

City of Kingston

Public Art Policy



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The Public Art Policy guides the development and implementation of the Public Art Master Plan and Program. The policy is intended to provide Council, staff, the arts and general community with a mechanism through which the City of Kingston assesses, acquires and manages works of Public Art for municipally-owned public spaces through purchase, loan, commission or donation.

Part 1: Vision and Objectives

1.1 Vision

Kingston will be known as a hub of creative place-making with an innovative program of public art that recognizes and builds on the City's diverse history, engages its community and inspires its future leaders.

1.2 Mandate

To organize and leverage City and community, business and institutional resources, knowledge and experience to support creative place-making across Kingston through contemporary and innovative Public Art initiatives and programs.

1.3 Key Objectives

- Contribute to a vibrant, high-quality public realm in Kingston;
- Engage the community in creative place-making across the entire City: downtown, suburban, rural and natural areas;
- Celebrate and promote Kingston's identity, including building on the City's complete history, diversity and geography, while imagining new futures; and
- Invest in the development of artists from a wide range of disciplines through a variety of training and commissioning opportunities.

1.4 Guiding Principles

- Strive for artistic excellence.
- Cultural equity.
- Collaboration with artists, communities, municipal departments, other levels of government and the private sector.
- Follow best practices.
- Be responsive to community needs.
- Be risk-taking, creative and innovative.
- Be transparent, accessible and inclusive.
- Be unique to Kingston.
- Cultivate the local arts sector, including a wide variety of art forms and practices.
- Prioritize sites based on potential impact, both high profile and under-served areas.
- Encourage investment in the program from a wide variety of sources



Part 2: Defining Public Art

2.1 Areas of Focus

The City of Kingston Public Art Program includes five main areas of focus:

1. **Public Art Capital Projects:** Integrating Public Art into the City's capital planning and budgeting process including new and renewed facilities, parks and infrastructure. This work will become part of the Civic Collection.
2. **Temporary Public Art, Street Art and Public Art Platforms:** Developing opportunities for diverse cultural expression in civic spaces, places and neighbourhoods through the commission and exhibition of works of temporary public art from a variety of art forms including street art, and establishing one or more public art platforms to exhibit a rotating display of art in a public venue. This work will not become part of the Civic Collection.
3. **Community Arts, Public Engagement and Education:** Engaging communities in developing Kingston's story and creative place-making across the City. Community members will be involved in the public art program through art-making, consultation, education and promotions. This work will not become part of the Civic Collection.
4. **Artist and Arts Sector Development:** Investing in artist, curator and arts administrator training and development including mentorships and workshops for emerging artists from a wide variety of disciplines. The development program will help to increase the quality and diversity of cultural output, create employment opportunities, attract and retain talent locally.
5. **Public Art Development Program:** Encouraging provision of Public Art in significant development projects through the urban design and land use planning process. Cultural Services staff will offer assistance to private developers and other public entities in acquisition of Public Art where needed.

2.2 Exclusions

This policy does not include the following:

- Community exhibition and display spaces operated by Cultural Services;
- Fine Art Collection operated by Cultural Services;
- Special events;
- Archaeological, archival and museum collections/exhibitions;
- Commemorations that are not created by an artist and/or sited in public space;
- Graffiti management;
- Work on private land; and



- Public Art in City of Kingston facilities and on City of Kingston property that are leased or licensed to another party. Public Art in facilities that are excluded from this policy are the responsibility of the organization occupying the facility.

2.3 Definitions

Public Art is a work in any media created by an Artist that has been planned and executed with the specific intention of being sited or staged in public space, acquired following the City of Kingston's Public Art Policy and Master Plan.

A **Work of Art** is a work in any media created by one or more Artists.

An **Artist** is someone who: is recognized as a professional practicing artist by other artists working in the same field; has completed basic training (formal or informal) in their field; spends a significant amount of time practicing their art; and seeks payment for their work.

An **Emerging Artist** is an artist in the early years of their career that may have had some previous professional exhibitions, commissions, presentations or installations.

An **Artist Mentorship** is an opportunity for an emerging artist to work with an established artist, on a project relevant to their area of work and interest.

Civic Collection shall be defined as the artefacts, archives, and works of art belonging to the Corporation of the City of Kingston.

Public Art Collection shall be defined as the works of Public Art belonging to the Corporation of the City of Kingston. The Public Art Collection is one collection node of the City of Kingston Civic Collection.

Public Space is defined herein as any space on or within City property accessible to the general public, or any space that is accessible to the general public and approved by the City as a viable public art project site.

Creative Place making is a practice that intentionally leverages the power of the arts, culture and creativity to serve a community's interest while driving a broader agenda for change, growth and transformation in a way that also builds character and quality of place.

The **Public Art Plan** is an annual prioritized list of the City's public art capital projects with budgets and project approaches determined for each site.

Acquisition is the acquiring of public art through commission, purchase, donation, gift or bequest.



De-accession is the formal process to permanently remove an object from the Public Art Collection.

Copyright grants the author of a work the sole right to reproduce, distribute, display, and alter their works of art. 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 the artwork for promotional or educational purposes.

Artist's Moral Rights include the right to the integrity of the work in regard to associations or modifications. They include the right to be associated with the work 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.

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.

Types of Public Art

Art that is **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.

Integrated Public Art 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 Public Art is not a physical part of a building, structure or landscape.

Temporary Public Art 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 temporary basis. The art may cover a range of forms including, but not limited to, the visual arts, digital, sound art, and performance-based work.

A **Public Art Platform** is a place in public space reserved for the regular and temporary exhibit of new works of art. The art platform can take many forms including a physical



podium, a sanctioned street art wall or a digital screen. The art platform could be dedicated exclusively to public art or shared with other content. To ensure success for an art platform, there should be a regular funding stream or an endowment in place for new works of art before it is established.

Community Art is an artistic activity led by an artist based in a community setting involving community members, who contribute a variety of talents, to design and create a public art piece. The content of the artwork usually reflects local issues that have been identified by people within the community. Community Art helps people articulate their goals to build a strong place for the community.

Street Art is an urban style of Temporary Public Art on walls, sidewalks and roadways that is sanctioned and permitted.

Non-sanctioned Public Art is work that is initiated outside the Public Art Program scope and did not follow the City of Kingston's Public Art Policy. Therefore works are not sanctioned and will not be included in the Public Art Collection.

A **Commemoration** is an intentional act of acknowledging the memory of people, places, events and ideas. If a Commemoration is created by an artist and sited or staged in public space, it will also be a work of Public Art.



Part 3: Administration, Funding and Site Selection

3.1 Administration

The Cultural Services Department has the responsibility for the management of the Public Art Program within a larger portfolio of the department's work. The responsibilities related to the Public Art Program include:

Program Management:

- Reporting on the Public Art Program to the senior staff, City Council, the Arts Advisory Committee and its Public Art Working Group;
- Chairing the Interdepartmental Public Art Group;
- Participating in capital planning meetings regarding the inclusion of Public Art in key City projects;
- Overseeing the management, development, monitoring and evaluation of the Public Art Program;
- Managing the program's capital and operating budgets including the reserve fund;
- Managing the Public Art Coordinator and consultants, contractors or additional resources;
- Reviewing City strategies, planning documents including Official Plan updates, site plan/ development applications, and/or developer agreements to advise on potential for Public Art opportunities;
- Providing advice, input and information to public or private developers regarding their provision of Public Art; and
- Participating in peer group meetings (e.g. municipal staff public art roundtables) to ensure consistency with other municipalities and to benefit from emerging practices.

Program Coordination:

- Developing project terms of reference;
- Managing art acquisition processes, including coordinating Art Selection Juries and technical reviews;
- Managing artist contracts and payments;
- Coordinating between the artist, City departments, communities and agencies;
- Liaising with City staff to coordinate public art projects and programs including the departments represented in the Interdepartmental Public Art Group as well as Communications, Finance, Legal and others as necessary;
- Liaising with the arts sector, community members and program partners (e.g. local organizations, private sector and other levels of government);
- Providing community outreach, education and communication plans.



Management of Public Art Collection:

- Managing the Public Art Collection as one collection node within the larger Civic Collection, including acquisitions, maintenance, conservation, research, interpretation and de-accessions;
- Maintaining an up-to-date inventory as well as processing and documenting new items and items being removed from the collection.

Interdepartmental Public Art Group

An Interdepartmental Public Art Group (IPAG) will meet up to six times per year to identify applicable capital projects and priorities annually (as per **3.4 Project Selection Process**) and to provide advice and coordination of the public art program across City Departments throughout the year.

Designated staff from departments and/or divisions representing capital listed below are directed to participate as needed to ensure success of the program. Additions or revisions to the members of this group may change accordingly to meet program requirements:

- Public Works;
- Engineering;
- Recreation & Leisure Services (including Parks Development);
- Facilities Management & Construction Services;
- Planning, Building and Licensing;
- Real Estate & Land Development;
- Transportation Services; and
- Cultural Services.

IPAG's role is to:

- Provide input into public art plans, policies and terms of reference for public art projects and programs;
- Advise the Manager and the Public Art Coordinator about significant capital projects and plans in their department that may be appropriate for public art opportunities;
- As needed, act as technical advisors to Art Selection Juries, or designate another appropriate staff member from their department;
- Provide advice and coordination assistance for the development of public artwork from concept to installation;
- Advise on opportunities for public art within private developments; and
- Serve as ambassadors for the Public Art Program within their respective departments.



Public Art Working Group

Establish a Public Art Working Group (PAWG) as a sub-committee of the Arts Advisory Committee to include its members and community representatives, to be appointed on an annual basis. PAWG will be used on an as needed basis to:

- Review processes, policies, plans related to Public Art Program in order to make recommendations to staff;
- Review donation requests for public art in order to make recommendations to staff; and
- Review, nominate and approve individuals to be members of Art Selection Juries.

Council

The Mayor, Council and Committees of Council are arms-length of any acquisition processes, but their role is to perform the following functions or empower staff to do so on Council's behalf:

- Review and approve the City of Kingston's Public Art Master Plan and Policy;
- Approve Municipal Capital Plan allocations and the annual Public Art Plan; and
- Approve negotiated agreements with private developers that may contain sections related to the provision of Public Art, where applicable.

3.2 Funding

The City of Kingston Public Art Program will have a consistent and coordinated approach to funding and provision of Public Art in Kingston to be comparable with the level of other municipal Public Art programs in Ontario. Funding for the program will include all of the following components:

1. Incorporate a Public Art allocation as a regular line item to be requested on an annual basis as part of the capital budget commencing in 2016 followed by a requested increase in the allocation on an incremental basis to reach a target of \$250,000 annually by 2019, subject to council approval during the budget process.
 - a. The funding will be used for Public Art projects integrated within significant and appropriate capital projects as selected annually by the Interdepartmental Public Art Group (see **3.4 Project Selection Process**). For best results and coordination, Public Art shall be included within the capital budget and project planning process at the earliest possible stage. Public art integrated into large-scale capital projects (for example, a new bridge or airport expansion) will be considered as a separate item within the annual budgeting process.
 - b. Up to 10% of the annual Public Art capital budget may be allocated for project management costs and another 10% will be put into the Public Art Reserve Fund for future maintenance and conservation.



2. Incorporate an additional target of \$125,000 to be requested on an annual basis as part of the operating budget commencing in 2016 (pro-rated) to implement three focus areas of the Public Art Program, including: **Temporary Public Art, Street Art and Public Art Platforms; Community Arts, Public Engagement and Education and Artist and Arts Sector Development.**
3. Encourage the inclusion of Public Art within significant developments across Kingston.
4. Encourage the inclusion of Public Art as part of developments through the use of the various tools contained within the Ontario Planning Act with a goal of achieving as much as 1% of the total value of a project. These tools include the following:
 - Endorsing the identification of public art opportunities and guidelines when developing Area and District Plans, Master Plans and Urban Design Guidelines and the Official Plan. Where Public Art provision is indicated in the plans and guidelines above, a plan for siting artwork could be a condition of site plan control approval;
 - Planners to identify potential site or development projects for the inclusion of Public Art when assessing site plan applications and planning policy development, with technical input from Cultural Services' Public Art Program staff;
 - Endorsing the inclusion of Public Art in exchange for agreed upon concessions (e.g. extra height and/or density through Section 37 or the possible reduction in zoning requirements where warranted); and
 - Encouraging Public Art in all public and private developments through offering Cultural Services staff advice and assistance for public art commissions.
5. Encourage the development of partnerships, grants and sponsorships from local organizations and businesses to further support the development of Public Art in public spaces. The City will encourage Public Art initiatives from the community through the development of partnerships with local organizations and businesses and through offering Cultural Services staff advice and assistance where appropriate and where projects meet the Public Art Program goals and priorities. Opportunities for the placement of public art will require coordination and approval by various City departments.
6. Establish a City of Kingston Public Art Reserve Fund:
 - Enable and encourage potential private development contributions as well as gifts and donations from public and private groups and individuals.
 - Earmark 10% of project budgets for the collection's maintenance and conservation. Only artworks in the City of Kingston's Public Art Collection will be covered under this fund.



3.3 Site Selection Criteria

Public art sites for City projects and private developer contributions will be selected based on the following Site Selection Criteria:

1. Sites for Public Art will be accessible; visible; compatible with the site's current and potential uses; and compatible with surrounding sites and adjacent Public Art. Sites must be able to accommodate work, be safe and meet all required standards.
2. Public Art will be located in a diversity of sites across Kingston and will not be concentrated in any one site or area.
3. The City will prioritize sites where capital project schedules are compatible with a Public Art commission and the projects are of a high profile. Site selection will be balanced with some opportunities for smaller-scale projects.

3.4 Project Selection Process

Sites that best fit the Site Selection Criteria in **Section 3.3** above will be prioritized annually to fit within the funding available for the City's Public Art Program.

The Public Art Master Plan outlines six site types to be considered for inclusion of public art during the capital planning cycle, with guidelines for appropriate scale and budget for public art projects at the site. The six site types are:

- Site Type 1 - Park Renewal
- Site Type 2 - Park Redevelopment
- Site Type 3 - Facility – Minor Work
- Site Type 4 - Facility – Medium-scale Work
- Site Type 5 - Facility – Major Work
- Site Type 6 - Major Infrastructure Projects

The following is the process for selection and prioritizing City-initiated Public Art capital projects:

1. Capital projects are selected for each department through their regular capital planning process (annual, four-year or five-year cycles depending on the department).
2. The department representatives of the Interdepartmental Public Art Group share their capital work plan, with a recommended shortlist of sites that meet the Public Art site selection criteria and any public feedback.
3. The Interdepartmental Public Art Group meets to determine which sites they recommend to fit within the annual public art funding envelope, as per **3.2 Funding**.



4. Cultural Services will take the agreed site list and will work with the Project Managers to determine the annual Public Art Plan which will include the budget for Public Art for each site and the project approach. See list of approaches in **4.3 Commission and Purchase Processes**.
5. Cultural Services will take the recommendations to the Interdepartmental Public Art Group, Corporate Management Team, Public Art Working Group of the Arts Advisory Committee, ARCP Committee and City Council for approval.
6. Cultural Services will manage Public Art projects, coordinating with the relevant department and Project Manager, for sites as approved by Council.

Cultural Services will initiate an annual call for both artist/curator-initiated and community-initiated projects.

1. Public Art Program staff will advise proponents on their application, in coordination with other departments as appropriate.
2. An Art Selection Committee will review applications against set criteria based on the Public Art Program and Policy and City priorities as well as technical input from relevant departments.
3. Successful applicants will receive assistance with permissions and other official procedures and may receive full- or match-funding, if funding is available.
4. Applicants who are not successful will be given feedback and will be welcome to apply again in the next round of the program.

If City staff or Council members receive a request for funding/permissions for Public Art in a City building or space from an artist, curator, community member and/or organization, requests are to be referred to the Manager who will inform the party of the annual call and how to apply.



Part 4: Acquisitions and Donations

4.1 Conflict of Interest

Kingston Council and staff, Kingston's Arts Advisory Committee members, and all members of an Art Selection Jury shall declare a conflict of interest, pecuniary or any other interest, and remove themselves in all cases from a juried selection process, or any decision regarding the acquisition of Public Art in which he or she is involved either directly or indirectly.

4.2 Acquisitions

The acquisition of Public Art is subject to the City of Kingston's Civic Collection Policy CUL-MUS-002 and is exempt from the Purchasing By-Law 2000-134. Public Art acquisitions must be conducted in accordance with the vision, criteria and processes outlined in this policy. Works may be acquired through any of five methods: commission; purchase; donation; loan; and lease. Acquisition of Public Art rests with the Public Art Program within the Cultural Services Department. Elected officials and City departments agree to adhere to the acquisition processes in this policy and not acquire works outside of this process.

The City will use a wide range of commissioning methods and can seek opportunities to engage the community through these processes and other programs, for example; educational events, workshops, lectures, and mentorships.

Installation and Acceptance

The responsibility for the installation of Public Art acquired will be identified, in advance, through the agreement of purchase, commission, donation or rental contract. All acquired Public Art will be condition-reported upon receipt by the City of Kingston staff who is managing the public art acquisition, and any problems found will be referred to the artist(s)/installer/lender for resolution as appropriate.

4.3 Commission and Purchase Processes

There are a number of approaches that can be used to identify an artist for a commission of Public Art or an Artwork for purchase. Each project will have a specific scope, circumstances and aims that must be kept in mind when deciding which of the following commissioning and review processes will be most suitable. In every case the Acquisition Criteria will be used as the basis for the selection decision.

Public Art can be acquired through the following processes, as appropriate to the project and in keeping with the City of Kingston's Civic Collection Policy CUL-MUS-002:



a) Request for Qualifications (RFQ): An RFQ process may be used for a single stage artist selection or the first stage of a two- or three-stage selection process, which may include an RFP and/or interview.

An RFQ shall be used when a project requires an artist who has extensive public art experience. The RFQ will ask artists to submit the following: a written expression of interest; curriculum vitae; professional references; and examples of relevant work. The RFQ submissions will be reviewed by an Art Selection Jury.

b) Request for Proposals (RFP): An RFP process may be used for a single stage selection or as the second stage of a two- or three-stage selection process. For a multiple-stage process, the Art Selection Jury will have shortlisted artists based on their response to an RFQ. In this case each artist will be compensated for the development of detailed proposals in response to the Terms of Reference in an RFP as per **Section 4.6 Remuneration**. Responses to an RFP are reviewed by an Art Selection Jury and a single artist is selected. In some cases one or more shortlisted artists may be asked to attend an interview before a final selection is made.

Note: RFQ and/or RFP processes can be used for open, limited and invited calls.

c) Open Call: Open calls are a democratic way of engaging a wide range of artists to participate in a Public Art competition. They are widely advertised requests for proposals or qualifications (RFP/RFQ).

d) Limited Call: To meet project-specific aims, a call may be limited to artists with very specific skills and experience or they may be limited to a geographic area.

e) Invited Call: An invited call shall be used where there is a short timeline and/or a specialized opportunity. A jury or a curator may be asked to advise and recommend artists for an invited call.

f) Direct Commission or Direct Purchase: An artist may be selected and directly commissioned where they have very specific skills and experience applicable to a project. An Art Selection Jury may be convened or an external curator selected to review portfolios and confirm the artist or artwork selection. A direct commission or direct purchase may be facilitated for smaller projects by establishing a pre-approved roster of artists that are selected every two to three years through an open competition.

g) Artist on Design Team: Artists may be contracted to collaborate with architects, engineers and designers during the early stages of the design of a building, space, infrastructure or master plan. Artists will be selected based on the Artist Evaluation Criteria in **Section 4.4** as well as their experience and interest in working



collaboratively. Artists shall be compensated for their time to attend meetings and develop their ideas. As a member of the design team, the artist may: contribute to the overall design process; identify specific opportunities for integrated artwork; and/or may be responsible for a distinct area of design in consultation and coordination with the other team members. They may be responsible for a distinct art budget, or they may be contribute ideas that fall within the full project budget managed by the prime consultant.

h) Artist Residency: During an Artist Residency, an artist works closely with a host organization or project site over a specified period of time. Artists may be invited to a residency on a full or part-time basis. Accommodation or studio space may be included as part of the compensation.

i) Community Art: For Community Art projects, one or more artist-leads may be selected through a roster, through a call, or through invitation based on their past experience and skills. The community members can be invited through social media or poster campaigns or a specific group may be involved in the project, depending on the project aims.

j) Alternative Approaches: There may be other approaches to acquiring art or selecting an artist to fit a project's aims, for example: a call for curators to select artwork or artist mentorships where the mentor selects mentees based on agreed criteria. In every case, the process will adhere to the Public Art Program's selection processes to ensure equity and transparency.

4.4 Acquisition Criteria

Artist Evaluation Criteria

An Art Selection Jury will consider the following criteria when selecting an artist:

- The vision, mandate and objectives of the Public Art program overall, and the specific aims in the project/program brief;
- Artistic excellence of previous work;
- Ability to achieve highest quality of contemporary artistic excellence and innovation;
- Professional qualifications and relevant working experience as related to Public Art, project management and working with a design team, project team and/or community group, as appropriate;
- Potential to comprehend, access and interpret relevant technical requirements; and
- Interest in and understanding of the Public Art opportunity and the context.



Artwork Acquisition Criteria

When evaluating specific art proposals, an Art Selection Jury, with input from relevant City staff, will use the Artist Evaluation Criteria as well as the following criteria:

- Artistic excellence and creativity of approach;
- Compliance with the objectives and requirements;
- Appropriateness to the site and community context;
- Maintenance and conservation requirements;
- Budget, timeline and technical feasibility and probability of success.

4.5 Art Selection Jury

Public art acquisitions shall be reviewed by an Art Selection Jury. The selected winning scheme shall be recommended to City staff. An Art Selection Jury must be established for each acquisition or donation over \$5,000 in value, but they may also be established for works of a lesser amount. The Art Selection Jury will be responsible for selecting an artist for a commission or an artwork for purchase following the Acquisition Criteria below.

Art Selection Jury members shall be independent of the City and Council. Qualified Art Selection Jury members include recognized arts and design professionals such as practicing artists, curators, art critics, art educators, architects and landscape architects. Local representation with interests in the site could include a neighbourhood or community representative from a local association, a business representative or a resident.

The Art Selection Jury typically consists of three or five members, with the majority being qualified art and design experts. While the ultimate objective of the panel is to reach a unanimous decision, members may be divided in their evaluations and as such, a panel will consist of uneven numbers to enable a majority vote. Depending on the scope of the competition, invited members may be local, national or international art professionals.

The Art Selection Jury shall recommend an artist to City staff. All recommendations will remain confidential until the City announces the results. Relevant City staff and other experts may attend the adjudication session as applicable to the project and/or provide their input, but they will be non-voting advisors.

4.6 Remuneration

1. It is the practice of the City to pay artists for their work as per the Canadian Artists Representation (CARFAC) Minimum Fee Schedule.
2. It is the practice of the City to pay artists for their time to submit proposals where there is an artist selection process of two stages or more. The CARFAC



Minimum Fee Schedule will be used to determine an appropriate amount to be paid to all short-listed artists.

3. It is the practice of the City to pay arts professionals and local representatives on an Art Selection Jury for their time reviewing submissions as per the CARFAC Minimum Fee Schedule. However, the project design representative on the panel is not paid if this is already included in their scope of work. City staff and representatives from any organization partnering on the project are also not paid.

4.7 Artist Contract Terms

In creating standard agreements with artists, it is important to note artist moral rights, and to take into consideration practices in the arts sector which differ from other professional service providers or suppliers. When the City of Kingston contracts an artist for a Public Art commission, the artist agreement will include, but not be limited to the following:

- Scope of work (may be design services only, or design, fabricate and/or install);
- City's and artist's obligations, appropriately apportioning risk and responsibility;
- Timelines;
- Ownership, maintenance and conservation obligations;
- Intellectual Property, Copyright and Artist Moral Rights*;
- Artist recognition;
- Warranty and insurance (as appropriate) ; and
- Payment schedule.

In cases where the artist is not contracted directly to the City, but is a sub-contractor (e.g. for integrated artworks or artist on a design team) or for developer-provision of Public Art, the City shall stipulate that the contract must include terms related to intellectual property rights, ownership, and maintenance obligations as appropriate.

*Intellectual Property

Except in very rare circumstances, the Artist(s) shall own all Intellectual Property in the Work developed. Following best practice in North American Public Art Programs, they will not be asked to waive their Artist Moral Rights or assign their copyrights. Artist(s) will be asked to provide a royalty-free non-commercial license to the City of Kingston for images of their work in perpetuity.

4.8 Donations

The City of Kingston recognizes that individuals or organizations may wish to make donations of Public Art. All proposed donations will be subject to the City of Kingston's Civic Collection Policy CUL-MUS-002 and an evaluation process based on the Donation Criteria below.



All donations are to be referred to the Manager for evaluation. Donations having a value of more than \$5000 or that are deemed to be politically sensitive must be assessed by the Public Art Working Group. Proposals for donations of works in progress may be given conditional approval, for a period of no longer than two years, after which the proposed donation will be re-evaluated.

The following information must be provided by the potential donor when submitting a donation proposal:

- Information about the artwork including photographs of the artwork (if existing) or illustrations (if proposed);
- Maintenance and conservation plan, including the condition of the work and any repairs needed;
- Site and installation requirements of the artwork;
- Projected budget for installation and ongoing maintenance of the artwork; and
- Legal proof of the donor's authority to donate the work.

Donation Criteria

The following criteria will be used by the Public Art Working Group, a subcommittee of the Arts Advisory Committee, to assess proposed donated artworks:

- Artwork acquisition criteria (see **4.4 Acquisition Criteria**);
- Compatibility with the City's Civic Collection Policy, Public Art Collection and the objectives of the Public Art Program;
- Authenticity and provenance;
- Absence of restrictive conditions imposed by the donor and any conflicts of interest; and
- The physical condition, durability and maintenance requirements of the artwork.

Donor Release, Donation Appraisal, Tax Receipts and Acknowledgement

Please refer to the Civic Collection Policy CUL-MUS-002 for information related to appraisals, tax receipts and acknowledgements.

Associated Donation 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;
- 10% of the value of the donation to cover future maintenance and conservation (more for artwork deemed to be subject to a high maintenance cost); and



- any costs associated with the engineering, site planning and preparation and installation of the artwork.

4.9 Loans and Leases

Please refer to the Civic Collection Policy CUL-MUS-002 for information related to loans and leases.



Part 5: Collection Management, Maintenance and De-accessioning

5.1 Collection Management

The City of Kingston's Public Art capital projects, both Stand-alone and Integrated Art, and donations of permanent Public Art will be included in the Public Art Collection, a collection node of the Civic Collection. These works will be managed following the Civic Collection Policy CUL-MUS-002, including an inventory to be maintained within the Civic Collection's document management system. This information will include locations and maintenance procedures for each work of Public Art, and will be accessible to relevant departments as needed.

Temporary Public Art, Street Art, Public Art Platforms, and Community Arts will not be included in the Public Art Collection. Public Art created through private development will only be included in the Public Art Collection in cases where the City has agreed to acquire the piece within the collection and where the art is sited in a City-owned public space or building.

Identification

After final acceptance of the Public Art by the City of Kingston, the City shall, at its expense, prepare and install at the Public Art site, or in the surrounding area, a plaque or other signage that identifies the artist, the title of the artwork and the year of completion. The City shall reasonably maintain such notice in good repair against the effects of time and the elements.

5.2 Maintenance and Conservation

Where Public Art is to be included in the Public Art Collection, 10% of each of the following will be directed towards the Public Art Reserve Fund to be earmarked for maintenance and conservation of the Public Art Collection as a whole:

- The value of a Public Art acquired or accepted as a donation;
- The cost of all municipally developed Public Art; and
- The value of any public artwork acquired by the City through the development process.

Work in the Public Art Collection will be maintained and conserved by the City of Kingston as per the Maintenance Plan agreed by the artist and the City at the time of the acquisition.



Stand-alone Art

- The City Curator will be notified if staff/public notice vandalism or other maintenance needs on a work of art.
- Costs for maintenance and conservation of the stand-alone art in the Public Art Collection will be covered through the Public Art Reserve Fund.
- Where a building/space that includes integrated art is undergoing renovations or redevelopment, the relevant department shall alert the City Curator.

Art Integrated into a Building or Space

- The relevant department shall clean and maintain the artwork as per the artwork's Maintenance Plan. Maintenance to be equal to the service level of the rest of the facility.
- The department shall contact the City Curator where there are any questions regarding appropriate maintenance and cleaning procedures for the integrated art.
- Costs for regular maintenance of the integrated art in the Public Art Collection will be covered by the department responsible for the building/space.
- Costs for conservation of the integrated art in the Public Art Collection will be covered through the Public Art Reserve Fund.
- Where a building/space that includes integrated art is undergoing renovations or redevelopment, the relevant department shall alert the City Curator.

5.3 Alteration or Relocation

Due to the changing nature of urban and built environments, the location of an artwork may, in time, no longer be appropriate to the context, and the City may determine that the artwork shall be relocated. Where this is the case, the City of Kingston will notify the artist of any proposed significant alteration to the Public Art site or any relocation of the artwork that would affect the intended character and appearance of the art. The City will endeavour to contact the artist to consult with them prior to any such alteration, but will not be bound by the artist's advice. Where the artist does not agree to the change, the artist has the right to renounce authorship of the artwork.

5.4 Transfer, Disposal and De accession

Transfer, disposal and de accession of the Public Art Collection will be as per the Civic Collection Policy CUL-MUS-002 with the Public Art Working Group advising staff.

5.5 Monitoring of the Public Art Policy and Program

Cultural Services, in consultation with the Public Art Working Group and other relevant internal and external experts, will monitor the Public Art Policy and Program implementation to determine if:

- The assumptions underpinning the policy continue to be valid;
- Policy priorities remain constant;

City of Kingston Public Art Policy



- The policy is being carried out as intended; and
- The policy is having the desired outcome.