

## **Corporate Public Art Program Review Update**

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### **EXECUTIVE SUMMARY**

This report provides a status update on Administration's work responding to the 2019 September 30 Confidential Notice of Motion re: C2019-1263 Independence and Governance in Delivering the Public Art Program (Attachment 1). As directed by Council through the Notice of Motion, Administration hired a third-party consultant to review the most suitable service delivery model for The City of Calgary's Public Art Program.

As outlined in their report (Attachment 2), the consultant Art + Public UnLtd, considered three potential service delivery models; (1) remaining internal, (2) creating a new organization, (3) an existing organization assumes the Public Art Program. After reviewing all past and current research, including a scan of external local, national and international public art models, Art + Public UnLtd has recommended The City of Calgary's Public Art Program be assumed by an existing, local organization external to The City through a competitive selection process. A competitive selection process will ensure Administration is upholding its commitment to the Three Foundational Pillars of the Public Art Program;

1. **Accessible** in all aspects of a project or program including location, participation, application and information;
2. **Prioritizing investment** in the local creative economy
3. **Transparency** in decision making and financial reporting

These pillars were identified throughout the research and analysis phase of the Public Art Program review which align with the needs of Calgarians and guide the rebuilding of trust and credibility. Continuing with this mandate is key to creating a strong foundation for the future home of the Public Art Program.

Administration recommends moving forward with the next steps outlined in the consultant's report and continuing to work with Art + Public UnLtd to fulfill these objectives, reporting back no later than Q2 2020. These next steps will allow Administration the time to continue internal discussions with impacted parties, such as the employees of the Arts & Culture Division, Labour Relations and the relevant unions, while providing time for the consultants to build the necessary components for the competitive selection process.

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### ADMINISTRATION RECOMMENDATION:

#### Review By: [2020 06 30].

That the SPC on Community and Protective Services:

1. Accept the recommendations provided by the consultant, Art + Public UnLtd, in Attachment 2.
2. Direct Administration to:
  - a. work with the consultants to act on the next steps as recommended in the consultant's report to move The City of Calgary's Public Art Program to an existing, external, local organization; and
  - b. report back to Council through the SPC on Community and Protective Services with an update on recommendations on the successful external organization no later than Q2 2020.
3. Refer this report as an item of urgent business to the Combined Meeting of Council on 2019 November 18.
4. Direct that the Report and Closed Meeting discussions remain confidential pursuant to Sections 23 (Local public body confidences) and 25 (Disclosure harmful to economic and other interest of a public body) of the Freedom of Information and Protection of Privacy Act, with the exception of allowing Administration and the Consultant to communicate with impacted stakeholders as required, to be reviewed no later than Q2 2020.

### RECOMMENDATION OF THE STANDING POLICY COMMITTEE ON COMMUNITY AND PROTECTIVE SERVICES, 2019 NOVEMBER 13:

That the Standing Policy Committee on Community and Protective Services recommend that Council:

1. Approve the confidential recommendations found in Attachment 2 and direct Administration to implement the next steps as detailed;
2. Direct Administration to report back through the SPC on Community and Protective Services with an update no later than Q2 2020;
3. Direct that the report, attachments, presentation, and verbal discussions remain confidential pursuant to Sections 23 (Local public body confidences) and 25 (Disclosure harmful to economic and other interest of a public body) of the *Freedom of Information and Protection of Privacy Act*, with the exception of communication with impacted stakeholders as required, to be reviewed no later than 2020 June 30; and
4. Forward this Report as an item of Urgent Business to the Combined Meeting of Council on 2019 November 18.

### PREVIOUS COUNCIL DIRECTION / POLICY

On 2019 Sept 30, that with respect to Motion C2019-1263, the following be adopted:

That Council:

1. Adopt the Resolutions contained in the Motion;

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2. Direct that the Motion and Closed Meeting discussions remain confidential pursuant to Sections 23 (Local public body confidences) and 25 (Disclosure harmful to economic and other interest of a public body) of the Freedom of Information and Protection of Privacy Act, with the exception of allowing Administration to communicate with stakeholders as required, to be reviewed no later than Q1 2020.

Attachment 3 provides a detailed listing of Previous Council Direction since 2004.

### **BACKGROUND**

On 2019 September 30, Council directed Administration to investigate an alternative, arms-length service delivery model for the corporate Public Art Program as part of the Public Art review, working with a third-party consultant to provide a thorough examination of this opportunity, and provide answers to several strategic questions. Attachment 1 is Notice of Motion C2019-1263, which includes the detailed direction of work for the third-party consultant.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

To ensure an unbiased perspective and align with corporate procurement policies, Administration applied the following methodology in selecting the external consultant:

1. Experience or familiarity with an external or arms-length municipal public art service model within North America
2. Familiarity with The City of Calgary's Public Art program
3. Upstanding reputation within the Public Art and creative service industry
4. Not currently engaged in contracts or active membership with current Calgary art organizations or advocacy groups
5. Not currently located within Calgary or Alberta to limit potential influence and bias
6. Availability and ability to meet expedited time deliverables

From these criteria, Administration identified five North American consultants and engaged the Toronto based consultant group ART + PUBLIC UnLtd. Administration provided all past and current research to the consultant and held several in depth meetings to provide context and answer questions related to their research via telephone. ART + PUBLIC UnLtd findings are provided in Attachment 2.

### **Stakeholder Engagement, Research and Communication**

Administration provided ART + PUBLIC UnLtd access to information gathered through the following stakeholder engagements:

#### *General Public*

- Two workshops and online survey, January 2018 (over 100 participants)
- Online survey, March/April 2018 (over 7,400 participants)
- Telephone survey, April 2018 (approx. 500 participants)
- Citizen's View Panel, April/May 2018 (over 1,000 participants)

#### *Members of the Arts Community*

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- Internal Stakeholder Engagement session on public art project practices October 2018 (20 participants)
- Four focus groups and multiple stakeholder meetings, September 2018 to February 2019 (over 50 participants)
- Two Public Art Board engagement sessions focused on governance and terms of reference review, October 2018 to December 2018
- Four working group sessions focused on procurement strategies and relationship building, May 2019 to August 2019 (on average 15 to 20 participants per session, some participants were reoccurring participants)
- Four focus group sessions focused on developing a vision, October 2019 (30 participants)
- Telephone interviews with members of the Public Art Executive Steering Committee, October 2019 (4 participants)

### **Strategic Alignment**

Calgary is in a constrained and unique economic environment that requires Administration to find new and innovative solutions when it comes to examining current and future service delivery models. Administration has used Council's guiding principles as presented in the Motion Arising in Notice of Motion C2019-0782 as the driver for corporate strategic alignment. More specifically:

- N1: *Least harm (to services) approach (all direct and indirect Tax Supported areas)*
- N6: *Consider the capital related implications of operating reductions*
- N10: *Outsource work where possible to reduce overhead & benefits*
- N12: *Review reporting structures for additional savings and efficiencies*
- N13: *Operationalize Capital or Capitalize Operating where possible*

Continuing Calgary's investment in public art aligns with the goals of multiple guiding documents at The City of Calgary, including: the Municipal Development, the Indigenous Policy and White Goose Flying; and the Cultural Plan.

### **Social, Environmental, Economic (External)**

Public art is a major contributor to social capital and improving quality of life. Pursuing the development of a sustainable public art delivery model highlights corporate commitment to these ideals, including reducing barriers and increasing community participation; advancing Calgary's reputation as a world class city; and providing cultural experiences that are freely accessible to everyone.

### **Financial Capacity**

#### ***Current and Future Operating Budget:***

By moving the Public Art Program to an existing, local organization, there is an opportunity to capitalize the Operating budget and remove the need for the public art program to be supported by the tax base.

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### ***Current and Future Capital Budget:***

In 2019 March 13, Council approved the creation of a pooled Capital public art fund (Attachment 3), which has remained suspended until a new direction for the Public Art program is approved by Council. This pooled Capital public art fund will be utilized to support an existing, local organization, which will be the new direction for the Public Art program.

### **Risk Assessment**

Administration has identified two key risks:

#### *Reputation*

Calgary has been recognized as a leader both nationally and internationally for its contributions to the arts and culture sector, specifically through public art. Exploring an external service delivery model could be perceived as an exercise in reducing The City of Calgary's commitment to investing in the arts which is highlighted through the Culture Plan. To mitigate this risk, a strategic communications and engagement plan will be developed as part of the next steps to ensure relevant information is made available, at the appropriate time and in the appropriate manner, throughout the process.

#### *Competitive Selection Process*

Pursuing a competitive selection process provides a higher degree of certainty, transparency and mitigates the perception of a predetermined outcome. Moving forward without this key next step could result in delays due to unforeseen risks associated with a potential candidate, such as a weak governance structure, lack of understanding of program operational needs, reputational issues and lack of vision for the program. Moving through a competitive process will allow Administration the opportunity to evaluate each proponent in these areas and ensure the program will operate at its best.

### **REASON(S) FOR RECOMMENDATION(S):**

1. Pursuing the next steps outlined in the consultant's report will ensure that the appropriate organization model for the The City of Calgary's Public Art Program is determined.
2. Continuing to work with the current consultants on their recommended next steps will minimize any gaps in mobilizing this work with a new consultant and ensure that the deadlines are met. Additionally, continuing this process with a third-party reduces the risk of favouritism or bias towards a specific organization. Administration is recommending reporting back no later than Q2 2020 instead of the initial Q1 2020 report deadline to allow time for the external organizations to prepare high quality proposals.
3. Administration is asking for this report to be added as an item of urgent business to the 2019 November 18 Combined Meeting of Council to expedite internal and external discussions related to the future service delivery model to report back no later than Q2 2020.
4. Maintaining confidentiality on this report will ensure that all staff are treated respectfully while pursuing the next steps as discussed in the consultant's report and minimize the opportunity

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for external lobbyists to influence the outcome. For these reasons, confidentiality is imperative to the success of moving the Public Art program to an external organization.

#### **ATTACHMENT(S)**

1. C2019-1263 Independence & Governance in Delivering the Public Art Program
2. ART+PUBLIC UnLtd Consultant Report
3. Previous Council Direction