

Public Art and Monuments Donation Policy

Date: December 21, 2016

To: Executive Committee

From: City Manager

Wards: All Wards

SUMMARY

This report recommends that City Council adopt an updated policy for accepting donations of public art and commemorative monuments - the *Public Art and Monuments Donation Policy*. This policy would replace the existing *Official Gifts and Donations Policy*, and includes comprehensive technical and aesthetic criteria to evaluate proposed donations and a clear process for submission, evaluation and approval. The updated Public Art and Monuments Donation Policy will help to ensure all works donated to the City of Toronto demonstrate a clear relationship to the City and reflect the diversity of its local public spaces.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council adopt the *Public Art and Monuments Donation Policy* attached as Attachment 1 to this report and rescind the previous *Official Gifts and Donations Policy* adopted by City Council in 2001; and
2. City Council authorize the City Manager, in consultation with key City Divisions and Agencies, to develop the necessary procedures to operationalize the policy and adjust related City policies for consistency.

FINANCIAL IMPACT

All costs related to the donation of public art, memorials and monuments will be assumed by the donor including the design, public consultation, production, siting, installation and maintenance of the specific proposal.

Staff resources required under this Policy will continue to be absorbed by the operating budgets of the City Divisions involved.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of February 4, 5 and 6, 2003, City Council adopted "Harmonized Policies and Procedures for Memorials on City Property" which sets out a policy framework for permitting memorials on City property, and includes the Official Gifts and Donations Policy adopted in 2001.

<http://www.toronto.ca/legdocs/2003/minutes/council/cc030204.pdf>

At its meeting of October 2, 3 and 4, 2001, City Council adopted a policy that outlines the process to be followed when an individual or organization offers to donate to the City of Toronto, an official gift of public art, a commemoration, or the installation of a public tribute or major public recognition.

<http://www.toronto.ca/legdocs/2001/minutes/council/cc011002.pdf>

COMMENTS

The City of Toronto has a long history of working with communities and local organizations to accept donations of public art, including those that memorialize and commemorate individuals or events. The oldest piece in the City's collection, is the "Canadian Volunteers War Memorial", which dates back to 1870. Currently, the City has just over 200 pieces in its public art collection, of which approximately 34% can be considered monuments or commemorative pieces. The significance of many of these works and the events they commemorate - coupled with the value of public spaces and the residents that use them - creates a need for a comprehensive City-wide policy that reflects these values and provides a clear process for evaluation and acceptance.

Implementation

Staff aim to have the *Public Art and Monuments Donation Policy* come into effect by the end of Q2, 2017. This timing will allow stakeholders and staff sufficient time to develop online and printed materials to ensure the public is aware of the updated Policy and approval requirements. Forms, procedures and other technical documents required to streamline the effective administration of the Policy.

Background

In 2001, City Council adopted the *Official Gifts and Donations Policy*, which is used to guide the process for donations to the City's Public Art and Monuments Collection. Currently, proponents wishing to donate a work of public art or monument provide a written submission to the Chief of Protocol, including a detailed description of the gift and the relevance of the subject matter to the City. The submission is reviewed against Public Art and Monuments Donation Policy

policy criteria by a staff committee and if approved, a report is presented for consideration to Community Council or the appropriate Committee of City Council.

Since 2014, 15 enquiries or proposals have been submitted to Protocol Services. In that time, 2 proposals have resulted in the installation of a permanent work of public art or memorial (i.e. the Italian Canadian War Veterans Monument and the Jeffrey Baldwin sculpture) and 1 proposal (i.e. the Holodomor Monument) has been approved by City Council but not yet installed.

While the proposed *Public Art and Monuments Donation Policy* is intended to replace the existing *Official Gifts and Donations Policy*, it is not intended to supersede any other distinct City policies that provide guidance to members of the public on the installation of both temporary and permanent memorials on City public space (i.e. the Commemorative Tree and Bench Program, the Street Naming Policy, the Property Naming policy, flag raisings/half-mastings). Some of the criteria the Policy provides may assist Divisions in their decision-making with respect to other memorials or commemorations.

Evaluation of the Current Official Gifts and Donations Policy

Consultation with Divisional staff responsible for executing the donation process and evaluating key criteria related to the installation of public art and monument donations identified a need to: (a) increase the efficiency and transparency of the evaluation and approval process, (b) establish comprehensive evaluation criteria, and (c) address contemporary challenges associated with donations commemorating events that may be politically sensitive.

The following is a summary of areas in the current Policy identified for improvement based on knowledge from other jurisdictions, program staff and donor groups:

- The requirement for supplemental technical and aesthetic criteria to assist donors in understanding all the requirements necessary for their application and simultaneously providing assessment guidelines for staff.
- Location guidelines for proposed donations are necessary to ensure that public art and monuments are situated in the most appropriate public sites.
- A decision-making process that ensures potential donors are clear on the steps and criteria they must follow.
- A framework to determine the suitability of a memorial where political and cultural sensitivities exist so as to balance public interests and offer the opportunity for the city's diverse ethnic, cultural, religious and linguistic groups to use public spaces to commemorate events.

Key Recommended Changes

The recommended *Public Art and Monuments Donation Policy* provides prospective donors with a well-defined administrative process, a clear set of technical, aesthetic, thematic and location selection criteria, and a public consultation process that will be evaluated by City staff for each individual donation proposal.

The key recommended changes to the policy are summarized below and the recommended policy is set out in Attachment 1.

Two-Phase Application Process

The proposed *Public Art and Monuments Donation Policy* establishes a two-phase submission process which provides staff the opportunity to expeditiously evaluate proposals and help prevent frustration from donors who may invest significant time and resources in a detailed application that may not be appropriate for City property.

- Phase One (Preliminary Proposal): Prospective donors submit a written application providing pertinent details on the proposed work of public art or monument. Upon receipt of an application, Economic Development & Culture will convene an internal review panel composed of City staff from Economic Development & Culture, City Planning, Protocol Services and the relevant City Division or Agency where the donation is proposed to be situated (i.e. Parks, Forestry & Recreation) who will review the proposal and determine if it is suitable for installation on City property.
- Phase Two (Full Application): Successful preliminary proposals will be invited to submit a full application, which will include comprehensive information about the proposed donation.

Thematic Criteria for Donations

In recent years, the City has received a number of proposals for monuments that commemorate events that are politically or culturally sensitive. To address challenges associated with assessing these proposals, a framework has been developed to assist with determining the appropriateness of a particular donation on City public space.

In order to address issues related to suitability and connectivity between the City's Public Art and Monuments Collection and local relevance, the proposed policy requires that all donations of public art must have a direct connection to Toronto, Ontario and/or Canada. A direct connection could include, but is not limited to, the background of the artist, visual/physical aspects of the work and/or the theme of the work.

For commemorative donations, the theme of the proposed work must feature a significant contribution from Canadians, or be an event that occurred in Canada. If the event the donor wishes to commemorate neither occurred in Canada nor prominently features Canadians, then the event being commemorated must be officially recognized by the Government of Canada. City staff will, on a regular basis, review applications with representatives from the Government of Canada to ensure compliance with this

requirement. The applicant must also provide historical, archival or other information that clearly demonstrates the significance of the proposed commemoration.

The proposed new requirements are an effort to ensure that all works of public art are suitable for City public space. They will also assist with addressing challenges with commemorations that lack a clear connection to Toronto, Ontario or Canada.

Technical and Aesthetic Criteria

The internal review panel will review submissions to ensure they meet the specific technical and aesthetic criteria noted in the Policy.

To increase the likelihood that the donation will meet the technical and aesthetic criteria, the proposed work must be produced by either an accredited professional artist, or a professional with a comprehensive visual arts background. Another key criteria requires the donation to be absent of any restrictive conditions imposed by the donor (e.g. a specific location requirement, design, size, timeframe or installation procedure).

Stronger and clearer criteria will help ensure that all donations will preserve the integrity of the City's Public Art and Monuments Collection and that installing safe, high-quality work that will provide ongoing public enjoyment remains paramount.

Location Selection

A selection of preferred sites may be proposed by an applicant for a donation placement. Similar to the requirement that the thematic elements of a proposed work connect to the local context, it is important that the piece is appropriate to the proposed location. The context can include physical, ecological, historical and cultural elements. It is also important to consider how the space surrounding the work may be used (e.g. for gatherings related to specific events).

A set of criteria intended to ensure the design and placement of the donation is consistent with the physical, historical and cultural aspects of the site as well as any geographical sensitivities will be evaluated by the internal review panel.

There are some sites that the City may determine are not suitable for any new memorials or public art due to ecological sensitivity, existing or ongoing site Master Plans, Official Plans, site saturation or other site specific reasons. The Policy provides the City with the opportunity to decline a specific location request for a donation proposal on these grounds.

Public Approval

To ensure sufficient public consultation and stakeholder engagement, proposed donations must be accompanied by a City-approved public consultation plan that details the opportunity for the public to comment on the design, theme and siting of the work. Although applicants will assume all costs associated for public consultation, City staff will facilitate and analyze the results of the process.

It is important to note that even if a proposal meets all other requirements, a sufficient level of public approval is also necessary for the proposal to be accepted, as the work of art or monument will become part of the City's enduring Public Art and Monuments Collection for years to come. The success of the public consultation will be assessed through a number of factors, including responses and feedback at public meetings; community responses, and engagement with local stakeholders and Ward Councillors.

The City recognizes that there may be a need to assist with further discussion between the donor and any parties that are in disagreement with the location, design or subject matter of the proposed donation. In some instances, the City may offer support to facilitate a dialogue around different viewpoints.

Funding

All costs associated with a donation proposed under the *Public Art and Monuments Donation Policy*, including design, public consultation, production, siting, installation, and maintenance shall be the sole responsibility of the applicant. A full budget for the project must be submitted as part of the full application.

To account for projected maintenance costs of the donation, the applicant must also submit a maintenance plan and provide a minimum of 10% of the overall project costs to the City's Public Art Reserve Fund, managed by Economic Development & Culture.

Donation Approval

Proposals that are approved by the internal review panel and have met all relevant criteria will be submitted through report to the applicable Agency Board or Committee.

A Council approved project must physically commence within two years. If the applicant cannot meet this requirement for any reason (e.g. fundraising), they must provide an annual update to the host Division on the project status, who will consider whether to provide an extension.

CONCLUSION

Public space is a valuable City asset and there is a need to balance a variety of interests in facilitating how it is used. The proposed *Public Art and Monuments Donation Policy* sets out criteria for the technical, aesthetic, location and thematic elements for donations of works of public art and memorials in order to preserve the integrity and longevity of the City's enduring Public Art and Monuments Collection and to ensure its relevance and connection to the local historical, cultural and ecological context.

The proposed policy also strives to balance the desire to memorialize and commemorate certain events that provide a collective identity and remembrance with the accessibility and enjoyment of public space by all users.

A defined submission process will also provide the donor with greater transparency and clarity as to the status of their application, and assist with administration of the Policy.

CONTACT

Peter Notaro, Executive Director, Strategic and Corporate Policy, 416-392-8066,
peter.notaro@toronto.ca

Todd Orvitz, Director, Corporate Policy, Strategic and Corporate Policy, 416-392-6783,
todd.orvitz@toronto.ca

SIGNATURE

Peter Wallace
City Manager

ATTACHMENTS

Attachment 1 - *Public Art and Monuments Donation Policy*