

ART AND MONUMENTS DONATION POLICY AND PROCESS

1.0 POLICY STATEMENT

The City of Hamilton recognizes the importance of its public spaces and that Donations of art, memorials and other commemorative features by individuals, private sector groups, or community groups can add to the enjoyment of these spaces and to the understanding of the community's collective culture.

2.0 PURPOSE

To outline the terms and criteria by which the City of Hamilton may evaluate and accept a Donation by an individual, private sector group, or community group of an Artwork or Commemorative Feature for long term installation outdoors on City owned publicly accessible property.

To provide guidance to staff to implement a Donation process to guide the evaluation and Council's consideration of recommended art and monuments Donations.

3.0 DEFINITIONS

Artwork or Commemorative Feature

A work of art, signage, monument, marker, statue, or other such feature that is intended to memorialize, celebrate or in some other way signify an event, individual, group or organization, exclusive of commemorative or memorial features that are subject to the processes and policies of the Parks & Cemeteries Section of the Public Works Department.

The Donation of an interpretive panel (or series of panels) is not covered by this Policy. See the <https://www.hamilton.ca/attractions/culture/plaques-and-markers>

Donation

Artworks or Commemorative Features given to the City of Hamilton as a gift bequeath or sponsored acquisition.

Donor

Individual, private sector or community group who wishes to donate Artwork or Commemorative Feature to the City of Hamilton.

4.0 DONATION CRITERIA

The following criteria shall be considered in determining whether a Donation is accepted:

4.1 Relevance

- The Donation has relevance to the citizens of Hamilton, to the proposed site and its surroundings, including considerations of scale, architecture, topography,

history and the physical and social dynamics of the community in which the Artwork or Commemorative Feature will be placed.

- The subject matter of the Donation and the characterization of that subject matter are factually correct and historically appropriate.
- The Donation will remain relevant over time
- The Donation shall generally not replicate an existing monument or memorial in the public realm in the City of Hamilton pertaining to the same theme.
- Where the Donation relates to recent events or recently deceased individuals, at least five years have passed since the date of the event or death.
- The Donation does not promote or endorse a current commercial product, service or business other than recognition of the Donor's name on an information plaque or label.

4.2 Location

- The location is accessible to citizens as defined by current provincial and City regulations.
- The Donation is compatible with other uses of the public space in which it is proposed to be located.
- The location is feasible to allow access to install the proposed Donation.
- The location can adequately accommodate any ceremony or event(s) proposed as a result of the display of the Artwork or Commemorative Feature.

4.3 Durability

- The materials and installation methods proposed will be durable in the outdoor Canadian environment and other urban conditions.
- The design and installation minimize ongoing maintenance requirements by considering design features that deter graffiti, allow for easy graffiti removal and minimize any other possible environmental damage.
- The Donation is in good condition at the time of installation.

4.4 Public Safety

- The design and installation are stable and secure and maximize public safety by discouraging climbing, and minimizing trip hazards, sharp edges, light

reflectiveness, and motorist distraction in addition to addressing any other project specific safety or security concern.

4.5 Legal

- The Donor has the legal authority to donate the work and is in compliance with all other applicable bylaws, policies, guidelines and provincial or federal legislation and regulations that may apply.

5.0 FINANCIAL

All costs associated with the preparation of the Donation proposal, evaluation of the proposal, approval, acceptance and installation of the Donation (excluding City staff time) shall be funded in whole by the Donor unless otherwise agreed to by City Council.

The Donor shall make a financial contribution to the City in an amount to be determined by City staff to offset the costs of ongoing maintenance of the Donation unless otherwise agreed to by Council.

6.0 TITLE

All rights, title and interest in and to the Donation shall be assigned to the City of Hamilton unless otherwise approved by City Council, excluding intellectual property rights, when appropriate.

The Donation may be relocated, altered, removed to storage or disposed of if conditions change in such a way that the Donation is no longer in compliance with this policy as determined at the sole discretion of the City of Hamilton.

7.0 AUTHORITY

The Director of Tourism and Culture or their designate shall oversee the process to evaluate a Donation and if the Donation is determined to satisfy the requirement of this policy a recommendation that the Donation be accepted and installed will be made to the appropriate committee of Council for consideration.

8.0 DONATION EVALUATION PROCESS

Proposed Donations of Artworks or Commemorative Features for long term installation on outdoor City of Hamilton property shall be evaluated as outlined in the Art and Monuments Donation Process.

ART AND MONUMENTS DONATION PROCESS

1.0 PURPOSE

To outline the process through which the City of Hamilton may evaluate and accept an offer of Donation by an individual, private sector group, or community group of an Artwork or Commemorative Feature for long term installation outdoors on City owned publicly accessible property.

4.0 OVERVIEW

The Art and Monuments Donation Process has five steps:

1. Preliminary proposal submission and review;
2. Detailed proposal submission;
3. Evaluation;
4. Conditions and Costs Report to Donor; and,
5. Recommendation to accept and install.

3.0 COMMUNICATION

All offers to donate an Artwork or Commemorative feature for public display shall be made in writing by the Donor and submitted to the Director of Tourism and Culture (or their designate):

Director of Tourism and Culture
28 James Street North, 2nd Flr
Hamilton, Ontario
L8R 2K1

4.0 EVALUATION TEAM

In order to determine the Donation's compliance with the Art and Monuments Donation Policy the Director of Tourism and Culture (or their designate) shall assemble an evaluation team based on the scope and subject matter of the Donation proposal. The team will include relevant City staff from affected areas such as but not limited to, Parks and Cemeteries, Landscape Architectural Services, Facilities, and Legal Services to evaluate the Donation proposal. In addition, when deemed necessary by the Director of Tourism and Culture (or their designate), community stakeholders and sector experts may also be invited to provide input.

5.0 PROCESS

5.1 Preliminary Donation Proposal

The Donor shall submit a short, written description to the Director of Tourism and Culture of the proposed Donation, proposed location (if known) and reasons for the donation.

Based on a review of this proposal by the Director of Tourism and Culture (or their designate), additional information required as part of a Detail Donation Proposal will be identified and requested of the Donor.

The Donor will also be informed of any aspects of the preliminary donation proposal that may not satisfy the criteria and terms outlined in the Art and Monuments Donation Policy. Recommendations may be made to the Donor to revise the proposal in order to satisfy the criteria.

5.2 Detail Donation Proposal

Based on the information provided to the Donor as a result of the review of the preliminary donation proposal a Detail Donation Proposal shall be submitted to the Director of Tourism and Culture (or their designate). This proposal is to include sufficient information to evaluate the proposed donation including, but not limited to, the following:

- a. Drawings, photos and written description or a combination of these to fully illustrate and describe the proposed Artwork or Commemorative Feature to be donated. This shall include overall dimensions, colours, materials, any text included in the work and any other information as required;
- b. A site plan drawing or map to scale, that clearly indicates the proposed location(s) and describes the surrounding building, streets and other site features;

Note: The City may consult the Donor on potential locations for the Donation but will ultimately make the final determination on the chosen location for the Donation.

- c. A written explanation of why the Artwork or Commemorative Feature should be displayed on public property, how the display of the Donation contributes to the artistic, social or historical culture of the City of Hamilton, how the Donation is appropriate for the proposed site and to the interests of the public and the City of Hamilton;
- d. Installation and Maintenance Statement outlining the following:
 - The method and requirements for installation of the Artwork or Commemorative Feature at the site including all proposed foundation and attachment methods, any proposed site improvements and access requirements.
 - A description of the anticipated ongoing maintenance required for the Artwork or Commemorative Feature including any provisions to prevent graffiti, remove graffiti and reduce damage from salt or other environmental issues that may affect the Donation in the public realm.
 - Provide a proposed date for the installation and outline the estimated time the public space would be disturbed to allow for the installation.

- e. Budget proposal identifying the cost of installing the Artwork or Commemorative Feature and the annual ongoing maintenance costs. Unless waived by the City, the Donor is responsible for all costs including, but not limited to:
- Appraisal or evaluation by a certified specialist.
 - Photographs for inventory and insurance purposes.
 - Transporting the Donation.
 - A minimum 10% of the current market value of the Donation to cover future maintenance and conservation. This percentage will be higher for an Artwork or Commemorative Feature deemed to be subject to a high maintenance cost.
 - Engineering, site planning and preparation and installation of the Artwork or Commemorative Feature.
 - Permits or approvals required by governing authorities such as but not limited to; building permit and archeology.
- f. A written explanation of the how the design of the Artwork or Commemorative Feature and its installation account for public safety, including discouraging climbing, minimizing sharp edges and protrusions, and incorporating any other relevant safety and security features;
- g. A written explanation of legal issues, including but not limited to identifying the current legal owner of the Artwork or Commemorative Feature, the existence of any copyrights, patents or other title rights in or to the Artwork or Commemorative Feature (e.g., any interest to remain with the artist or designer of the item), and an explanation of any proposed conditions or limitations on the donation of the Artwork or Commemorative Feature;
- h. A written description of the background/historical information associated with the Donation, including but not limited to, information about the creation of the Artwork or Commemorative Feature and, if applicable, the artist who created the Artwork or Commemorative Feature;
- i. The estimated current market value of the Artwork or Commemorative Feature (including appraisals of the item by a certified specialist if a charitable receipt is to be requested);
- j. The method by which the Donor would like to be recognized; and,
- k. Any additional information the Director of Tourism and Culture (or their designate) deems necessary or appropriate to evaluate the offer of Donation.

A failure to provide the information outlined above may result in the Director of Tourism and Culture (or their designate) terminating the evaluation process as there is insufficient

documentation to assess the Donation.

5.3 Evaluation Report

Once the Director of Tourism and Culture (or their designate) receives an adequately documented Detail Donation Proposal, they will distribute it to members of the evaluation team. The team will review the information provided in the Detail Donation Proposal to determine compliance with the Art and Monument Donation Policy, identify any conditions that may need to be met to comply with the Policy and identify any costs required to be paid to the City and report back to the Director of Tourism and Culture (or their designate).

5.4 Conditions and Costs Report to Donor

Upon completion of the evaluation the Director of Tourism and Culture (or their designate) will provide a written Conditions and Cost Report to the Donor. This report will outline any conditions the Donor must satisfy and the amount the Donor is to pay the City to offset costs, as identified in the Policy, in order for City staff to recommend to Council that the Donation be accepted and installed.

5.5 Recommendation to accept and install

Upon the determination by the Director of Tourism and Culture (or their designate) that the Detail Donation Proposal satisfies all the City's criteria and that the Donor agrees to meet all conditions and to cover the identified costs, City staff will prepare a report to the appropriate Committee of Council recommending that the City enter into an agreement with the Donor to accept ownership of the Artwork or Commemorative Feature and approve its installation as per the terms and conditions outlined in the Detail Donation Proposal and the Conditions and Costs Report submitted to the Donor.