

A Public Art Policy for New Brunswick

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1.0 Statement of Purpose

The Public Art Policy establishes funding levels and authorizes the acquisition, or commissioning, of artworks for provincially-owned and provincially-invested construction or development projects.

2.0 Intent

- 2.1 This policy promotes a sense of shared identity and pride of place among New Brunswickers while recognizing and supporting professional artists through establishment of a Public Art Policy. The policy establishes funding levels and authorizes acquisition, or commissioning, of artworks for provincially-owned and provincially-invested construction or development projects and broadly describes how the policy will be applied to major renovations of crown provincial assets and/or designated provincial heritage sites where a major building rehabilitation is being undertaken. The requirement of a permanent public art inclusion in these buildings will be evaluated on a case-by-case basis.
- 2.2 The policy serves to address and showcase other important purposes, including the provision of a cost-effective and community-focused approach to acquisition and/or commission of public artworks for buildings. As well as acquiring completed artworks for buildings, the commissioning process planning and construction phases may integrate artworks in architecture in a permanent impactful, durable, and effective way.
- 2.3 From a community perspective, public art enables access to art for all. The legacy component of public art encourages long-term understanding and enjoyment of art as part of everyday life in communities. Other benefits include increased opportunities for employment of professional artists and fostering a sense of pride and ownership for communities and community members who participate in the selection process.
- 2.4 When considering New Brunswick's professional artists, a public art policy will provide artistic development opportunities and increase economic opportunities for artists. Professional artists at various career levels can benefit from public art commissions.

New Brunswick's emerging artists can gain significant experience working on projects while adding to their artistic portfolios and readying them for larger projects in the future.

- 2.5 From an infrastructure perspective, publicly funded and accessible buildings that include artworks in public spaces have a greater economic value and add value to the surrounding community.
- 2.6 From a cultural tourism perspective, public art can be showcased as living examples of contemporary art that speak to the unique culture and heritage of our province. Public art promotion can help support rich, integrated, tourism products.
- 2.7 The overall goal of a provincial public art policy for New Brunswick is to ensure the policy clearly directs the requirement of public art inclusion in publically-funded buildings. A high level of professionalism applied to implementation of the Public Art Policy will ensure worthwhile and impactful investments.
- 2.8 Since all artworks, once created, will be part of the New Brunswick Public Art collection, known as the Art Bank, ensuring the investments made in the collection have public impact, is a key priority. Another overall priority is ensuring artworks are appropriate for the site and enhance the building.

3.0 Application

- 3.1 This policy applies to all provincially-owned and provincially-invested construction development or major renovation projects. As well as all provincially-owned and provincially invested projects open to the public, the policy also applies to projects where a part of the project or site is accessible to the public and where the building is being significantly renovated for new purposes.
- 3.2 The policy does not apply to highways, bridges or causeways, overpasses, viaducts, dams, parking areas, garages, free-standing fire halls in unincorporated areas, LSD construction projects, or buildings of a temporary nature. Likewise, this policy does not apply to government-owned or leased office spaces where sections are being refitted or redesigned for new uses or open-office environments, or to situations where

expenditures are to address regular maintenance issues, such as replacement of building systems (for example, roofing, windows, ventilation, electrical).

- 3.3 In the case of projects where government is involved in public-private partnership agreements for the construction of buildings, the policy does not apply if there is no buy-back option. However, all projects that fit this category will be required to consult with DTI and THC to determine if public art inclusion would be beneficial to the public and would add value to the building's worth. If deemed of value to the partner, some public art element may be included.
- 3.4 The department of Tourism, Heritage and Culture (THC) will administer this policy. The department of Transportation and Infrastructure (DTI), as the project owners, must ensure that the budget allotted must include an allocation for public art as part of the overall project budget for applicable projects; THC as the program administrator provides expertise and oversight for the public art commissioning process and administrative support to all projects.
- 3.5 Ownership of all public art pieces falls to the province of New Brunswick as they are provincial assets; maintenance and conservation of all pieces, oversight and tracking of their location, condition, etc. is the responsibility of THC's Culture, Heritage and Archaeology Division as the individual pieces fall under the jurisdiction of the New Brunswick Art Bank.

4.0 Definitions

- 4.1 Public Art Policy - Provincially-owned and provincially-invested construction, development or restoration projects, that are tendered and paid for by the province of New Brunswick and that are publicly accessible and intended for use by the general public. This includes: provincial buildings (schools, libraries, colleges, hospitals, nursing homes, law courts, provincial government office buildings, etc.); and provincial parks.
- 4.2 Public Art Program – A defined funding mechanism and program management structure to support the acquisition and commissioning of works of public art, whereby a percentage of the overall cost of new construction or development and/or restoration

projects is calculated and added to the overall project budget, thereby providing for the inclusion of public art in the project. Program guidelines will also ensure large scale developments involve architects and professional artists in the commissioning process for high profile government buildings to ensure that the sizable government investment in art reflects the highest level of professionalism.

- 4.3 Public Art - Original creations of artwork by professional artists created for public engagement and designed to be permanently situated in public locations. Including public art in a space can respond to the unique characteristics or use of that building or in some cases, can enhance the overall appearance of the space. The works of art acquired pursuant to the Public Art Policy may be an integral part of the building, attached to the building, detached within or outside the structure. Public art includes artworks purchased or commissioned, through the Public Art Program.
- 4.4 Public Spaces – This generally means areas of the building for public use, for example, in a hospital, these would be areas such as reception, and main lobby areas, etc.; whereas offices, nursing and surgical suites would not be.
- 4.5 Professional Artist – An individual who practices an art and aspires to earn a living thereby, who offers his or her services as a creator or performer in one or more arts disciplines in return for remuneration, who has undertaken a course of accredited or equivalent training in the field of the art discipline and/or who is recognized by his or her peers.
- 4.6 Public Art Commission – Through the Public Art Program, public artwork is commissioned from an artist/artist team. In some cases, the commission includes involvement with project architects regarding the design. In some cases, items in public spaces of the building/site required for its operation, including for example, architectural finishings, such as seating, lighting, flooring, etc. may be included in a commission.
- 4.7 Public Art Acquisition – Through the Public Art Program, the purchase of a work of art by a professional New Brunswick artist may take place to further develop the provincial art collection or to beautify a specific public building/site.

5.0 Goals/Principles

- 5.1 Reflects New Brunswick's diverse cultural character and helps celebrate our living heritage;
- 5.2 Enables individual New Brunswickers and the public to engage with and enjoy artwork in public spaces;
- 5.3 Results from a public art commission or purchase through a competitive process;
- 5.4 Helps to stimulate and support economic, tourism and cultural development;
- 5.5 Supports professional artists through opportunities for career development and visibility;
- 5.6 Reflects an engagement between artists, the community and public buildings or sites;
- 5.7 Increases the value of government assets.

6.0 Requirements/Standards

- 6.1 Policies and procedures for the acquisition and commission of artworks will be determined through the Public Art Program.
- 6.2 Policies and procedures for the selection and contracting of professional artists, as well as artists' intellectual property rights as per the Canadian Copyright Act will be determined through the Public Art Program.
- 6.3 Based on the guidelines below, all newly constructed applicable buildings that are provincially-owned and provincially-invested and major renovations to government owned and operated buildings will be required to adhere to the percentage parameters for public art inclusion in their budget costings.

7.0 General Guidelines

- 7.1 The Public Art Program will administer, acquire and/or commission public artworks for all applicable construction projects identified above with the intent that the final artworks become part of the New Brunswick Art Bank, the permanent visual arts collection of the Province of New Brunswick.

- 7.2 A \$50,000 investment cap for public art will apply to all newly constructed and renovated public schools and community colleges. This amount will be added to the total project cost.
- 7.3 Projects costing \$2M or less, will allocate an amount equal to 1.75 % of the total budget to public art (up to a maximum of \$35,000). This amount will be added to the total project cost.
- 7.4 Projects costing between \$2.1M to \$5M will allocate an amount equal to 1.5 % of the total budget to public art (\$31,500 to \$75,000). This amount will be added to the total project cost.
- 7.5 Projects costing between \$5.1M to \$10M will allocate an amount equal to 1.0 % of the total budget to public art (\$51,000 to \$100,000). This amount will be added to the total project cost.
- 7.6 In the case of total construction budgets exceeding \$10.1M, a calculated amount equal to 1.0% of total budget costs (up to a maximum of \$250,000) must be added to the total project budget and assigned to public art piece(s).
- 7.7 The owner of the artwork commissioned or purchased for the Public Art Program will be the provincial Art Bank. The Art Bank will be responsible for maintenance and conservation of the artwork, through procedures established through the Public Art Program.
- 7.8 Standards and budgetary allocation for maintenance, conservation and records management of artworks will be determined by the Public Art Program.
- 7.9 Policies and procedures for the acquisition and commission of artworks will be determined through the Public Art Program. Specific parameters to engage the primary community who will use the building will be part of the program's detailed elements (for example, community engagement is an important element in the public art selection process for schools).

7.10 THC has an exemption under the Procurement Act which will allow for the purchase of works of art; goods that have an estimated value of less than \$10,000; and services that have an estimated value of less than \$50,000.

For projects where the service cost is greater than \$50,000 or the good exceeds \$10,000, an exemption will be required.

8.0 Implementation

8.1 To ensure the success of the public art policy, government will use a phased-in implementation approach. In year one (2018-19) only new schools will be required to include a public art budget amount in their total project budget and schedules. Starting in 2019-20, all new schools, colleges and other constructions, and major renovations with a budget of greater than \$1M, will be assessed for inclusion of public art on a project-by-project basis.

8.2 This phased-in approach will allow for the completion of the public art pilot projects that are underway to fully inform the Public Art Policy's detailed program guidelines. It will also allow for all implicated construction projects to be budgeted by the funding department.

Appendix A:

Budget for projects (at a glance):

Overall cost of construction /renovation project	Calculation method	Sum of public art budget	Method
Schools/Community Colleges: (new constructions and renovations with total budget more than \$1M)		\$50,000	Acquisition/Commission
\$2M or less	1.75%	\$0 – \$35,000	Acquisition/Commission
\$2.1M- \$5M	1.5%	\$31,500 -\$75,000	Acquisition/Commission
\$5.1M -\$10M	1.0% of total project costs	Up to a maximum of \$100,000	Acquisition/Commission
\$10.1M and greater	1.0% of total project costs (cap of \$250,000)	Up to a maximum of \$250,000	Acquisition/Commission