

# Town of Whitby

## Staff Report

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### Report Title: Public Art Policy

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**Report to:** Committee of the Whole

**Date of meeting:** January 15, 2024

**Report Number:** CAO 03-24

**Department(s) Responsible:**

Office of the Chief Administrative Officer

**Submitted by:**

Sarah Klein, Director of Strategic Initiatives

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

Andria Louca, Culture and Tourism Coordinator, 905.955.1723

Christy Chrus, Manager, Creative Communities, 289.314.4517

Lara Toman, Program Manager, Events, Culture and Tourism, 905.706.1706

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### 1. Recommendation:

1. That Council approves the Public Art Policy as presented in Report CAO 03-24 and as appended in Attachment 1;
2. That the Public Art Policy, once approved, replace MS 040 Public Art Loan and Donation Policy; and,
3. That Staff be directed to bring a report to Council for the establishment of a new discretionary program reserve fund, the Public Art Program Reserve Fund, in accordance with Report CAO 03-24.

### 2. Highlights:

- The development of a Public Art Policy was identified in the Town's Official Plan under Section 6 - Community Development and subsequently as an action item in the Town's Culture Plan and the Community Strategic Plan.

- The purpose of the Public Art Policy is to outline the processes and responsibilities of the Town of Whitby to support new art commissions, art donations and loaned art. The Policy will help to grow the Town's Public Art Collection through projects that reflect Whitby's history and culture. The procurement of public art for the Town's Public Art Collection will contribute to the identity of place, social well-being, economic vitality, and civic pride in creative and symbolic ways to support the Town's cultural goals.
- The Public Art Policy Framework was initiated in September 2022 and included four phases for the development of the Public Art Policy:
  - Phase 1 - Environmental Scan;
  - Phase 2 - Comparator Analysis;
  - Phase 3 - Community Engagement; and,
  - Phase 4 - Development of the Public Art Policy.
- Community engagement was a key component to completing the Public Art Policy, including the creation of a Steering Committee which provided valuable feedback and input on the policy.
- The Public Art Policy (**Attachment 1**) includes sections on guiding principles, definitions, responsibilities, site selection, acquisition, installation, maintenance, storage, donations, de-accessioning, and general funding.
- To support new public art in the community, a Public Art Program Reserve Fund financed through the budget is recommended. Staff will develop a Policy to establish a Public Art Maintenance Reserve Fund.

### 3. Background:

In March 2021, Council adopted the Town's First [Culture Plan, Culture Connects Whitby \(2021- 2031\)](#), which outlines actions to promote and enhance Whitby's cultural assets, attract new cultural activities, demonstrate commitment to local art and spur economic development. The creation of a Public Art Policy was a specific action under Direction 3, Goal 4, Action B, stating:

- Implement Official Plan Policy 6.2.3.19.5, 'develop a Public Art Policy and guidelines, in consultation with the community, to guide the acquisition, funding, location and integration of public art in public and private spaces in the community. Art policies and guidelines shall involve artists and the community in the decision-making process.'

Furthermore, the newly adopted Community Strategic Plan includes the following actions:

- 1.2.3 Invest, promote, and strengthen the local arts, culture, heritage, and creative sector. The measure of progress defining this action includes the approval of a Public Art Policy.
- 2.2.3 Invest in public art. The measure of progress defining this action includes approval of the Public Art Policy and one public art installation annually.

Public art adds value to a community by reflecting on the uniqueness of a given place. At its core, public art is free and accessible, encouraging community members of different abilities, backgrounds, and identities to engage with art. Local pride, community identity and a sense of belonging are strengthened through shared experiences of public art. Public art transforms the built environment, inviting the community to connect with spaces in new and unexpected ways.

The existing MS 040 Public Art Loan and Donation Policy provides guidelines for the selection and display of donated or loaned artwork only. The policy did not address how the municipality could acquire its own public art through new art commissions to support its collection. An update to this policy was needed to support and reflect the direction, development, and growth of the Town of Whitby. The updated Public Art Policy will replace the old policy and has been prepared in alignment with identified action items in the Town's Culture Plan, the Town's Official Plan, and the Community Strategic Plan.

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The Public Art Policy Framework was initiated in September 2022 and includes 4 development phases.

### **Phase 1 - Environmental Scan**

From September 2022 to December 2022, the Town's Creative Communities team conducted an Environmental Scan and Background Research to understand the current state of Whitby's public art program and connections to relevant municipal strategies, and plans including the Official Plan, Culture Plan, and existing Public Art Loan and Donation Policy. The Environmental Scan Report outlines project background, a review of Whitby's existing public art inventory, alignment to key strategies, plans, and reports, and an overview of Town resources related to public art.

The Environmental Scan was shared with Council on February 10, 2023, through the Council Information Index.

### **Phase 2 - Comparator Analysis**

From October 2022 to December 2022, 17 individuals who represented 14 municipalities in Canada (with emphasis on those located in Ontario) were interviewed to complete a Comparator Analysis. Communities included Ajax, Barrie, Burlington,

Durham Region, Halton Hills, Hamilton, Kingston, Mississauga, Oshawa, Ottawa, Peterborough, Pickering, Toronto, and Winnipeg.

Consideration was given to municipalities located in Durham Region to understand the regional context and insights related to public art. The Town will ensure that its Public Art Policy will align to the Regional Policy and that conversations and collaboration between the Town and Region regarding public art continue.

The interviews provided best practice insights and key findings related to how public art is defined in policies, project initiation, locations of public art, the formation of boards, working groups, and juries, public engagement in the development of Public Art Policies and projects, funding sources, and overall learnings.

The Comparator Analysis was shared with Council on February 10, 2023, through the Council Information Index.

### **Phase 3 - Community and Stakeholder Engagement**

From March 2023 to September 2023, Community and Stakeholder Engagement was undertaken to support the development of the Public Art Policy.

A Steering Committee was established and invited to three meetings which provided feedback and helped inform the creation of the Policy. The three meetings included an introduction to the research, the development of the Strengths, Weakness, Opportunities, and Threats Assessment and another to provide feedback on the draft Public Art Policy.

A Connect Whitby survey was created to gather public feedback and to understand how community members define public art and what they would like to see in terms of themes, locations, and mediums. Survey findings helped inform areas of improvement for Whitby's public art program and existing elements that should remain unchanged.

Interviews with external stakeholders were conducted which included members of the art and art adjacent communities such as artists, academics, art-based business owners, art council coordinators, public art managers and arts focused community hub managers. In addition, interviews with the Mayor and Council took place to gather feedback, and ideas related to public art.

Lastly, Town staff were consulted from departments such as Planning and Development, Financial Services, Community Services (Facilities and Parks Planning), Legislative Services, Operations and Legal Services to gather detailed knowledge of processes, protocols, and implementation of day-to-day policies, plans, and strategies related to public art.

The Community and Stakeholder Engagement Summary was shared with Council on December 15, 2023, through the Council Information Index.

### **Phase 4 - Development of the Public Art Policy**

The development of the Public Art Policy took place from September 2023 to December 2023 and considered the findings and recommendations from all previously completed

phases. The final policy was circulated for review to the Policy Review Committee and the Senior Leadership Team.

Included in this report is Attachment 1 - Public Art Policy.

#### **4. Discussion:**

Public art creates livable, thriving, diverse and inclusive communities. Public art that is incorporated into public spaces benefits the community. This includes cultural expression and identity, beautification, economic development, social engagement, education value and a sense of belonging. Public art boosts community engagement and Town pride, stimulates local economic growth by attracting tourists, new businesses, and investors. Public art also encourages artistic expression, engages local artists, and enhances the esthetic appeal of public spaces.

The Public Art Policy as presented in **Attachment 1** includes guiding principles, definitions, responsibilities, site selection, acquisition, installation, maintenance, storage, donations, de-accessioning, and general funding sections. Highlights of the Public Art Policy described below will help guide the municipality with a clear and consistent framework for decision-making and acquiring pieces of public art.

##### **Guiding Principles**

Guiding Principles provide the clarity of vision and the parameters within which the present and future direction of the Public Art Policy is informed. The Guiding Principles of the Public Art Policy were developed with input from the Steering Committee to ensure that the policy is reflective of and aligns with the Town of Whitby's culture. These principles are:

- Flexible and Imaginative
- Sustainable and Resilient
- Collaborative and Engaged
- Diverse and Inclusive
- Accessible and Equitable

##### **Definition of Public Art**

According to the Culture Plan, Culture Connects Whitby (2021-2031), public art is defined as "any media that has been produced by an artist for publicly accessible space and is intended to engage the public. It can take the form of permanent, temporary, or socially engaged art". Public art as defined in the proposed Public Art Policy is, but not limited to original sculptures, murals, monuments, mosaics, photography, paintings, graphic arts, landscaping/earthworks, tableaux, vignettes, kinetic works, or creative displays and exist on publicly accessible property (indoor or outdoor).

##### **Public Spaces**

Much discussion has taken place around the definition of public spaces and the selection and placement of public art. Public spaces are defined as municipally owned public spaces that are available and frequently used by the public including but not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges,

gateways, streetscapes, exterior and interior public areas associated with Town-owned buildings and civic squares.

### **Public Art Policy Over-Sight**

The Public Art Policy will be overseen by Creative Communities staff in collaboration with the following groups:

- Town Working Group
- Public Art Community Group
- Public Art Jury Panel

### **Town Working Group**

A Town Working Group will be established and made up of designated staff from various Town Departments such as Strategic Initiatives, Communications and Creative Services, Community Services, Planning and Development, and other departments as deemed appropriate. The Town Working Group will be chaired by Creative Communities staff.

The role of the Town Working Group is to advocate for public art, bring forward opportunities and ideas for projects across the municipality, site selection and budget. In addition, select members from the Town Working Group will form part of the Public Art Jury Panel to provide feedback and final recommendation for artists and art selection related to a Call for Artists.

### **Public Art Community Group**

A Public Art Community Group will be established, selected, and chaired by Creative Communities staff to provide expert community input on public art policies, projects, and procedures. It is an informal group comprised of rotating members of the community with varying areas of expertise and disciplines which may include artists, curators, art educators and art historians, landscape architects, architects, urban planners, engineers, designers, members of the business community, members of local arts council or arts collectives. The Public Art Community Group will meet on a bi-annual basis with rotating members being invited from time to time to sit on a Public Art Jury Panel.

### **Public Art Jury Panel**

A Public Art Jury Panel will be organized by the Creative Communities team on a project-by-project basis. The composition of the Public Art Jury Panel will include both members from the Town Working Group and the Public Art Community Group. The role of the rotating members on the Public Art Jury Panel will be to provide feedback and final recommendation for artists and art selection related to a Call for Artists. The composition, duration, and terms of reference of any Public Art Jury Panel will be dependent on the nature of the public art project identified.

### **Art Selection**

The selection process will be outlined in a Public Art Procedure and will include developing Calls for Artists via Expression of Interest or a Request for Proposal, will

take into consideration site suitability, context, durability and resilience, maintenance requirements, financial implications, public safety, and liability, consistency with the Town's Urban Design Plan, and other Town policies and initiatives, as appropriate. The Creative Communities team will lead and develop the Call for Artists and coordinate the selection process for the Public Art Jury Panel. The Public Art Jury Panel will be responsible for reviewing artists proposals and making the final selection decision.

**Education**

Education and training program opportunities will be investigated to offer support to local artists. These programs may include courses, seminars, and workshops, as well as webinars, aligning with the Culture Plan. Education and training programs may be proposed by Town staff, artists, artist groups and the educators/facilitators of such programs.

**Next Steps**

- A Public Art Procedure will be drafted to help implement the Public Art Policy by providing more details and step by step information for defining and creating the processes to support the Public Art Policy. For example, the procedure will include items such as how to put out a "Call for Artists" or a process related to the maintenance of public art.
- A Public Art Community Group will be established by Creative Communities staff. The Public Art Steering Committee members that were part of Phase 3 Community and Stakeholder Engagement for this project, have expressed interest in being considered for the Public Art Community Group.
- Public spaces will be further reviewed and assessed based on feedback received from the public, the Steering Committee, stakeholders, and Council to create a list of locations where public art could be installed and displayed within the municipality.
- Subject to Council approval of this policy and approval of property tax-based funding, staff will bring forward a report for the establishment of a new discretionary program reserve for future acquisitions.
- In 2024 a review of the public art inventory will be undertaken to establish a baseline for the on-going maintenance which will be requested as part of the 2025 operating budget.
- Staff will also investigate alternate funding sources to support the Town's Public Art program.

**5. Financial Considerations:**

The Town does not have an on-going/annual source of funding for public art initiatives in the budget. In the past, public art was funded through sponsorship, private donations, grants or on an ad-hoc basis.

To implement the Public Art Policy, additional property tax-based funding will be required to acquire public art in the future and pay for public art maintenance. Staff recommend the establishment of a discretionary program reserve fund related to public art:

**Public Art Program Reserve Fund:** a reserve that will be used to acquire Public Art and support the Public Art Policy. Subject to Council approval of future budgets, on-going property tax-based funding will be allocated to this program reserve to accumulate funds for future Public Art acquisitions and Public Art projects. This reserve may also be funded from financial donations, grants, or net proceeds from events or the sale of other Public Art items.

For Council's consideration as part of the 2024 budget process, a \$50,000 annual contribution to the Public Art Program Reserve Fund (e.g. for future acquisitions of public art) will be a Budget Decision Item. If the budget is approved, the reserve will grow by \$50,000 annually until public art is acquired – e.g. If no public art is acquired in 2024, \$100,000 will be available for public art acquisition(s) in 2025. As noted above, these amounts may be supplemented by grants and private (monetary) donations.

For 2024, \$3,000 has been included in the Culture Plan operating budget to undertake an assessment of the existing public art to develop a maintenance plan that can be used to support future maintenance work. This assessment report will be used to establish annual contributions into a Public Art Maintenance Reserve Fund for ongoing and future maintenance costs. A Public Art Maintenance operating budget will be requested in 2025 to support ongoing maintenance of the Public Art Inventory.

## **6. Communication and Public Engagement:**

Community and stakeholder engagement was undertaken to support the development of the Public Art Policy. Four main audiences were engaged as part of this phase:

- Key stakeholders from Whitby's arts community;
- Town Staff;
- Mayor and Council; and
- Public.

The input as part of the Community Engagement phase has been instrumental to drafting the Public Art Policy and will also be used to support the creation of the Public Art Procedures. The Community and Stakeholder Engagement Summary was shared with Council on December 15, 2023, through the Council Information Index.

The implementation of the Public Art Policy involves ongoing discussions, collaborations and partnerships with many Town departments, organizations and stakeholders including the Station Gallery, Durham Region Tourism, Downtown Whitby BIA, Whitby

Chamber of Commerce, the public, community leaders, and the broader arts and culture community such as artists, creators, arts councils, and arts focused organizations.

## 7. Input from Departments/Sources:

The Public Art Policy has been developed collaboratively, with a commitment to creating meaningful connection and producing meaningful public art. Creative Communities will oversee the implementation of the Public Art Policy and the drafting of the Procedures and continue to engage in ongoing conversations with key stakeholders and Town departments including Planning, Finance, Purchasing, Community Services, Economic Development and Facilities, Region of Durham, Station Gallery and others in keeping with this commitment.

## 8. Strategic Priorities:

In Whitby's Community Strategic Plan (CSP) 2023 – 2026, the Public Art Policy is identified in **Strategic Pillar 1: Whitby's Neighbourhoods**, Objective 1.2, Increase Opportunities to acknowledge and celebrate the diversity of the community under Action 1.2.3, Invest, promote, and strengthen the local arts, culture, heritage, and creative sector with the measure of progress identified as, "Public Art Policy approved".

The Public Art Policy is also identified in **Strategic Pillar 2: Whitby's Natural & Built Environment**, Objective 2.2 Enhance community connectivity and beautification under Action 2.2.3, Invest in public art with the measures of progress identified as "Public Art Policy approved", "One public art installation annually".

The Public Art Policy includes several guiding principles to ensure that the policy is reflective of and aligns with the Town of Whitby's culture, two of which relate to accessibility and sustainability:

- Sustainable and Resilient
- Accessible and Equitable

## 9. Attachments:

Attachment 1 - Public Art Policy