



# Public Art Policy



Cover photo by Dan Harper

Artist unknown

### **Land Acknowledgment**

The Forks is located on the ancestral lands of the Anishinaabe, Ininew, and Dakota Nations. We acknowledge that Winnipeg is covered by Treaty 1, that was entered into between the 7 First Nations and the Crown in 1871.

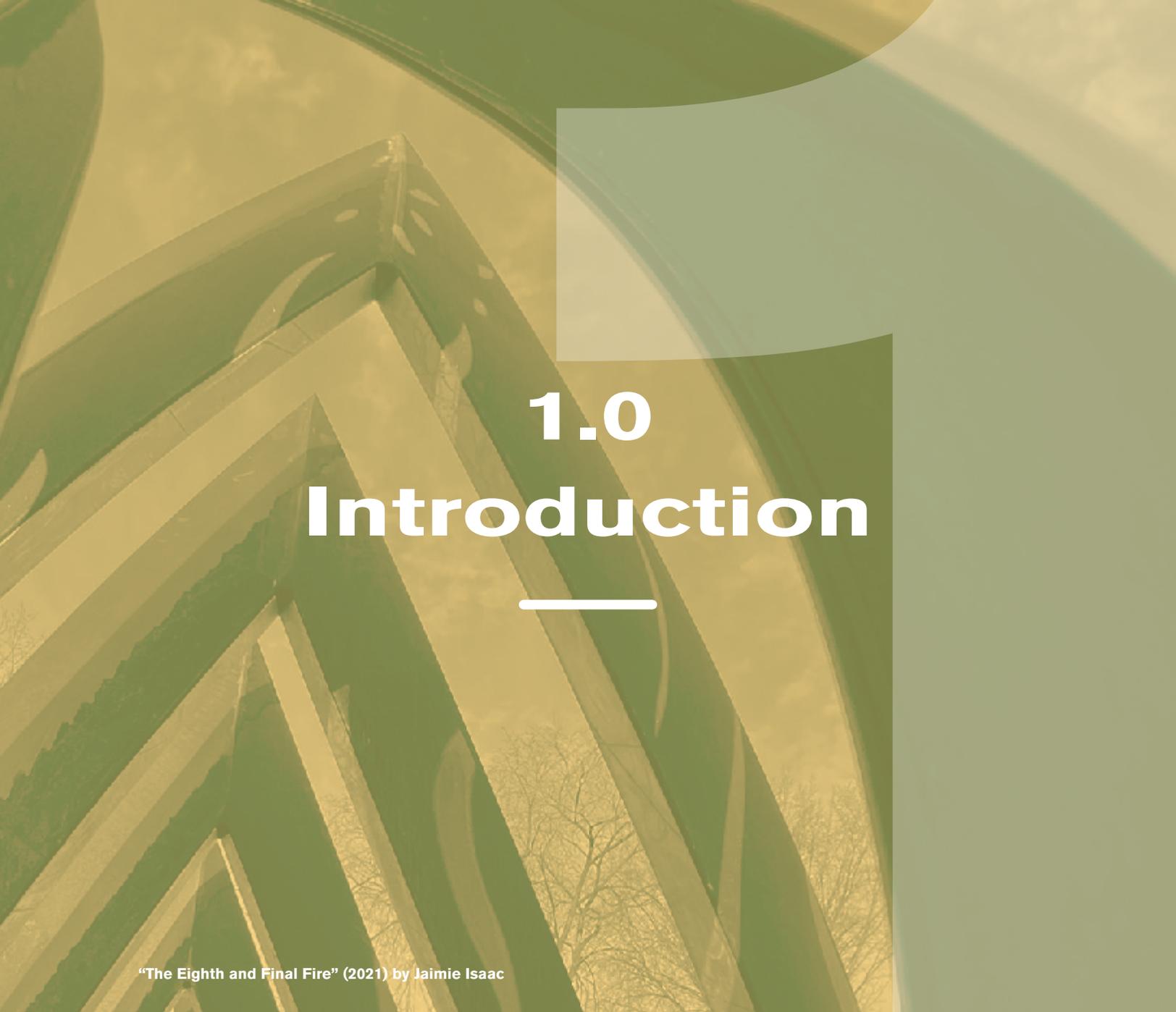
We recognize that Manitoba is the birthplace of the Red River Métis, and that this province is also on the ancestral lands of the Dene and Oji-Cree Nations. We further recognize that the Province of Manitoba is covered by Treaties 2, 3, 4, 5, 6, and 10. We believe in honouring the treaties as we are all treaty people. And we acknowledge that our water is sourced from Shoal Lake 40 First Nation.

In the spirit of seeking truth and working toward reconciliation, we commit ourselves to the 94 Calls to Action outlined by the Truth and Reconciliation Commission, the 46 articles of the United Nations Declaration on the Rights of Indigenous Peoples, and the 231 Calls for Justice that came from the National Inquiry into Missing and Murdered Indigenous Women, Girls, and Two-Spirit people.

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# 1.0 Introduction

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“The Eighth and Final Fire” (2021) by Jaimie Isaac

Committed to placemaking excellence, the creation of vibrant and inclusive public spaces has been, and continues to be, foundational to the development of The Forks. Public art has played a critical role in The Forks’ placemaking and place keeping ambitions, resulting in a diverse and growing public art collection.

The collection has grown over the last 35 years to include over 30 artistic installations, sculptures, and murals that populate The Forks. The collection contains a range of site-specific, integrated, and independent works of art.

## **The Forks Public Art Policy**

Most of the collection has grown through collaborations and partnerships resulting in donations and loans. As the collection grows, there is a need for consistency in acquisition processes and clear policies to both steward the existing public art collection and guide new acquisitions and commissions.

The intent of this public art policy is to inform the ongoing development and management of The Forks' Public Art Collection and provide The Forks North Portage Partnership (TFNP) with guidance on collection management and governance.

This policy should be considered in conjunction with **The Forks Placemaking Guidelines** and other applicable policies and design review procedures established by TFNP.

### **1.1 Purpose**

The purpose of this public art policy is to guide and direct TFNP to sponsor quality and innovative art installations, outline various art acquisition methods, provide art and site selection criteria, and manage current inventory. Criteria has been developed to assist with the evaluation of new commissions and proposed donations.

This policy will:

- a. Reinforce the mission of The Forks.
- b. Provide guidance on collection management and implementation.
- c. Provide flexibility of choice and process, in an open and transparent way.
- d. Continue to support emerging, established, and late-career local, national, and international artists.
- e. Address proposed art donations and provide acceptance criteria.
- f. Provide the basis for advancing public art activities and development of the collection.

This policy applies to both permanent and temporary public art initiatives and allows for competitions that are open to all professionals.

## **1.2 Goals**

Through public art, The Forks seeks to maximize opportunities for high quality art that engages the community and enhances The Forks site by creating/reimagining a sense of place, history, and imagination.

This policy assists The Forks in:

- a. Guiding the commissioning of art that is unique to The Forks' character, history, and diversity.
- b. Reinforcing The Forks' vision as a "meeting place" and elevating its stature as a major public destination.
- c. Reflecting both the cultural heritage and modern artistic expressions of the region's Indigenous peoples.
- d. Establishing professional art selection and commissioning procedures that are open, fair, and equitable.
- e. Seeking a wide variety of public art opportunities that will engage the arts community at large.
- f. Considering mentorship opportunities with more experienced artists.
- g. Supporting the inclusion of public art in all capital developments.
- h. Establishing partnerships with local institutions and community groups.
- i. Supporting artists that are local, national, and international.
- j. Promoting artistic excellence and innovation.



# 2.0 Background

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“WATER” by Synonym Art Consultation x Ness Lee + BirdO

Recognizing the benefits of public art and placemaking, planners have embraced the idea that art can be creatively incorporated into the planning of the public realm and placemaking. As public art celebrates history and community and adds character and interest to place, it is recognized as a major contributor to economic

development and tourism. It provides the opportunity for communities to honour leaders, mark events, and share special local stories and narratives. Often these acts of commemoration can become focal points, destinations, or gathering places for ceremonies or quiet contemplation.

## **The Forks Public Art Policy**

Public art policies were first formalized in North America in the 1950s. In Canada, public art policies began with the Province of Quebec, and its Art Integration Program which established an art in architecture program for public buildings. Now, nearly 70 years later, hundreds of cities, organizations, and foundations in North America and around the world have programs and policies that aid in the planning and creation of public art. The City of Winnipeg approved a municipal Public Art Policy in 2004.

While all cities, agencies, and organizations have different definitions to meet their public art goals, the term “public art” is consistently understood as a way of describing *art that is in the public realm, accessible to the public, created by artists, and selected in an open and transparent process. The art can be temporary, permanent, donations, loans, local and international.*

Public art policies and programs vary in approach and may include capital and infrastructure projects, private development, public lands, transit, parks, and open space. The commonality is that the art is in publicly accessible locations, for the benefit of all to experience. Public art is usually created specifically for a particular location or site. This “site-specific” art is usually in response to the physical condition of the site or created to acknowledge or mark a particular historical or cultural event.

## **2.1 Public Art at The Forks**

Public art at The Forks can be any media, permanent or temporary, created by artists or in collaboration with artists located in publicly accessible locations on The Forks site.

The art should possess aesthetic qualities, and be commissioned, acquired, or donated to The Forks in accordance with established criteria and evaluation processes.

The art should have relevance to the unique historic, cultural, and programmatic context of The Forks created by local, national, and international artists.

For the purposes of this policy, this broad public art definition allows for some flexibility as the collection grows and ideas are presented.

## **2.2 Who is an Artist?**

The Forks has adopted the Canada Council for the Arts’ definition of a professional artist.

A professional artist is an artist who:

- a. has specialized training in the artistic field (not necessarily in academic institutions);
- b. is recognized as a professional by their peers (artists working in same artistic tradition);
- c. is committed to devoting more time to artistic activity, if possible, financially; and
- d. has a history of public presentation or exhibition.

The definition of an artist is inclusive of artists at all stages of practice, whether early, mid, or late-career. The aim is to create opportunities for both emerging and established artists, and to support the mentorship of emerging artists by their more experienced peers.

## 2.3 Types of Public Art

Public art can be commemorative, iconic, temporal, functional, environmental, including event-based installations. The art can be permanent or temporary (including ephemeral or performance-based).

There are generally three types of public art:

- a. **Independent** – a free standing work of art that is created independent of its site, but if the scale and context are appropriate, it could be installed without losing its aesthetic qualities.
- b. **Site-specific** – an artwork that is created specifically for its location, and responds to site elements, scale, cultural or social histories. It would lose its meaning, function, or relevance if moved to another location.
- c. **Integrated** – an artwork that is directly integrated within the physical architecture, landscaping, or structure of a site. This approach to public art is most successful when an artist is involved early in the design process.

## 2.4 Roles and Opportunities for Public Art

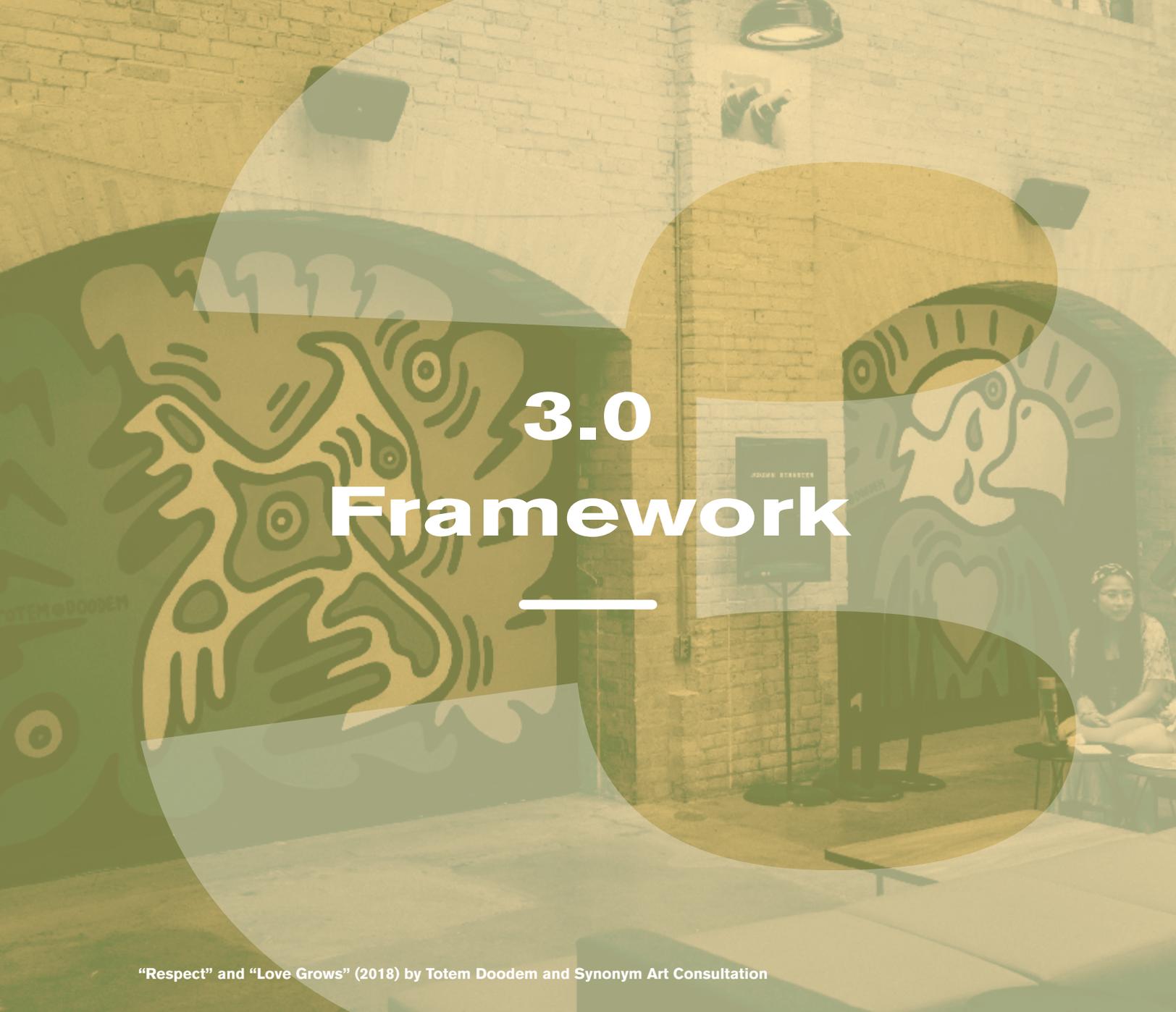
Public art at The Forks contributes to a culturally vibrant and connected place. It enhances quality of place and experience and creates cultural legacies.

Public art can play a variety of roles:

- a. **Placemaking** – creating and enhancing high quality public spaces
- b. **Place keeping** – strengthening the impetus for the stewardship and acknowledgment of histories and narratives, and care of public spaces
- c. **Gateway/marker** – signifying entrance/indicating entry
- d. **Landmark/focal point** – signifying a destination landmark
- e. **Memorial/commemoration** – art commissioned to commemorate a person, event, group, history
- f. **Wayfinding** - marking directions and locations
- g. **Functional art** - included in seating, lighting, paths, streetscape, water features, etc.
- h. **Environmental** - installations that reveal environmental issues
- i. **Interactive art** - activated by public participation
- j. **Temporary installations** - allow for short-term experimentation, or intended ephemeral works of art



"Niimaamaa" (2018) by KC Adams, Jaimie Isaac, and Val Vint



# 3.0 Framework

“Respect” and “Love Grows” (2018) by Totem Doodem and Synonym Art Consultation

This public art policy guides the ongoing development and management of The Forks public art collection. All public art projects, either initiated by The Forks, or proposed to The Forks by an artist or organization, are guided by this policy. As projects are identified or planned, they are subject to input from the Public Art

Advisory Committee. TFNP works closely with project architects, designers, and The Forks Design Review Panel when considering public art locations and opportunities.

## **3.1 Collection Principles and Guidelines**

An art collection management plan ensures that art at The Forks is well cared for and demonstrates an ongoing commitment to the commissioning and acquisition of public art. Systematic care for artworks ensures that the original intent of the art is preserved, can increase its value, and attract more art investment in the future.

The plan addresses the following principles:

- a. Goals of the collection
- b. Methods of acquiring public art
- c. Requirements for the documentation of the artworks
- d. Responsibilities and methods for the care of the collection (including maintenance and conservation)
- e. Proposed methods for relocation, removal, or de-accession of artworks when applicable

## **3.2 Governance**

A Public Art Advisory Committee (PAAC), commissioned by TFNP, provides independent advice and guidance on public art proposals and opportunities for The Forks site. The committee ensures the overall goals of this policy are accomplished.



# 4.0 Public Art Policy

“Mural honouring Jai Pereira” by Mr Cenz

The following policies address how public art at The Forks is acquired, located, and managed. Recognizing the diverse nature of public art, the policies provide a consistent set of considerations to guide TNFP.

The policies are organized into five categories:

- a. Art Acquisition & Selection Methods
- b. Art Selection Criteria
- c. Site Selection Criteria
- d. Donations and Loans Review
- e. Collection Management Plan

## 4.1 Art Acquisition & Selection Methods

The field of public art provides a range of commissioning opportunities, depending on the site, budget, timing, partnerships, etc. The advantage of commissioning through a range of public art selection methods is that opportunities can be made available to artists with all levels of skill and experience, thus contributing to a diverse collection of public art.

### 4.1.1. Request for Qualifications (RFQ) and Request for Proposals (RFP)

This type of commission process is usually a two-stage competition which invites artists to submit their qualifications. Submissions for Stage One are reviewed and artists selected based on the requirements and conditions of the competition. The RFQ competition call is widely circulated and advertised.

#### a. Stage One – Qualifications

This first stage does not require a concept, sketch, or maquette. Depending on the terms of the call, a statement of intent, or understanding of the scope may be required. There is no compensation for RFQ submissions, which are open to all who choose to apply.

#### b. Stage Two – Proposals

This is the second stage, when only artists who are deemed qualified (for this call) are invited into the subsequent RFP with more detailed information and requirements. The competition brief outlines the commission criteria and requirements, and these short-listed artists are paid a fee to develop a proposal for review.

One artist is selected for the commission and contracted for the project. Depending on the nature of the competition, a runner-up may be identified.

### 4.1.2. Artists as Planning and Design Team Members

An invitation to artists to join a team offers an opportunity to collaborate with an architect, landscape architects, engineers, and other professionals at the early stages of the design of a site, building, infrastructure, or landscaping. An open call to artists is usually issued through an RFQ, depending on the timing and type of competition. Artists may be selected through an interview process. It is important to include an artist at the onset of this design phase to develop the art ideas in a timely fashion.

### 4.1.3. Invitation and Limited Competitions

Invitations are sent to a small number of artists, based on reputation and experience, to participate in a competition. The artists are paid to develop a proposal for a specific site. This approach can be used for time-sensitive projects in which an artist's idea is needed quickly.

## **The Forks Public Art Policy**

### **4.1.4. Direct Commissions**

Under very specific opportunities, one artist is invited to create site-specific artwork, or this commission may be through a direct purchase of an existing work.

### **4.1.5. Ideas/One-stage Competitions**

A call for ideas or one-stage competitions is one in which participants are invited to propose ideas for review. This kind of call is usually for a specific site or theme (such as the Warming Huts competition, which is open to all professions). One-stage competitions are often open to any profession and sometimes the proposals are anonymous when selected.

There are no fees at the onset and costs are offered only to the winning proponents. There is no commitment to implement winning ideas. The disadvantage of open/one-stage competitions is that experienced artists often do not participate, as it involves much work on proposals that have no compensation.

**“Forever Bicycles” by Ai Weiwei**



## 4.2 Art Selection Criteria

### 4.2.1. Competition Terms of Reference

When selecting artists and art, whether it be a request for qualifications or proposal, the competition terms of reference will detail the project goals, art expectations, site potentials, restrictions, and site context.

### 4.2.2. Selection Criteria

Criteria include:

- a. Aesthetic quality and creativity
- b. Compliance with the competition objectives and requirements
- c. Appropriateness of the work within the site and context
- d. Durability
- e. Budget and timeline feasibility
- f. Maintenance and conservation requirements

### 4.2.3. Temporary Art

The criteria for temporary art, interventions, or installations are specific to the site, context, budget, and expectations of the project, and require slightly different considerations than permanent installations with regards to ongoing maintenance. There may be more flexibility in the durability of materials, but safety and durability should still be considered.



## 4.3 Site Selection Criteria

### 4.3.1. Selection Criteria

When selecting sites for permanent or temporary art installations, the following criteria are considered:

- a. **Accessibility/visibility** - site should be clearly visible and physically accessible to the public.
- b. **Site capacity** - physical qualities and prominence of potential site must be seen as a public art opportunity, plus access for maintenance. Consideration for public safety if the site is intended to attract large crowds, or a place of contemplation. Planning, urban design, and environmental requirements apply.
- c. **Compatibility/enhancement** - the resulting site and art should enhance the public realm and the surrounding infrastructure, building, and natural elements. The site should not obstruct sight lines or divert pedestrian, cyclist, and vehicular circulation, unless this is intended.

### 4.3.2. Evaluation

TFNP, The Forks Design Review Panel, and project designers will be involved in all site evaluations.



"Education is the New Bison" by Val Vint

## 4.4 Donations and Loans Review

Donated works of art have the potential to add great value to The Forks' public art collection. Each proposed donation is reviewed and assessed carefully to ensure consistency with this policy. Proposed art donations must demonstrate high aesthetic values, meet technical criteria to ensure safety and sustainability, and be relevant to The Forks.

Loans are subject to the same criteria as a donation, with the understanding that acceptance of the work of art has a limited time frame, unless otherwise agreed upon with the review and acceptance of the loan.

### 4.4.1. Donation Criteria

The following criteria are considered in determining whether a donation is accepted:

a. **Relevance to The Forks' Goals**

The donation must have relevance to The Forks and to the proposed site and its surroundings, including considerations of scale, architecture, topography, history, and the physical and social context of the proposed art and site. It is expected that the donation will remain relevant over time.

The subject matter of the donation and characterization of that subject must be factually correct and historically accurate. The proposed donation shall not promote or endorse a current commercial product, service, or business other than recognition of the donor's name on a plaque or online.

b. **Artistic Quality and Condition**

The proposed artwork must have artistic excellence and originality. The work will be assessed by the Public Art Advisory Committee based on the written proposal, photographs, drawings, and/or maquettes. The donation must be in good condition and the materials and installation methods proposed must be appropriate for Winnipeg's climate and year-round weather conditions. Ongoing maintenance requirements will be addressed.

c. **Proposed Site, Context, Connection, and Upcoming Site Plans**

Of particular importance is the proposed artwork's scale, context, and relevance to the overall Forks site. If a specific site is proposed, an appropriate scale relative to the site's surroundings is an important factor, as is the artwork's connection to place. Its relationship and sight lines to other works of art in the vicinity, including historical/cultural narratives and physical elements, will also be considered. Suitability to the site, The Forks' plans for the chosen site, and environmental concerns will all be reviewed.

## **The Forks Public Art Policy**

### **d. Technical Considerations for Installation and Public Safety**

The artwork proposal must provide the dimensions and fabrication specifications of the proposed donation, including structural and installation requirements. Photographic and written evaluation of the condition of the work must be provided for consideration.

All structures require stamped engineered drawings to address anchoring, stability, and load-bearing concerns. Any permitting requirements must be disclosed and addressed.

Sharp edges, points, or projections that can cut, puncture, or cause injury should not be within three metres of the ground. Water must not pool on or around the artwork. Any electrical requirements, such as lighting, must be approved by the appropriate authority.

The design and installation must be stable and secure and maximize public safety by discouraging climbing. Tripping hazards must be minimized. Structures that can be climbed, especially by children, may be subject to Canadian Safety Association (CSA) standards. Other public safety considerations related to the specific design and materials proposed should be considered.

In general, structural and technical considerations should be assessed and verified by the project designer and professional engineer(s).

### **e. Legal/Appraisal/Title/Authenticity/Insurance**

The donor must demonstrate the legal authority to donate the work. If the art is accepted and a tax receipt is requested, the donor must demonstrate the value through sales and/or appraisal from a professional art consultant. The question of insurance coverage and responsibility for premiums must also be addressed prior to the donation being accepted.

### **f. Funding for Maintenance/Conservation**

To accept a work of art is to accept the responsibility for its longevity and condition. Regular assessments and maintenance will conserve an artwork. The donor is responsible for all costs (unless otherwise waived by TFNP) related to the donation including but not limited to appraisal, transportation, engineering, site preparations, and installation. At least 10% of the value of the donation to cover future maintenance and conservation costs will be required. That 10% may be higher depending on the anticipated maintenance requirements.

### **g. Conditions of Donations/Loans**

There must be no conditions imposed by the donor, including requirements in perpetuity. All proposed donations should be submitted through written submission and address all acceptance criteria as specified herein.

## **4.4.2. Decisions of TFNP**

All decisions on the degree to which a proposed donation is consistent with the stated donation criteria will be determined solely by TFNP.

## 4.5 Collection Management Plan

### 4.5.1. Caring for the Collection – Conservation, Maintenance, and Reserve

The Forks has established plans for long term care of the artworks in the collection with both preventative and restorative actions. A responsible public art collection cares for, preserves, and protects its inventory. Any damaged or at-risk artworks and any repair, storage, or protection will be conducted by professional conservator(s), with the involvement of the artist, if possible.

An established maintenance reserve will provide for the ongoing care of the art. As referenced in the Donations and Loans section, 10% of the value of art is a recommended benchmark to budget and hold in a maintenance reserve.

### 4.5.2. Maintenance Manual

Upon completion of a public art commission, the artist will supply The Forks with a maintenance manual, which should include the following:

- a. Specific materials and sources used in the execution of the work.
- b. Methods of fabrication, including diagrams and names of the fabricators.
- c. Installation specifics (method, description, and drawings of structural support, company, and names of persons involved in the fabrication).
- d. Method and frequency of routine maintenance, required maintenance equipment, cyclical maintenance requirements, and recommendations and cautions about possible negative influences (climate, pollutants, sunlight, etc.).

The existing public art collection is reviewed bi-annually and maintenance information and specifications are maintained as an evergreen inventory.

### 4.5.3. Copyrights/Moral Rights

The artist retains all copyright and all other intellectual property rights, except as limited by the contract.

Moral rights protect an artist's reputations and the integrity of their art against unauthorized alteration or destruction and serve as a safeguard for both the owner and the creator of the artwork. Alterations to artworks are rarely required, but may be necessary for safety or maintenance measures reasons. If any changes are deemed necessary, communication with the creator, estate, or family will occur.

**4.5.4. Documentation/Inventory**

The Forks maintains an art inventory for record purposes.

Inventory entries for all acquisitions include the following:

- a. Artist's name
- b. Year completed
- c. Location
- d. Detailed description of the work of art
- e. Fabrication process
- f. Materials used
- g. Site conditions
- h. Ongoing conservation requirements
- i. Image of the installed work
- j. Budget/value of art
- k. Funding source

**4.5.5. De-Accession**

The de-accessioning of a work of art is the process of discharging the art from The Forks' public art collection. Reasons for removal of the work might include: poor quality beyond restoration and repair, duplication, forgery, safety issues, and/or irrelevance to The Forks' public art vision.

De-accessioning policies and procedures are necessary to ensure artwork is removed from the collection appropriately and responsibly. If an artwork is evaluated and deemed of poor quality, beyond restoration or other issues, a decision to proceed with de-accession will detail the rationale and provide advice on legal and financial implications. TFNP may decide to donate, sell, auction, relocate, store, retain, or dispose of the artwork, depending on the agreement terms with the artist, original donor, or the commissioning representative.

Technical and professional expertise will be sought to address the artwork in a respectful and documented manner. All attempts will be made to contact the artist or the artist's estate prior to de-commissioning.

# Appendix A: Art Donation Application

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Donated works of art have the potential to add great value to The Forks. Any proposed donation must demonstrate high aesthetic values, meet technical criteria to ensure safety and sustainability, and be relevant to The Forks.

Each proposed donation is reviewed and accessed carefully to ensure consistency with this policy. Loans are subject to the same criteria as a donation, with the understanding that acceptance of the work of art has a limited time frame, unless otherwise agreed upon with the review and acceptance of the loan.

## **The Forks Public Art Policy**

All donations require a written submission to address all acceptance criteria including:

- a. Details on artistic excellence and original intent of work
- b. Relevance to The Forks
- c. Suitability to the proposed site including scale and context
- d. Historical and/or factual accuracy of the work.
- e. Proof of good condition
- f. Long term maintenance requirements
- g. Dimensions, fabrication, installation, and structural requirements
- h. Stamped engineering drawings, if appropriate
- i. Identification of any safety and design issues
- j. Legal authority to donate art
- k. Appraisal value (by a professional consultant)
- l. Costs associated with the proposed work including installation, insurance, ongoing maintenance, etc.
- m. No conditions on acceptance of work of art

September 2023