

# KING TOWNSHIP PROCEDURE PUBLIC ART PROCEDURE



PROCEDURE NO.:

###-###-###

Parks, Recreation & Culture Department	Issue Date:	Insert Date
Authored by: Erika Baird	Issue No.:	#
Approved by: First and Last Name	Next Revision:	Insert Date

## 1 PURPOSE

- 1.1 In alignment with the Public Art Policy, The purpose of this procedure is to establish a standardized and transparent process for the selection, acquisition, installation, maintenance and de-accession of Public Art.

## 2 APPLICATION/SCOPE

- 2.1 This policy applies to all art installations established in any public space belonging to the Township.

## 3 DEFINITIONS

- 3.1 **Public Art** refers to original artworks, permanent or semi-permanent, of any medium acquired with the specific intention of being installed, sited on or staged in Public Space. Furnishings, such as benches, light standards, and signage, are not subject to this policy unless a design component is commissioned.
- 3.2 **Acquisition** refers to the process of accepting an artistic work into the Township's collection of Public Art.
- 3.3 **Commission** refers to the process of requesting an art piece to be created by an artist or artists for a specific project for an agreed upon fee.
- 3.4 **Artist** refers to the designer/creator of an artistic work and can include, but is not limited to, a professional artist, graphic designer, collaborative team, architect, or landscape designer.
- 3.5 **De-accession** refers to the process of removing an artistic work from the Township's collection of Public Art.
- 3.6 **Public Space** refers to space available for use by the public, and can include, but is not limited to, parks, boulevards, trail systems, open spaces, waterways, roads, bridges, gateways, street spaces, civic squares and exterior and interior public areas associated with buildings or structures owned, operated, occupied or used by or for the Township.
- 3.7 **Open Competition** refers to an invitation for artists to submit their work for consideration, where the call is accessible to all eligible artists, regardless of their experience level or background.

**Invited Competition** refers to a selection process where only specific artists are formally invited to participate. Selection is limited to a pre-determined group of

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artists who are chosen based on various reasons which may include their previous work, reputation, or recommendations to fit with a specific theme or style.

- 3.8 **Direct Award** refers to a situation where an artist or a group of artists is selected to receive a commission, grant, or prize without going through a competitive application or submission process. Unlike open or invited competitions, where artists compete against each other, a direct award is typically based on individual merit or suitability for a particular project or purpose.

## 4 RESPONSIBILITIES

- 4.1 **Community Services Staff** will manage the public art program and are responsible for project development and monitoring, competition processes, collections management, internal and external communications and partnership creation.
- 4.2 **The Public Art Committee (PAC)** will be established and operated through Community Services Staff. The Committee will advise on the implementation of the program, review proposed project scopes and agreements for each new Public Art project, and promote communication and outreach. Additionally, the Committee will advise and recommend to staff on proposed gifts, donations, and bequests in accordance with established guidelines, and advise on the development and implementation of selection, acquisition, maintenance, and de-accession of artistic works to which this Policy applies.
- 4.3 **Council** will act as an advocate for art in Public Spaces in the Township, approve the Public Art Policy and approve any changes as needed.
- 4.4 **The Interdepartmental Public Art Planning Team (IPAPT)** will consist of representatives from across the Township including but not limited to Parks, Facilities, Planning, Finance, Communications, and Economic Development. Representatives may vary based on project needs.

## 5 PROCEDURE

### 5.1 Committees

#### 5.1.1 Public Art Committee

- 5.1.1.1 Each year, or as needed, a call for committee members will be made. The committee will include 8-10 community members, with priority given to those involved in local arts organizations, plus 1-2 Community Services staff serving as ex-officio members. Members of Council may also join the committee.

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5.1.1.2 Each year the committee will identify priorities for the year including themes, locations and projects, which will then be approved by the IPAPT.

5.1.1.3 The committee will meet regularly to support the acquisition, jurying, installation and promotion of each project.

## 5.1.2 Interdepartmental Public Art Planning Team

5.1.2.1 Senior Leadership will be consulted to determine if departmental involvement is needed for each major project, and they will help identify members. The members may change from project to project based on the specific needs and required expertise. All identified members must be consulted before the project begins.

## 5.2 Public Art Selection

5.2.1 Proposals for providing Public art may be solicited through:

- Open competition
- Invited competition
- Direct award

5.2.2 The selection process shall:

- Attract artists from a variety of disciplines
- Be meaningful, fair and equitable
- Encourage opportunities for learning, participation and experimentation in arts and culture
- Incorporate and integrate Public art into the planning, design and execution of selected civic development projects.

Public Art will be selected on merit through a process informed by expertise and community input through the Public Art Committee. The selection will employ a jurying process coordinated by the Public Art Committee, with guidance from the inter-departmental Public Art planning team. Final decision regarding the selection, acquisition of artistic works will be made by Community Services Staff with delegated authority.

Sites for Public Art will be identified by the interdepartmental Public Art planning team.

Each artistic work that is being considered for selection as Public Art will be evaluated according to the following criteria:

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- Quality of work
- Condition of work
- Monetary and/or appraised value
- Artistic reputation of the artist
- Suitability of the work for display in a Public Space
- No duplication of other Owned Public Art or aspects thereof
- Relevance to the Township's natural and built environment, cultural heritage and history
- Authenticity of artistic work
- Ethical and legal considerations regarding ownership
- Alignment with the Township Official Plan, Corporate Strategic Plan or other Township Master Plans.
- Long-term sustainability of the work including maintenance requirements

All offers of gifts, donation and bequests of artistic works will be reviewed by the Public Art Committee with guidance from the inter-departmental Public Art planning team to assess artistic merit, site sustainability and context, durability and maintenance requirements, financial implications and public safety prior to any acquisition, designation or installation as Public Art.

## 5.3 Acquisition and Securing

### 5.3.1 Owned Public Art

The Township may acquire Owned Public Art through purchase, commission or donation. Each acquisition will be accompanied by a maintenance plan that is supplied by the artist or donor.

All donations must be unencumbered and the locations for donated artistic works are subject to the inter-departmental Public Art planning team. The donor must have title to the work and will be responsible for meeting the Canada Revenue Agency criteria if the donor wishes to receive an Official Receipt for Income Tax Purposes.

This process, which includes an appraisal of the artistic work at the donor's expense, to determine its fair market value, requires pre-approval of the Finance Department.

The Township may decline to consider or accept any gift, bequest or donation of art at its sole discretion.

### 5.3.2 Borrowed Public Art

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The Township may secure Borrowed Public Art for display on a temporary basis.

Following the approval of a proposal, an appropriate agreement between the artist and/or sponsoring organization and the Township will be executed.

The artist and/or sponsoring organization will be responsible for funding, installation, maintenance, timely restoration of the work and the restoration of the site.

## 5.4 Agreements

Following the approval of the acquisition of a work, the artist will enter into a written agreement with the Township. This agreement will address the artist's obligation which may include, but are not limited to:

- Scope of work
- Materials
- Timelines
- Installation
- Maintenance
- Warranty
- Copyright and moral rights
- Payments to sub-contractors

This agreement would also set out the Township's obligations that may include, but are not limited to:

- Payment
- Adherence to the approved maintenance plan
- Insurance of the artistic work
- Community notification
- Artist recognition

## 5.5 Installation

The Township is responsible for coordinating the installation of all Owned or Borrowed Art. The installation process will be identified, in advance, through the purchase, commission, donation, or exhibition agreement and may involve participation from the artist and/or a contracted professional installer. The condition

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of all acquired works will be reported upon receipt, and any problems found will be reported to the artist/lender for resolution prior to installation.

## 5.6 Insurance

All works owned by the Township through purchase, commission and/or donation are the property of the Township and are insured under the Township's Insurance Policies.

For all Borrowed Public Art, the artist will submit proof, satisfactory to the Township, of insurance coverage for the artistic work, and a waiver freeing the Township from liability in the case of accidental loss, theft, damage or vandalism. In addition, the artist will submit a complete list of the displayed work(s) which will include the title(s), dimensions, medium/media and appraised value(s).

## 5.7 Maintenance

The artist is responsible for developing a maintenance plan for each Public Artwork. The maintenance plan must be submitted for review and consideration along with the proposal to select the artistic work for acquisition. The complexity of the maintenance plan may vary based on the size, nature and material(s) of the work. Therefore maintenance plans must also meet the satisfaction of responsible staff. Maintenance plans will include, but are not limited to, maintenance specific budget implications, manufacturer lists and key contracts, including the artist.

The Township is responsible for the care and maintenance of the artistic work, in accordance with the approved maintenance plan. Community Services staff will monitor the maintenance plan. The appropriate Township staff will undertake an inspection of the work according to a pre-determined schedule. Staff may, if deemed necessary, retain a qualified art restorer to undertake the inspection.

## 5.8 Storage

When storage of Public Art, whether short-term or long-term, is required, the Township will ensure that such storage meets appropriate museum standards. Whenever possible, existing Township and community resources will be used for the storage and management of the Township's Owned Public Art.

## 5.9 De-accession of Public Art

The Township may de-accession 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. Reasons for de-accession include, but are not limited to:

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- endangerment of public safety
- excessive repair or maintenance
- irreparable damage
- inaccessibility
- site redevelopment

In the event of theft, vandalism or accidental loss, the Township may determine whether replacement or de-accession of the artistic work is appropriate.

No artistic work will be de-accessioned and disposed of without consultation with the Public Art Committee. Recommendations of the Public Art Committee regarding the need for and method of de-accession will be made to Community Services staff. The de-accessioned artistic work may be moved, sold, returned to the Artist or destroyed, with any monies received through a sale allocated to the Public Art Reserve Fund.

## 6 RECORDS RETENTION

- 6.1 Reference any relevant legislation, departmental reports, by-laws, applications, forms or templates here. Each one should be numbered separately.

## 7 RELATED DOCUMENTATION & REFERENCES

- 7.1 Public Art Policy

## 8 APPROVAL AUTHORITY

\_\_\_\_\_  
Insert Approver Name  
Insert Approver Title

\_\_\_\_\_  
Insert Date  
Date