

LONDON PUBLIC LIBRARY POLICY

Title: Public Art Policy

Policy Type: Operational Linkage

Policy No: C-P-10

Issuing Date: April 25, 2019

Review: April, 2023

PURPOSE:

The Public Art Policy considers “Public Art” to be works of art owned by London Public Library (“LPL”/ “the Library”) and displayed in the Library’s public space. Library public space means areas frequented by the general public that are owned, operated or occupied by the Library.

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

- Establish the requirements for the acquisition of works of art which are intended to become the property of LPL; and
- Enhance Library spaces and LPL’s role as a significant cultural institution.

SCOPE:

This policy covers all acquisition of public art, whether through purchase, commission or donation, which is intended to become the property of 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 Exhibits Policy;
- Wayfinding and directional elements such as signage except where these are elements in a work of art or public art project; and
- LPL’s works of art collection, housed, displayed 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.

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DEFINITIONS:

Art Works/Works of Art include artistic creations in any medium, whether fixed or freestanding, including but not limited to murals (including those created by local community members as part of a project or program as approved by LPL), paintings, textile works, stained glass, sculptures, distinct and unique hard and soft landscaping components, special engineering or architectural features of existing capital projects, 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:

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

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- Enrich the Library experience for the enjoyment of all;
- Enhance the Library environment as public space;
- Engage the community and visitors to the Library;
- Serve as an expression of LPL's Purpose Statement and Values;
- Be a visual resource, complementing LPL's collections, services and programs; and
- Exemplify LPL's role as a significant cultural institution in the City of London.

Ownership

Public art, whether purchased art, commissioned art, or donated art, will become LPL's property.

LPL will respect the authorship and the integrity of the works of art.

Criteria for Selection

General selection criteria for works of public art to be purchased, commissioned or donated include:

- Creation by a professional artist and be an original work;
- Relevance to London and Londoners;
- Execution in mediums approved for housing and maintenance;
- Suitability to be viewed by the public of all ages, considering the public nature of the Library as a facility and a community meeting place;
- Demonstration of respect for both freedom of expression and human dignity;
- Consistency with the laws of Canada and Ontario;
- Consideration of unusual display requirements that may impact the access to public space; and
- Safety of public and staff.

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Acquisition Process

Public art may be acquired through purchase, commission or donation.

The CEO & Chief Librarian (CEO) or designate will act for LPL in the acquisition of any works of art, in accordance with the governance policies of the Board, including the Fund Development - Gift Acceptance Policy.

The Library must be satisfied that any art work to be acquired, whether by donation or purchase, is not stolen or otherwise illegally acquired or collected. The acquisition of art work that has been in foreign countries will comply with all Canadian and international law requirements.

The purchase, commission or acceptance of donation of art, valued greater than \$50,000 by a certified third party appraiser, requires Library Board approval.

Donated Public Art

Donated art works must be accompanied by:

- A warranty of good legal title;
- A good record of provenance and must be authenticated, if required;
- A statement of fair market value (“FMV”), completed by a third party certified appraiser;
- Information related to maintenance/conservation requirements; and
- Information about the artist.

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Title: Public Art Policy

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Policy No: C-P-10

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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.

The Library reserves the right to refuse any donation of art.

Site Selection

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

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

Sources of Funding

The acquisition of public art by the LPL must be funded as a value-added component through donations, community partnerships and/or grant initiatives.

Maintenance Costs

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.

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Maintenance costs for public art, whether purchased, commissioned or donated, will be funded through donations, community partnerships and/or grant initiatives.

The cost of any additional insurance against damage or theft or any other liabilities required for the public art will be funded through donations, community partnerships and/or grant initiatives and identified as part of the ongoing maintenance costs of the public art.

Charitable Receipts

Donations of public art will be considered as “Gifts-in-Kind” for the purposes of issuing tax receipts under the terms of LPL’s Fund Development - Gift Acceptance Policy. As well, current Canada Revenue Agency (CRA) legislation regarding “Gifts-in-Kind” donations will be adhered to.

Disposition

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

The Library 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.

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

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



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

- Condition of the work and/or cost of maintenance;
- Work does not meet the terms of the policy; or
- Current location of work is not suitable or available.

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

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 Library public art.

The disposition of public art valued greater than \$50,000 by a certified third party appraiser requires London Public Library Board approval.

Contractual Agreement Development

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

Inventory

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

Accountabilities

Accountability for the acquisition, development of contractual agreements, maintenance and management of public art, owned by the Library, is vested in the office of the CEO.

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

BACKGROUND:

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

INQUIRIES:

CEO & Chief Librarian

KEYWORDS:

Art, acquisition, artist, collection, donations, public art

RELATED DOCUMENTS:

Canadian Copyright Act

Accessibility for Ontarians with Disabilities Act

Government of Canada: Income Tax Act

City of London Public Art Policy

Art Exhibits Policy

Fund Development - Gift Acceptance Policy

Procurement Policy



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DOCUMENT CONTROL:

Approved: April 28, 2011 (L11/31)

Reviewed: April 23, 2015 (L15/27.3)

Reviewed: April 25, 2019 (L19/23.3)