

Policy Title: City Art Collection

Policy Number: 05-02-07

Section: Property and Facilities

Effective Date: January 11, 2024

Approved by:

Council

Subsection: Facility Planning

Last Review Date: January, 2024

Owner Division/Contact:

Director, Parks, Forestry and Environment

Policy Statement

The City collects and exhibits artwork to provide its residents and visitors with equal access to high-quality arts experiences that are inclusive, free, and reflective of the diversity of Mississauga's population.

Purpose

The City must ensure that artwork is managed appropriately. This Corporate Policy and Procedure identifies the responsibilities and collections management procedures for managing the Corporate Art Collection, including:

- Acquisition
- Locations
- Installation and removal
- Inventory
- Maintenance, and
- De-accessioning and disposal

Scope

This policy applies to the City Art Collection, which consists of the following:

- Public Art
- Memorial Art
- Facility Art, and
- Loaned and/or Leased Art

This policy does not apply to:

- Art that is located in City facilities that are leased or licensed to a third party (e.g. the Art Gallery of Mississauga)
- Archaeological materials (donations of archaeological or historical materials should be referred to Museums of Mississauga)

- Art that is part of a Beautification Project or Community Art Project
- Art that is associated with or derived from school programs or art programs that are offered at City facilities
- Art that is personally owned by a member of Council or an employee that is brought into City-owned work spaces
- Donations of a tree or bench to a City park as a tribute to an individual or organization. Refer to Corporate Policy and Procedure – Tree and Bench Donation Program, and
- Art that is associated with or designed for auction or fundraising initiatives by external organizations

Definitions

For the purposes of this policy:

“Art Selection Committee” means a group of individuals with expertise in Public Art and/or contemporary art, local knowledge, and/or lived experience, who are involved in the artist selection process in order to maintain transparency, integrity, and professionalism in the selection process.

“Beautification Project” means an initiative designed to aesthetically enhance the public realm but that is not necessarily a work of art (e.g. planters, painted benches, student mural in a park).

“City” means The Corporation of the City of Mississauga.

“City Art Collection” means all art that is officially owned by the City. The City Art Collection may consist of visual art in any medium and take on any shape, form, or scale, such as, but not limited to, paintings, sculptures, Digital Art, fine art, photography, prints, mural art, hoarding art, and digitally illustrated art.

“Community Art Project” means an art-related initiative created and/or led by community members without financial support from the Public Art Program (e.g. neighbourhood generated murals and process-orientated art engaging the community at large).

“De-accessioning” means the process of removing an artwork from the City Art Collection.

“Digital Art” means temporary or permanent art that uses digital technology as an essential part of the creation, process, and/or presentation (e.g. light-based sculptures, digital illustrations, projections, sound art).

“Director” means the Director, Parks, Forestry and Environment, Community Services Department.

“Donated Art” means a gift of art which has been given voluntarily and without compensation or non-monetary consideration (e.g. advertising, promotion, services, etc.).

“Facility Art” means movable artwork that is typically two-dimensional and collected for the intention of being on public display inside City-operated facilities (e.g. prints and paintings in community centres, libraries and theatres).

“Loaned and/or Leased Art” means art which has been temporarily acquired into the City Art Collection without the transfer of ownership for the purpose of exhibition to the public.

“Memorial Art” means art that is designed to honour a particular individual or to commemorate a particular event and that is created by a Professional Artist and acquired by a process administered by the City.

“Professional Artist” means an individual who earns all or a sizable portion of their livelihood through remuneration for artistic performance or creation and is recognized by their peers as an artist.

“Public Art” means art on public property created through a formal, City-led process, by a Professional Artist or in collaboration with artists. This work can be in any medium, including digital, and take on any shape, form, or scale that is accessible to the public and free for all to enjoy. Public Art can be permanent or temporary, stand-alone, site-specific, or integrated into other design elements such as street furniture, architecture, and/or landscape architecture.

Note: Beautification Projects and Community Art Projects are not Public Art.

“Public Art Program” means the City program that acquires, commissions, purchases, loans and leases Public Art, accepts donations as Public Art, and manages the City Art Collection on behalf of the City, administered by the Culture Planning business unit in the Parks, Forestry and Environment Division.

Administration

The Manager of Culture Planning is responsible for managing the City Art Collection in accordance with this policy.

Acquisition of Art

Art may be acquired through any of the following methods: commission, purchase, donation, loan or lease. The acquisition of art is exempt from the City’s Procurement By-Law and must therefore be conducted in accordance with the processes outlined in this policy. All agreements and/or releases for the acquisition of art must be in a form approved by Legal Services and signed by the Director. The criteria noted below applies to each of the five acquisition methods.

Divisions or elected officials wishing to acquire a piece of art that is intended to be a part of the City Art Collection must forward a written request to the Director for consideration.

Criteria

The City seeks artwork that builds the cultural consciousness of Mississauga residents and visitors; embraces audience engagement, interaction, or dialogue; and strives to be diverse and accessible to all ages, abilities, ethnic groups and socio-economic backgrounds.

All acquisitions are made at the City's sole discretion, are conducted in consultation with the Public Art Program, and will be evaluated on the following criteria:

- Artistic quality of the work(s)
- Stature of the artist and/or artistic merit
- Relevance to the City, its residents and its intended location
- The artwork does not minimize and/or detract from the image of the City
- In light of generally prevailing community standards, the artwork is not likely to cause deep or widespread offence
- Artwork must not pose any safety hazard to the public
- Authenticity and provenance (i.e. documentary evidence that the Art is authentic and that the City may acquire clear title to the work)
- Physical condition of the work and its long-term maintenance or conservation requirements
- The City's ability to display or store the work appropriately, and
- Cost and value to the City

The Public Art Program is responsible for ensuring that the logistical aspects of each acquisition are handled appropriately.

Insurance

All acquisitions are reported to the Manager, Risk Management, who is responsible for determining appropriate insurance requirements, where applicable.

Recordkeeping

Public Art Program staff must ensure that all documentation related to acquisitions (ownership records, certificates of authenticity, appraisals, art services agreements, etc.) are retained in accordance with the Records Retention By-law 0097-2017, as amended.

Commissioning Art

When the City commissions a work of art, the artist selection process, acquisition criteria, schedule, budget, technical requirements, the art objectives unique to the circumstances, site characteristics and context are defined through the Public Art Program and approved by the Director.

An Art Selection Committee is established by Public Art Program staff for each art project over \$25,000.00 in value. The Art Selection Committee is responsible for recommending the final artist. The Committee may include one or more of the following:

- Representatives from the project team (internal staff and/or design consultants)

- Art and design professional(s) and/or community member(s) with relevant expertise and interest, and
- City staff or external advisors selected for specific technical or cultural expertise

Public Art Program staff manages the artist agreement from concept to completion for art commissioned for the City Art Collection. This may include overseeing the technical review, safety, fabrication, permit approvals, installation, final inspection, formal acceptance and long-term maintenance.

Commissioning Memorial Art

A person or event will not be memorialized without Council's preapproval. Recognition through Memorial Art for individuals should be made posthumously only, although proposals to honour living individuals will be considered.

Individuals or organizations that wish to make a proposal for Memorial Art, must do so in writing and provide:

- Background and historical/cultural significance of the individual/event to be honoured
- Rationale for honouring the individual/event
- Evidence that the proposal meets the criteria outlined in this policy
- Demonstrated community support
- Commitment of funds, including maintenance funds, and
- Maintenance plan

Prior to seeking Council approval, Public Art Program staff will work with relevant City staff to review all proposals for Memorial Art. The Director will ensure that a report from applicable City staff is presented to Council with a recommendation regarding proposed memorials prior to the acquisition.

In addition to the general acquisition criteria set out in this policy, Memorial Art will be reviewed in consideration of the following:

- The values of the community should be represented; each memorial must be compatible with the diverse spectrum of perspectives, cultural heritage, traditions and moral values of the City's residents
- The degree to which the memorial is timeless; ensuring relevance to future generations
- The artist or designer must be a qualified professional in the field, and
- If the memorial is honouring an individual, consideration is given to:
 - The individual's contribution to the City, which should be extraordinary and merit the honour of a public memorial. (Where the individual's contribution does not merit a public memorial, consideration may be given to another form of recognition. Refer to Corporate Policy and Procedure – Civic Recognition Program for more information.)
 - The nature and record of the individual's public service and/or philanthropic acts (e.g. Donations or volunteer service to the community)

- The inspirational qualities characterized by the individual or the legacy which has or will be left to future generations, and
- Any achievements that have brought a national or international focus to the City

Purchasing Art

The City may occasionally purchase art (e.g. Facility Art). Each work considered for purchase as part of the City Art Collection will be evaluated by the Director, or delegate, and Public Art Program staff, based on available budget. All art media will be considered. Art will be purchased in accordance with the acquisition of art section of this Policy.

Donations

The City accepts donations from individuals or organizations to support the City Art Collection.

Monetary Donations

For information on monetary donations, refer to Corporate Policy and Procedure – Fundraising Campaigns and Monetary Donations to the City of Mississauga.

Donated Art

For information on donations of physical works of art, refer to the Donated Art Guidelines.

The Mayor and Members of Council will be advised of all decisions to accept or decline Donations having a value of \$10,000 or more in a memo to Council. Public Art Program Staff are responsible for notifying the individual or organization proposing the Donation of the City's decision to accept or decline the Donation.

Public Art Program staff are responsible for advising the Manager, Risk Management of accepted Donated Art in order to make arrangements for insurance, where appropriate.

Receipts for Donated Art

Where requested by the donor, Public Art Program staff are responsible for obtaining an official receipt for income tax purposes from the Manager, Business Planning and Financial Services and must provide all relevant documentation. Official receipts for accepted Donations having a fair market value of \$20 or more can be issued only when the Manager, Business Planning and Financial Services determines that the Donation qualifies under Canada Revenue Agency (CRA) guidelines.

If an official receipt for income tax purposes is being issued, the Donation receipt must include the following information in accordance with CRA guidelines:

- The day on which the Donation was received
- A brief description of the property transferred to the City
- The name and address of the appraiser, and
- The fair market value of the property at the time the Donation was made

Appraisals of Donated Art

If a tax receipt is required, the Donation must be appraised at the time of donation to establish the fair market value to be shown on the official tax receipt. If the Donation is valued at \$1,000 or less, the item may be appraised by a City staff person qualified to make the appraisal. If the Donation is valued at more than \$1,000, an outside professional appraisal is required, unless there is a ready market for the Donation from which the fair market value can be readily ascertained. It is the donor's responsibility to have the item appraised.

Release of Donated Art

When art is donated, the donor will be asked to sign a release, in a form approved by Legal Services.

Any documents pertaining to the ownership of the Donation must be transferred to the City. Public Art Program staff are responsible for ensuring that all documentation is retained appropriately.

As property of the City, the Donation will be used at the City's discretion. The Donation may be stored, exhibited, loaned to galleries or de-accessioned and disposed of at the discretion of the City.

Associated Donation Costs

While not an exhaustive list, the donor may be responsible for any of the following costs, at the discretion of the Director:

- Transporting the item
- Appraisal or evaluation by a certified specialist
- Photographs for inventory and insurance purposes
- For Public Art that is intended to be permanent, 10% of the value of the Art for future maintenance and conservation, in the form of a certified cheque, and
- For Public Art, the costs associated with the engineering, site planning and preparation and installation of the artwork

The determination of costs is based on such factors as the value of the Art and the complexity of the installation.

Loaned and/or Leased Art

The City may occasionally acquire art into the City Art Collection temporarily through artwork loans or leases, for the purpose of exhibition to the public. The Public Art Program is responsible for managing artwork Loaned or Leased by the City. Individuals/organizations who wish to loan or lease art to the City must submit a written proposal to the Public Art Program. The proposal must include the reason for the proposed exhibition and details on the current condition of the art. A current appraisal, if deemed necessary by the Public Art Program, must accompany the work.

At the discretion of the Director, the owner of art on loan may be responsible for costs associated with the loan, such as transportation, insurance, and conservation treatment, if required.

Locations for Art

To maximize the potential for members of the public to enjoy art, accessible exterior and interior public areas are given priority when selecting appropriate locations for the placement of art. Art may be relocated at the sole discretion of Public Art Program staff, in accordance with this policy.

Art may be installed in the following areas, as required and as pieces become available:

- Parks and public spaces
- City facilities such as cultural facilities, community centres and libraries, and
- Office areas of elected officials and senior staff (i.e. City Manager, commissioners, directors)

In selecting locations for the placement of art, Public Art Program staff will consider accessibility and the basic conservation elements of environmental effects, including light, air quality and temperature.

Locations for Public Art and Memorial Art will be selected in consideration of the following additional requirements:

- The location is relevant to priority zones or geographic areas identified for art in Mississauga planning documents (e.g. Mississauga Official Plan, Waterfront Parks Strategy, Culture Plan)
- The location has a cultural or historical connection to the work of art
- The quality, scale and character of the art is suitable for the location and the expected audience
- The art does not interfere with existing and proposed artwork, buildings or structures in the vicinity
- The location must be physically and/or visually accessible to the public
- The location should be in an area that has or is proposed to generate, a high degree of public use or activity, and
- Factors such as environmental conditions, safety, site servicing and the density of art in the surrounding area

Installation and Removal

Public Art Program staff are responsible for ensuring that the installation or removal of art is conducted in an appropriate manner and in compliance with applicable by-laws or permits. No art may be removed from an exhibit space by any person unless approved by Public Art Program staff, who may consult with applicable divisional directors.

Plaques

Permanent Public or Memorial Art acquired by the City and displayed in public areas is identified with an interpretive plaque. Plaques provide creative credit to artists, recognize the City's contribution to arts and culture, brand the City Art Collection, and educate the public about the artwork and art generally.

All plaques for Public Art must be:

- Made of a durable and permanent material
- Created in accordance with Mississauga's Facility Accessibility Design Standards
- Consistent in design and shape, and
- Inclusive of the City logo

When appropriate, plaques can include recognition of the Donor's name, but cannot promote or endorse a current commercial product, service, or business.

Inventory

The Public Art Program maintains a full inventory of the City Art Collection, including Loaned and/or Leased Art. The inventory includes information such as:

- Method and cost of acquisition
- The name of the artist and the title of the piece
- Art medium (e.g. painting, sculpture) and description of the piece, including size
- Provenance (ownership history)
- Appraised value of the art, if applicable
- Photo of the piece, and
- Condition status, including maintenance plan

Maintenance

Periodically, art owned by the City must be repaired, cleaned and conserved. Monitoring the condition of art and the continued maintenance and conservation of the artwork is the responsibility of the Public Art Program, in consultation with applicable City divisions/departments. Staff who notice that repairs are necessary should contact the Public Art Program immediately.

All works within the City Art Collection, acquired by the City through purchase, commission, and/or donation are insured under the City's insurance policy.

Storage

If there is no immediate, appropriate location for art, it is stored with regard to curatorial standards and conservation practices.

Exhibition Rights and Royalties

Periodically, the City may receive earned revenue or royalties for the display or exhibition of art it owns and/or has commissioned. Proceeds will be allocated to the Public Arts Reserve Fund, unless otherwise indicated by Finance, with the exception of art that was commissioned by a specific division. Proceeds from division-specific art will be returned to that division.

Access for research, reproduction, exhibition and/or loan of Public Art must be co-ordinated through the Public Art Program.

De-accessioning and Disposal

The de-accessioning and disposal of a work of art is a two-step process of first discharging the work from the City's inventory, including the transfer of all electronic and hard copy records into a de-accession file and then determining the appropriate means of disposal.

Works of art may be de-accessioned for any of the following reasons:

- Lack of aesthetic, artistic quality of the work, or relevance to Mississauga residents as determined by an applicable art expert
- Works that endanger public safety
- Works are beyond restoration
- Copies, forgeries etc. or reproductions lacking authenticity/archival value (intentional discard)
- Accidental loss (theft, fire)
- Possibility of up-grading through exchange
- Artwork integrated into City property which is subject to redevelopment by the City where the art is not salvageable, and/or
- No appropriate location for exhibition of the work

Disposal of art within the City Art Collection may be by donation or sale to a third party, with consideration given to what is in the City's best interest. The Director will bring a report to Council for approval prior to authorizing disposal of Facility Art valued over \$10,000 and all Permanent Public Art. Disposal of Facility Art under \$10,000 can be approved by the Director. As Temporary Public Art is designed to be impermanent, a report to Council for authorization of disposal is not required. When it is determined that art is of little or no value or Council has given direction with respect to the disposal of valuable art, the actual disposal method will be determined by the Director.

Proceeds from the sale or auction of art will be allocated to the Public Arts Reserve Fund, unless otherwise indicated by finance with the exception of art that was purchased by a specific division. Proceeds from division-specific art will be returned to that division.

Revision History

Reference	Description
GC-0195-2013 – 2013 04 10	
LT – 2024 01 16	Scheduled review. Substantial revisions to align the policy with current practices and responsibilities and to define the City Art Collection.