Art in Public Places Policy
Acknowledgements

The City of Victoria is located on the homelands of the Songhees and Esquimalt People.

Thank you to the Art in Public Places Committee and the Arts Community of the Greater Victoria area for their contributions to our updated Art in Public Places Policy.

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Introduction

The City of Victoria is located on the homelands of the Songhees and Esquimalt People. Reflecting Indigenous heritage in everyday encounters in the public realm, through artistic interventions, presence and traditional storytelling, is essential to valuing and honouring both the tangible and intangible cultural heritage of the Peoples of the Songhees and Esquimalt Nations.

The City of Victoria promotes the creation and inclusion of artworks in its public buildings and spaces through the Art in Public Places Policy. The City will provide the cultural leadership to guide the evolution of a distinct and vibrant artistic character for civic public places and ensure a visual legacy.

Art in public places is a vital ingredient in the cultural fabric and streetscape of a creative city.

Victoria values artists, cultural practitioners, arts organizations, creative producers, and recognizes their role as central to innovation and well-being.
Scope

What is art in public places?
Art in public places (public art) is defined as original artwork selected, commissioned, created or donated for location in the public domain, and created by an artist. Artworks may be permanent or transitory, functional, integrated or discrete to the site. Artwork created or initiated by the community for the public realm is also considered public art.

Why art in public places?
Art in its many forms has the power to energize public spaces, makes us think and transforms where we work, live and play. Artworks in public places increase the liveability and artistic richness of our city by becoming a part of our environment and creating a legacy for future generations.

This policy applies to all members of the corporation of the City of Victoria including:

- Council
- Full, part-time and contract staff
- The Art in Public Places Committee and any subcommittees of the Committee.

Furnishings and infrastructure such as benches, light standards, manholes, and signage are not subject to this policy unless an art component is commissioned. Please see the Downtown Public Realm Plan & Streetscape Standards for more information.

Plaques, memorials, commemorations and interpretive signs are not subject to this policy unless an art component is commissioned. A Plaques, Memorials and Commemorations Policy is forthcoming.

Custom play structures situated within a playground are not subject to this policy.
Policy Context

The City of Victoria’s Art in Public Places: Percent for Public Art Policy was adopted by Council in 1993. The initial version of the policy articulates the intention of the City to create new works of art for the enhancement of public spaces, offers a rationale for public art projects, and defines the terms, responsibilities, and procedures to be used in realizing this goal.

After 17 years, Council directed the Parks, Recreation and Culture Department to “review and expand the public art policy”. The revised Policy, adopted by Council in 2010, included a direction to commit $150,000 annually to public art, of which 10 per cent was dedicated to maintenance of existing works and the remaining could be used or held in a reserve fund to support larger projects.

Additionally, the new Policy directed that with exceptional, significant civic construction projects the City may allocate up to one per cent of their overall construction budget for the creation of public art.

The 2010 Policy also outlined the inclusion of an inter-departmental public art team who would determine the sites for artwork in consultation with a five-member Art in Public Places Committee. Revised terms of reference for a more robust committee and selection panels were put in place. In addition, the Policy included direction to review and revise the Policy every five years in an effort to ensure that it remained in step with best practice.

Currently the Art in Public Places program takes direction from many City plans and policies to help guide strategic priorities and is managed by the Arts, Culture and Events Department. City policies are also considered when evaluating art projects and proposals.
The program will often utilize the Local Area Plans (Neighbourhood Plans) to help guide project development at a neighbourhood level. These updated Neighbourhood Plans provide extensive feedback from in-depth community engagement.
The purpose of this policy is to:

- Increase the liveability and artistic richness of the municipality by making art a permanent part of our environment and a legacy for future generations.
- Provide opportunities for the public to engage with and increase their awareness, appreciation, knowledge and education of public art.
- Develop a sense of place, community pride and identity through the creation of new works.
- Integrate art and artists into a variety of public settings.
- Create art that inspires people and is an expression of the time.
- Enhance the attractiveness of the city and promote cultural tourism.
- Provide opportunities for artists at all levels and career stages.

The Art in Public Places Policy, and related implementation procedures, guidelines, and financial contribution levels, will be reviewed every five years by the inter-departmental public art staff team in consultation with the Art in Public Places Committee to ensure ongoing viability and relevancy.
Guiding Principles

The City of Victoria’s Public Art Policy and program shall:

- Value the role of artists and creativity in our society.
- Respond to the natural, social and built environment of Victoria.
- Support artistic excellence, innovation and diversity.
- Ensure that accessibility (in terms of both physical and sensory interaction) of projects is considered at the first stage of project conception through to delivery.

- Ensure that the Indigenous heritage of this land is considered at the first stage of project conception through to delivery.
- Ensure that once a work is installed on public space, the public shall have free and unobstructed access.
- Ensure that the implementation process follows established guidelines and procedures, and is inclusive and transparent to the public.
Roles and Responsibilities

The management of public art is a consultative process involving multiple participants, including community representatives, City staff and City Council.

*Pavilion Rock and Shell* by Mowry Baden
Role of City Council

Council will:

- Approve the Public Art Policy and any changes to the Public Art Policy, as needed.
- Approve expenditures from the Public Art Reserve Fund through the budget process.
- Approve up to one per cent public art expenditures for capital projects through the budget process.
- Approve the annual public art maintenance budget through the budget process.
- Approve members of the Art in Public Place Committee (APPC) through the standard Public Advisory Committee selection process.
- Appoint a member of Council to the Art in Public Places Committee as a ‘Council Liaison’ in a non-voting capacity.

Role of City Staff

The implementation of this policy will be coordinated by Arts, Culture and Event Department staff who are responsible for coordinating the public art program in collaboration with the Interdepartmental Public Art Team (IPAT). For large scale or technically complex projects, staff may contract a public art consultant to coordinate the process. He/she shall be contracted early in the process to assure that all issues are considered before decisions are made.

Public Art program staff will:

- Recommend project budgets through the City’s annual budget process.
- Develop scope and terms of reference for each new proposed public art project.
- Prepare the Call to Artists and submit to the Art in Public Places Committee for approval.
- Coordinate the acquisition or de-accession of artistic works in accordance with this policy.
- Coordinate the review and selection process for a given project.
- Administer project budgets.
- Establish and maintain a public art inventory.
- Coordinate conservation of the City’s public art as required.
- Coordinate the animation of the City’s public art as required.
- Liaise with artists, arts professionals and arts organizations as required.
- Coordinate regular Art in Public Places Committee meetings, circulating information, providing guidance and arranging for the recording of minutes.
- Coordinate and chair regular IPAT meetings, circulating information, providing guidance and arranging for the recording of minutes.
- And other duties that may be required to manage the program.

The Interdepartmental Public Art Team is comprised of representatives from Parks, Engineering and Public Works, Planning and Development, Engagement, and the City’s Insurance Specialist.

Members of the Interdepartmental Public Art Team will:

- Assist in the identification and annual review of public art opportunities.
- Determine sites for art in public places.
- Assess risk management issues (re: safety and maintenance) of proposed projects that have been short-listed in competitions, and will provide feedback to the Selection Panel on any safety/risk management concerns.
- Consider City policies and planning documents when evaluating art projects and proposals.

Not all projects require the same amount of time, financial support, staff support or degree of detailed attention.
Role of Art in Public Places Committee

The Committee’s purpose is to:

• Provide advice and act as a resource to City Council and staff on the City’s Art in Public Places Policy.

• Propose and support activities, initiatives and events that benefit and advance art in the city.

• Raise awareness and understanding of the importance of public art in the city.

• Advise on strategies, policies and programs to achieve excellence in art in the public realm.

The Art in Public Places Committee has four functions:

• To advise the City on public art issues and trends relevant to public art initiatives in the city.

• To advise and consult on specific issues, such as donations and commissions of work.

• To nominate one of their members and other artists in the community to serve on the selection panel for specific art projects.

• To determine the type of competition to be held for a particular art project, review the criteria for selection of the artist and/or artwork, the call to artists and the competition brief.

Please see the Appendix for the Art in Public Places Committee’s Terms of Reference for more details about the composition, term and code of conduct.

The Reef Project by Michael Abraham
The Art in Public Places Selection Panel

A public art project Selection Panel will be established once the terms of reference for a project have been developed by staff and approved by the Arts and Public Places Committee. The panel shall be composed of people knowledgeable in the arts and in public art specifically. Composition of the Selection Panel may include, but not necessarily be limited to:

- The Council Liaison to the Art in Public Places Committee (may attend in a non-voting capacity).
- An Art in Public Places Committee member.
- An artist.
- A visual arts professional (e.g., a gallery director or curator, or a visual arts faculty member from a post-secondary institution).
- A community representative.
- An Indigenous Knowledge Keeper.
- A member of the Accessibility Working Group.
- An architect.
- A staff representative from related City departments.

The Selection Panel for a particular project shall be responsible for selecting the successful applicant based on a thorough peer review and assessment of competition entries. The City of Victoria is not compelled to award the work based on the offers received.

Conflict of Interest

Staff of the City of Victoria, all members of the Arts and Public Places Committee, and members of the Selection Panel shall declare a conflict of interest and remove themselves from a selection process where a project comes before the Committee in which he or she is involved either directly or indirectly.
Poet Laureate Legacy Project by Glenn Closson

Raising Lights by Dylan Thomas
Funding

Municipal Contribution
The City of Victoria, through the annual budget process, will allocate a total of $150,000 to creation and maintenance for art in public places. As part of the annual budgeting process and approval of the annual financial plan, the Arts, Culture and Events staff submits an annual budget for the Department. This annual budget includes requests to access funding from the Art in Public Places Reserve Fund and also operating budget requests including funding for the following annual programs:

- The Artist In Residence (a two-year term position)
- Commercial Alley Art Gallery
- An Art Symposium

In addition, any departments may request an allocation of up to one per cent of the City’s contribution to total capital project costs towards funding an art component of a capital project.

Art in Public Places Reserve Fund
The Art in Public Places Reserve Fund provides a funding source for the planning, design, fabrication, acquisition, installation and maintenance of art in public places.

Civic Capital Projects
Through the annual budgeting and approval of the annual financial plan, City departments may allocate up to one per cent of total project costs towards funding art in public places for a capital project. For these public art projects total costs exclude: equipment, land acquisition, design, and administrative (soft) costs. For these projects, funds can be used to incorporate public art into a project’s design, to create a stand-alone piece onsite, or for public art at another location. Qualification under this additional funding will be determined by City of Victoria Directors as informed by the project staff and the Art in Public Places Committee.

Alternative Funding Opportunities
The Create Victoria Arts and Culture Master Plan proposes that the Arts, Culture, and Events Office be repositioned as a Cultural Hub to ‘roll out the red carpet’, instead of red tape, and continue to build its collaborative community partnerships. There is a need for both private sector and individual philanthropic support to champion artistic excellence and support our growing creative scene.

The City of Victoria will encourage other funding opportunities for art in public places through a series of actions to foster opportunities for both public and private sector support, through direct-funding, match-making and partnerships.
Acquisition

The acquisition of art will follow City of Victoria procurement procedures. All artworks owned by the City are the property of the City and are insured under the City’s insurance policies.

Public Art

The City may purchase, commission or receive donations of public art. Each acquisition will follow the procedures outlined within this policy and related guidelines. Each acquisition will be accompanied by a maintenance and de-accession plan that is supplied by the artist or donor. The City of Victoria retains the ownership of all artwork purchased through the Art in Public Places Policy.

Donations

The City of Victoria may consider the offer of artwork donation for placement in a public space. It is the responsibility of the Art in Public Places Committee to assess each proposal using established criteria. Given the scope of a proposed donation, staff may decide to invite additional members to join the review process to ensure that any all subject matter areas are addressed when reviewing the proposal. All donations must be unencumbered. The City may decline to accept any gift, bequest or donation of art.

Consideration of a proposal to gift an artwork shall be made on the understanding that:

- No civic funds shall be required for production or installation of the artwork, including all engineering and design costs, construction, site preparation and installation as well as the production of interpretive information and signage.
- Donors shall be obliged to lodge funds of ten per cent of the value of the artwork with the City for maintenance and repair in the Art in Public Places Maintenance Fund.
- If the fair market value is estimated to be more than $1,000, an appraisal of the artwork must be conducted by an independent, qualified arts professional and submitted to the City. (The name and address of the appraiser must be included on the official donation letter.) The City must be satisfied that the appraised amount is an accurate determination of the fair market value of the artwork.

All sections of this policy apply to considerations of art proposed as gifts to the City.

Public Art On Loan

The City may secure public art on loan for display on a temporary basis.

Copyright of Artwork

The City of Victoria will uphold the Government of Canada’s copyright guidelines as outlined by the Canadian Intellectual Property Office.
Top: Concrete Canvas Mural by Ken Lavallee
Bottom: Signs of Lekwungen by Butch Dick
Process

The process for selecting an artist for an art in public places project is informed by expertise and community input, including advice from the Art in Public Places Committee and the Interdepartmental Public Art Team.

Subject to the nature of the project, the City shall establish one of the following:

- Open competition, wherein a public call to artists is made within a stipulated geographical area (e.g., local, regional, provincial, national, international).
- Invitational competition, wherein specific artists, chosen on the basis of consultation with the Art in Public Places Committee, are invited to enter a competition.
- Commissioning, wherein a specific artist is commissioned to do the artwork.
- Design team appointment, wherein, as part of a civic infrastructure project, the project team invites an artist(s) to participate in a design collaboration process as a design team member.
- Artist in Residence appointment, wherein, as a part of a civic project, the project team invites an artist(s) to participate.

De-accession of Public Art

The City of Victoria may de-access public art when necessary. All reasonable efforts will first be made to resolve problems or re-site the public art, in consultation with the artist and/or donor, where appropriate. If a work is scheduled to be de-accessioned, the City will make every effort to inform the artist or artist's family. In all cases, the rights of the artist must be upheld in accordance with the Canadian Copyright Act. The de-accessioned artwork may be moved, sold, returned to the artist or destroyed, with any monies received through a sale allocated to the Public Art Reserve Fund.
Pendulum Performance
by Rande Cook (Kwakwaka’wakw)

Commerce Canoe by Illarion Gallant
The City of Victoria will create opportunities for the public to engage with and learn about works of art in public places. The City will also endeavour to provide learning and professional development opportunities for those interested in the field of public art.

The City hosts an Annual Arts Forum (meeting/exchange) held with representatives of major arts organizations in Victoria, Arts, Culture and Events Office staff, the Art in Public Places Committee, and artists to discuss art in public places issues and trends.

Collection Management

The City, through the Arts, Culture and Events Office, shall maintain the integrity and security of works of art through:

- Professional standards for art documentation.
- Instructions on maintenance and de-accessioning from the artist as a part of the acquisition process.
- Instituting management systems for cleaning, maintenance, repair, and de-accessioning.
- Maintaining a database of artworks through the VicMap GIS system.

Private Developments

Although outside the definition of public art, City staff recognizes that the private sector plays a significant role in the provision of art on private lands throughout Victoria. The City encourages developers to provide artwork located on private property.

The Arts, Culture and Events Office is available to liaise with and provide resources to private developers who are interested in exploring a public art project.

Private artworks may be incorporated into architecture and landscape designs of private infrastructure, or the layout of private open spaces, including private connections to adjacent public features such as parks and open spaces.

Considerations for integration of art into projects on private-held land that are subject to Development Permit Area and Heritage Conservation Area requirements, should also be discussed with City staff to ensure proposals are sited and integrated in a manner that are consistent with established form and character guidelines.
Definitions

**Acquisition:** The process of accepting an artistic work whether by commissioning, purchase, gift, or other means, into the City’s collection of public art.

**Administration Program Costs:** The amount that is taken off the top of the total art allocation in order to administrate the project. This amount is used for, but not limited to, the following: advertising, printing of competition briefs, jury fees, artist’s maquette fee, plaque, lighting of work, invitations for official openings, photo documentation of the finished work, contingencies, etc. Program costs vary according to type of competition and project.

**Art in Public Places:** A visual artwork in any media created by an artist(s) that has been planned and executed with the specific intention of being sited or staged in public space, and is acquired in compliance with the City of Victoria’s Public Art Policy:

- Integrated forms a physical part of a building, structure or landscape. If the site were to be redeveloped, the art would be as well.
- Stand-alone (non-integrated) is not a physical part of a building, structure or landscape.
- Short-term durational is an original work by an artist(s) that is created for a specific occasion, time frame or event and which is situated at a particular site on a short-term basis. The art may cover a range of forms including, but not limited to, visual art, digital art, sound art, and performance-based work.
- Site-specific, whether long-term or temporary, functional or aesthetic, stand-alone or integrated and in any media, is an original work that is created in response to the immediate context.

**Art in Public Places Committee:** The Art in Public Places Committee provides opportunities for community participation in public art. The Committee consists of five members appointed by Council. Members must have experience and/or be trained in aspects of visual art.

**Arts:** The broad subdivision of culture, composed of many expressive and creative disciplines. The term encompasses: visual and applied arts (e.g. painting, print-making, drawing, sculpture, crafts, pottery and ceramics, photography, film and video), theatre, music, song, spoken word, literary arts and dance.

**Artist:** The designer/creator of an artwork who has completed specialized training in his or her artistic field or is recognized by his/her peers as such; is committed to his/her artistic activity; and has a history of public presentation.

- Emerging artist: An artist who has specialized training in his/her field, who is at an early stage in their career and who has created a modest, independent body of work.
- Mid-career artist: An artist who has received basic training in his/her artistic field, has practised his/her art for four to seven full years and has created at least four presentations, exhibitions or installations in a professional context.
- Established artist: An artist who has an extensive body of work, a history of national and/or international presentation and who has achieved wide recognition from his/her peers.
- Local artist: An artist who resides within the Capital Region, including the Gulf Islands.

**Artwork:** A tangible creation by an artist.

**Artwork on Loan:** An artistic work that is borrowed by the City, through a loan agreement, for a defined period of time from a lender who owns and retains ownership of the artistic work.

**Best Practice:** A method or technique that has consistently shown results superior to those achieved with other means, and that is used as a benchmark. In addition, a best practice can evolve to become better as improvements are discovered. Applying best practice combines the ability to balance the unique qualities of an organization with the practices that it has in common with others.
**City:** The Corporation of the City of Victoria.

**Community Art:** An artwork created collaboratively between an artist and an identified community. Community members actively participate in the creation of the artwork. The art process is of equal importance to the art product. The goal of the community art process is to create artwork that is accessible to a large public not simply by virtue of its placement in a public space, or because of its content, but through the engagement of numerous people in the community.

**Conservation:** The broad concept of care of the collection, encompassing examination of the condition of the art, preservation of the art to avoid deterioration or damage, and restoration.

**Copyright:** Grants the author of an artwork the sole right to reproduce, distribute, display, and alter their artworks. It expires 50 years after the artist’s death. It may be assigned or licensed to another individual or institution and/or it may be assigned exclusively or jointly. Copyright also extends to the use of images of an artwork for promotional or educational purposes.

- Moral Rights include the right to the integrity of the artwork in regard to associations or modifications. They include the right to be associated with the artwork as its author by name, pseudonym or the right to remain anonymous. Moral Rights are non-transferable and endure even after copyright has been assigned. The rights may be waived by the artist agreeing to not exercise them in whole or in part.

Examples of violation of Moral Rights may include:

- An act or omission performed on the artwork that affects the honour or reputation of the artist; and
- Changing the colour of the artwork or adorning it with additional elements or taking steps to restore or preserve the artwork would not be included as long as this work is performed in good faith. Also, changing the location of the work does not generally constitute a violation, but in the case of works of public art, the exact siting may be considered part of the work.

**Culture:** The ideas, customs, language, beliefs, history, traditions and social behaviours of a particular people or society, including artistic expression and natural and human heritage. Culture comprises cultural industries and cultural resources.

**Curator:** A recognized practicing professional in the visual arts who is knowledgeable about art history, contemporary art practices and artists, and who works to organize exhibitions and analyze artwork and the relationship of artwork to the larger field of practice, history and place.

**De-accession:** The process of removing an artistic work from the City’s collection of public art.

- An object that has been removed permanently from a collection;
- Formal removal of accessioned objects from a permanent collection.

**Design Collaboration:** Projects created through the co-equal co-operative design efforts of design professionals, such as artists, architects and landscape architects.

**Design Professionals:** Individuals professionally trained in design, such as architecture, landscape architecture, art, graphics, urban design, and planning; also graphic, industrial, interior, and clothing design.

**Gift:** An existing or proposed work of art offered as a donation to the City for placement at a public site under the City’s jurisdiction.
Definitions

**Interdepartmental Public Art Team:** A team led by staff responsible for the implementation of the Public Art program and including representatives from a range of other municipal departments that provide guidance on the acquisition, maintenance and decommissioning of public art.

**Maquette:** Refers to the drawing or model of the proposed artwork.

**Owned:** An artistic work that is owned by the City for the benefit of current and future generations.

**Percent for Public Art:** A public art program funded by a percentage (usually one to two per cent) of gross construction budgets, for the commission, design, purchase and installation of art in the public realm. Most major cities in North America have per cent for art programs.

**Public Art Collection:** All works of art owned by the City that are site specific, part of a portable collection or documentation of works of specific duration.

**Public Art Reserve Fund:** The City of Victoria, through the annual budget process, will allocate funding to the creation and maintenance for art in public places.

**Public Space:** Space available for use by the public that can include, but is not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges, gateways, street spaces, civic squares as well as exterior and interior public areas associated with buildings or structures owned, operated, occupied or used by or for the City.

**Restoration:** Treatment of a deteriorated or damaged work of art to restore it as accurately as possible to its original condition.

**Selection Panel/Peer Assessment:** The selection panel is a group of art professionals and community representatives who are convened to review artist applications for a given art in public place project. The selection panel for a particular project shall be responsible for selecting the successful applicant based on a thorough peer review and assessment of competition entries in accordance with this policy and related guidelines. The make-up of a selection panel varies according to the requirements of a given project.

**Urban Design:** The process of applying desired functional and aesthetic parameters to the design of the City and its parts.
Appendix

City of Victoria
Art in Public Places Committee
Terms of Reference

Intent
These terms of reference apply to the City of Victoria Art in Public Places Committee.

Purpose
The Committee's purpose is to:
- Provide advice and act as a resource to City Council and staff on the City's Art in Public Places Policy;
- Propose and support activities, initiatives and events that benefit and advance art in the city;
- Raise awareness and understanding of the importance of public art in the city;
- Advise on strategies, policies and programs to achieve excellence in art in the public realm.

Functions
The Art in Public Places Committee has four functions:
- To advise the City on public art issues and trends relevant to public art initiatives in the city.
- To advise and consult on specific issues, such as donations and commissions of work.
- To nominate one of their members and other artists in the community to serve on the selection panel for specific art projects.
- To determine the type of competition to be held for a particular art project, review the criteria for selection of the artist and/or artwork, the call to artists and the competition brief.

Reporting
The Art in Public Places Committee provides opportunities for community participation in public art. The advice and recommendations given to staff by the members of the Committee are recorded through meeting minutes, and at staff discretion, may be included as part of staff reports to Council.

West Coast Spirit by Maarten Schaddelee
Appendix

Composition

Appointments of Members:

- The Committee consists of five applicants from the public, appointed by Council who:
  - Must have experience and/or be trained in aspects of visual art.
  - Must not be City employees.
- A minimum of two committee members must be visual artists. Other members should represent a variety of professions with expertise in public art, including the following:
  - Artists
  - Arts Administrators
  - Art Historians
  - Art Conservators and Curators
  - Architects
  - Landscape Architects
  - Design Professionals
- Indigenous Knowledge Keepers
- The Committee will choose from among its members one Chair and one Vice-Chair, on an annual basis. A quorum will be a minimum of three members.
- Council may appoint annually one Council liaison to the Committee.
- The Arts, Culture and Events Department will appoint a staff liaison to the Committee.

Term

- Membership on the Committee will be limited to two terms of 18 months.
- Every member is eligible for re-appointment but in no event will a member serve for more than two consecutive terms, except for one committee member who will serve three terms. This is in order to have overlap in expertise and processes.
- Appointments are served at the pleasure of Council.
- The Committee will hold regular meetings (minimum of three per year).

Code of Conduct

- Members are expected to be respectful and work cooperatively to achieve the common goals of the Art and Public Places Committee.
- The Committee is drawn from a spectrum of visual arts interests. The expectation is that each member will conduct him/herself in the best interest of the community and the Art and Public Places Committee.
- Conflict of Interest – A Committee member who is nominated to sit on a selection panel for specific art projects, must ensure there is no potential conflict of interest (e.g., there is no personal gain or personal relationship with artists selected for commissions or shortlisted for artist calls).
- Members who serve on the Art and Public Places Committee who are visual artists, are not allowed to enter any City of Victoria public art competitions during their tenure.