

Title:	Public Art Policy	Policy Number: 300-16
Policy Type:	Operational	
Approval By:	Resolution Number RB 2013-04	
Approval Date:	April 2013	
Revised Dates:	March 28 2023; June 19, 2017; September 25, 2023	
Review Date:	June 2026	

PURPOSE:

This policy establishes the criteria for the acceptance of donations of public art to the Library.

SCOPE:

This policy covers acquisition of public art that is intended to become the property of the Library and is housed in Library-owned facilities or within Library-leased facilities.

This policy does not apply to temporary art exhibits.

DEFINITIONS:

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 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.

Donated art - 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.

Commissioned art - artwork created exclusively for display at a Library-owned facility or within a Library-leased facility.

POLICY STATEMENT:

The Library may commission or accept donations of public art to be the property of the Sault Ste. Marie Public Library Board. The Public Art should:

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

Ownership

Donated and commissioned art shall become the property of the Library. The Library shall respect the authorship and the integrity of the public art. All public art is classified as Heritage Assets for their intrinsic cultural and artistic value and will not be recognized in the financial statements as Tangible Capital Assets.

Criteria for Selection

General selection criteria for works of public art to be donated include:

- created by a professional artist and be an original work;
- relevant to Sault Ste. Marie;
- executed in mediums approved for housing and maintenance;
- suitable to be viewed by the public of all ages, considering the public nature of the Library as a community meeting place;
- demonstrating respect for both freedom of expression and human dignity;
- consistent with the laws of Canada and Ontario;
- consideration of unusual display requirements that may impact the access to public space, and
- safety of the work of art, public and staff.

Acquisition Process

Public art may be acquired through donation or be commissioned by the CEO and/or the Library Board.

The CEO or designate will act for the Library in the acceptance of public art, in accordance with the policies of the Board, including the Donor and Sponsorship Policy and the Procurement Policy.

Donated Public Art

The Library must be satisfied that any public art work to be donated 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.

The acceptance of a donation of public art requires CEO approval.

Donated public art works must be accompanied by:

- warranty of good legal title;
- a good record of provenance and must be authenticated, if required;
- a statement of current market value, completed by a certified appraiser;
- information related to maintenance/conservation requirements; and
- information about the artist.

Donations must be free and clear of conditions and restrictions imposed by the donor regarding the Library's use of the public art, unless otherwise negotiated through contractual agreement.

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

Site Selection

The Library retains the right to determine, in consultation with the donor or artist, the site for the public art to be displayed in Library facilities or Library-leased facilities.

Sites selected for public display of art must be publicly accessible, in a way consistent with the Accessibility for Ontarians with Disabilities Act, during regular Library operating hours.

The site must be in a visible area and may be integrated into the buildings.

The CEO in consultation with the Board, will make final determination of the site.

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 the contractual agreement.

Maintenance costs for public art will be funded outside the operating budget.

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.

Charitable Receipts

Donations of public art will be considered as Gifts-in-Kind for the purposes of issuing tax receipts under the terms of the Donor and Sponsorship Policy.

Commissioned Art

When commissioning art staff will adhere to 200-01 Purchasing and Procurement Policy. Any art project in excess of \$2,500 requires a Request for Proposal. When awarding the commission to an artist, the Library shall consider the following:

- The artist's portfolio;
- That the proposed art meets the Library's criteria;
- References;
- The merit of the design;
- The time schedule in which the artwork can be completed;
- If the artwork is suitable for the space it is intended;
- If the artist is local;
- Cost of production of the artwork;

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 reasonable 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 with the donor.

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

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



- condition of the work and/or cost of maintenance;
- art does not meet the terms of the policy;
- current location of the art is not suitable or available.

Any monies received through the sale of the public art will be placed in Library accounts.

No member of the Sault Ste. Marie Public Library Board, its employees or volunteers, or their representatives or immediate families may be given, sold, or otherwise knowingly obtain disposed public art. The disposition of public art requires Library Board approval.

Contractual Agreement Development

The CEO will negotiate contractual agreements with donors for donated public art. The CEO will set the terms and create contractual agreements with artists for commissioned artworks.

Inventory

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

Records for all commissioned and donated art shall be retained within the Library's archives.

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.

Accountability for the application of this policy resides with the Board.

RELATED POLICIES

200-01 Purchasing and Procurement Policy
200-02 Tangible Capital Assets Policy
200-03 Donor and Sponsorship Policy
300-01 Archives Acquisition Policy