditions of this policy.

POLICY STATEMENT:

The London Public Library may, from time to time, acquire public art to be the property of the London Public Library Board and housed in LPL locations or on LPL property in order to:

- enrich the library experience for the enjoyment of all;
- enhance the library environment as public space;
- serve as an expression of LPL’s Vision, Mission and Values;
- be a visual resource, complementing LPL’s collections, services and programs;
- and
- exemplify the LPL’s role as a significant cultural institution in the City of London

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Ownership

2. Public art, whether purchased art, commissioned art, or donated art, will become the property of the LPL.
3. The LPL will respect the authorship and the integrity of the public art.

Criteria for Selection

4. General selection criteria for works of public art to be purchased, commissioned or donated include:
 - (a) created by a professional artist and original;
 - (b) relevant to London and Londoners;
 - (c) executed in mediums approved for housing and maintenance;
 - (d) suitable to be viewed by the public of all ages, considering the public nature of the library as a facility and a community meeting place;
 - (e) demonstrating respect for both freedom of expression and human dignity;
 - (f) consistent with the laws of Canada and Ontario;
 - (g) consideration of unusual display requirements that may impact the access to public space; and
 - (h) safety of public and staff.

Acquisition Process

5. Public art may be acquired through purchase, commission or donation.
6. The CEO & Chief Librarian and/or authorized Directors/Managers will act for the LPL in the acquisition of public art, in accordance with the governance policies of the

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Board, including the *Financial Management for Fund Development Policy* and *Procurement Policy*.

7. The LPL must be satisfied that any public art work to be acquired whether by donation or purchase is not stolen or otherwise illegally acquired or collected. The acquisition of public art work that has been in foreign countries will comply with all Canadian and international law requirements.
8. The purchase, commission or acceptance of donation of public art, valued at greater than \$50,000, requires Library Board approval.

Donated Public Art

9. Donated public art works must be accompanied by:
 - (a) a warranty of good legal title;
 - (b) a good record of provenance and must be authenticated, if required;
 - (c) a statement of current market value, completed by a certified appraiser;
 - (d) information related to maintenance/conservation requirements; and
 - (e) information about the artist.
10. Donations must be free and clear of conditions and restrictions imposed by the donor regarding the LPL's use of the public art, unless otherwise negotiated through contractual agreement.
11. The LPL reserves the right to refuse any donation of public art.

Site Selection

12. The LPL retains the right to determine, in consultation with the donor or artist, the site for the public art.

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- 12.1 Sites selected for the location of public art will be on or in Library-owned properties or facilities, or within Library-leased facilities.
- 12.2 Sites selected for the location of public art must be publicly accessible, in a way consistent with the Accessibility for Ontarians with Disabilities Act, during regular Library operating hours.
- 12.3 The site must be in a visible area and may be integrated into the building and landscapes.
- 12.4 The CEO & Chief Librarian, and if required in consultation with the Board, will make the final determination of site.

Sources of Funding

13. The acquisition of public art by the LPL must be funded as a value-added component outside the operating budget.

Maintenance Costs

14. Wherever possible, donated public art will include a funding donation for the maintenance and conservation/restoration of the work being donated, the amount of which will be negotiated as part of a contractual agreement.
15. Maintenance costs for public art, whether purchased, commissioned or donated, will be funded outside the operating budget.
16. The cost of any additional insurance against damage or theft or any other liabilities required for the public art will be funded from outside the operating budget and identified as part of the ongoing maintenance costs of the public art.

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Charitable Receipts

17. Donations of public art will be considered as Gifts-in-Kind for the purposes of issuing tax receipts under the terms of the LPL *Financial Management for Fund Development Policy*.

Disposition

18. The LPL reserves the right to dispose of any public art, unless otherwise negotiated through a written contractual agreement.

19. The LPL will do everything possible to notify the donor or artist or the artist's estate when the decision is made to dispose of the public art.

20. The disposed public art may be moved, sold, returned to the artist or destroyed, unless otherwise negotiated through a written contractual agreement.

21. In all cases, the rights of the artist will be upheld in accordance with the Canadian *Copyright Act* and other legislated requirements.

22. Criteria for the decision to dispose of public art includes, but is not limited to:

- (a) condition of the work and/or cost of maintenance;
- (b) work does not meet the terms of the policy; or
- (c) current location of work is not suitable or available.

23. Any monies received through the sale of the public art will be placed in the Library Trust Funds.

24. No members of the London Public Library Board, its employees or volunteers, or their representatives or immediate families may be given, sold, or otherwise knowingly obtain disposed public art.

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25. The disposition of public art valued at greater than \$50,000 requires London Public Library Board approval.

Contractual Agreement Development

26. LPL will negotiate contractual agreements with donors, artists, galleries, etc., as required, for purchase, commissioned or donated public art.

Inventory

27. An inventory of all public art will be maintained containing all information on installation, maintenance schedule, correspondence, and contractual agreements.

Accountabilities

28. Accountability for the acquisition, development of contractual agreements, maintenance and management of public art, owned by the LPL, is vested in the office of the Chief Executive Office & Chief Librarian.

29. Accountability for the application of this policy resides with the Board. The Board will ensure that:

- (a) the policy is applied in the context of the governance policy framework of the Library;
- (b) the terms of the policy are applied;
- (c) through the CEO & Chief Librarian, management processes, procedures and guidelines are followed; and
- (d) the CEO & Chief Librarian acts in accordance with the policy.

30. Persons from the community with concerns related to the application of this policy may address the Library Board through the delegation process.

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BACKGROUND:

The City of London currently has a public art policy which excludes boards and commissions. The Library has acquired some significant pieces of public art. The Library requires a policy to ensure the ongoing consistency in the acquisition and management of the public art collection.

INQUIRIES:

CEO & Chief Librarian

KEYWORDS:

RELATED DOCUMENTS:

Financial Management Policy

Art Exhibit Policy

Procurement Policy

City of London Public Art Policy

DOCUMENT CONTROL:

Approved: April 28, 2011 (Board Motion