

Appendix B: Public Art Program Administrative Procedures Manual

A companion document to the Public Art Policy adopted by Council on _____, 2022.

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1. PUBLIC ART PROCESS

1.1 Overview

1.1.1 These guidelines will assist staff, artists, committee members and other stakeholders in the planning, selection and placement of public art in the Municipality of Chatham-Kent.

1.1.2 These procedures outlined in this manual acknowledge that the acquisition of public art is best achieved through professional advice and community representation.

1.1.3 For the purposes of this document, the project lead for either civic, community, donation or private development projects shall be referred to as 'the proponent'.

1.1.4 The proponent will discuss Public Art Program objectives and requirements with relevant staff prior to, and during the course of, project identification and, where applicable, the development application process in order to determine the preferred strategy for implementing a site-specific public artwork.

1.1.5 The Chatham-Kent Public Art Advisory Committee (PAAC) provides informed comment to Municipal Council through staff on the implementation of the Public Art Program's civic, private, community and donation programs.

1.2 Project Assessment

1.2.1 The Public Art Program encourages the creation of work of the highest standards, that is deemed relevant to the community, and that allows the public to be inspired, make connections and understand relationships among the works in the collection and the community.

1.2.2 Municipal staff assess each project for budget, schedule and method of artist selection.

1.2.3 The PAAC reviews and comments on all public art plans with respect to the proposed method of artist participation, terms of reference for artist and site selection, budget allocations, and the public consultation or participation process.

1.2.4 If the project allows, the proponent might consider including a mentor or workshop program for the benefit of other artists or community participants.

1.3 Art Consultant

1.3.1 Municipal staff will identify and advise when a project may require an art consultant to facilitate the public art process. For large-scale projects, hiring an experienced art consultant is the best assurance of implementing a successful public art plan.

1.3.2 The art consultant may be responsible for aspects of the public art process or may be engaged to advise on some phases only (e.g. public art plan preparation, selection process management, artwork installation management, legal and technical aspects, artists' copyright, and etc.).

1.3.3 The art consultant is an independent agent who facilitates the plan, acts as the agent for the proponent and advocates for the artist(s) to achieve the successful integration of the artwork within the surrounding urban fabric.

1.3.4 For Private Development projects, fulfillment of the terms of the Public Art Plan is secured by the legal agreement agreed to by the proponent and the Municipality of Chatham-Kent.

2. PUBLIC ART PLAN

2.1 General

2.1.1 Each Public Art Project must originate with a Public Art Plan, which includes a budget and implementation schedule.

2.1.2 The public art plan should address the policies and guidelines of the Municipality of Chatham-Kent's Public Art Policy and its stated program goals and objectives.

2.1.3 The public art plan should be drafted at the earliest possible stage to ensure that completion timelines can be aligned.

2.1.4 Municipal staff oversee all stages of plan preparation, whether for municipal or private developments, and ensures that the Public Art Plan is vetted by all divisions involved in the creation of the project before the plan is presented to the PAAC.

2.1.5 For public artworks on civic property, Council approval is required for Public Art Plans, as well as Terms of Reference and Selected Concepts for individual artworks.

2.2 Preliminary Public Art Plan

2.2.1 To allow for early feedback on the proposed Public Art Plan, it is recommended that the proponent prepare a Preliminary Public Art Plan for review by staff and the PAAC.

2.2.2 The Preliminary Public Art Plan consists of a two to three page proposal identifying the estimated budget, public art opportunities, time-line for artist participation, and terms of reference for site and artist selection.

2.2.3 A Public Art Plan Guide and Checklist is available to assist Private Developers in the preparation and submission of a Public Art Plan.

2.3 Detailed Public Art Plan

2.3.1 The detailed Public Art Plan must include:

- i) a description of the selected public art site(s) and concept (themes, parameters, etc)
- ii) artist(s) qualifications, and proposed method of artist selection; recommendations for selection panel composition
- iii) estimated budget
- iv) schedule for design, construction and installation

v) proposal for public participation/consultation

vi) proposed maintenance plan

viii) public relations program suggestions

2.3.2 Municipal staff will act as a resource to various panels, providing technical review and an analysis of proposed materials, construction, scale, costs, durability, public access, environmental sustainability and safety, as they relate to the ability of the Municipality or development proponent to maintain and accommodate the proposed artworks.

2.3.4 The proponent, in conjunction with participating Municipal departments, will ensure all recommended proposals are reviewed prior to final selection for safety and liability, compliance with Municipal by-laws and requirements, technical feasibility, environmental impact, cost, maintenance and other aspects as needed. Final selection will not be made or announced until any question on these issues is resolved.

3. PUBLIC ART ADVISORY COMMITTEE REVIEW

3.1 Public Art Plan Review

Municipal staff will prepare and present the detailed Public Art Plan to the Public Art Advisory Committee (PAAC) for review and comments. For the presentation of Public Art Plans for private development projects, the applicant may be represented by a Public Art Consultant retained by the applicant, who prepares the Public Art Plan according to these guidelines. Materials must be submitted to Municipal Staff a minimum of ten (10) days prior to the scheduled PAAC meeting.

3.2 PAAC Meeting Structure

The PAAC meetings are conducted by the elected Chairperson in the following manner:

- i) The presentation materials are distributed to PAAC seven (7) days prior to the meeting.
- ii) The presenter introduces the project to PAAC, referring to its location, context, background, scope and response to established policies and guidelines. (Note: Artists should not be part of the presentation team. Selection of the artist occurs at a later stage through an independent, arm's length selection panel process).
- iii) For private development, the proponent has the option to make a brief presentation (ten minutes maximum) to provide highlights and clarify any aspects of the Plan to PAAC.
- iv) PAAC members review the project material and provide comments and observations.
- v) The Chairperson summarizes the comments of PAAC
- vi) PAAC then votes for either "Support", "Non-Support" or "Deferral".
- vii) Detailed minutes of the meeting are distributed to the applicant and all relevant Municipal staff and approving authorities. For Private Development projects, a summary of PAAC's review and recommendations will be included in the development application staff report for approval by Council.

4. SITE CONSIDERATIONS

4.1 Location

4.1.1 Artwork must be located in areas offering the public a free and unobstructed experience of the artwork, with preference given to areas providing the greatest opportunities for interaction and accessibility.

4.1.2 Locations designated for the installation of public art projects should meet the following criteria:

- i) Visibility for pedestrians and/or motorists (including public transit);
- ii) Proximity to recognized pedestrian routes and high pedestrian activity areas (e.g. active retail areas), places of public gathering, public open spaces; and
- iii) Opportunities to expand on existing or future public artworks as part of an existing or proposed multi-artwork concept.

4.1.3 Indoor areas are usually unsuitable, but if sited indoors, the artwork must offer the general public a free and uninhibited experience during normal business hours.

4.1.4 Places of special heritage, community or environmental significance may be considered for locating public art.

4.1.5 The designation of public art siting locations (as required for current and/or future installations) should be indicated on the appropriate document (e.g. Development Permit and Building Permit drawings) to the satisfaction of Municipality staff, with regard to urban design and technical considerations (e.g. utilities, pedestrian and vehicle safety, maintenance access).

4.1.6 “Site-specific” opportunities identified should evoke some aspect of the historical, social, political or physical context of the site through public art.

4.1.7 If the project is large enough or multi-phased, the plan should include a balance of different types of public artworks.

4.2 Public Art on Private Property

If located on private property, continued maintenance of the artwork will be the responsibility of the proponent and subsequent owners. The Municipality shall provide a maintenance operating budget if the ownership of the artwork and the property where the artwork is located is in with or transferred to the Municipality.

5. PUBLIC ART PANELS

5.1. General

5.1.1 The panel's role is to select the best artist and/or artwork that meets the public art project's design parameters, theme and location conditions, as outlined in the public art plan terms of reference.

5.1.2. The process undertaken by the panel must ensure artists and artworks are selected on their own merit by a process informed by expertise and community awareness, free of personal bias or influence.

5.1.3. Artists that are currently under contract with the Municipality in a public art project, are ineligible for other projects until the current contract is deemed complete. Municipality staff, in exceptional cases, may waive this condition for an artist.

5.1.4 Anyone employed by the proponent or involved in the project development team (e.g. architect, landscape architect, engineer) should not apply to be the artist of the artwork.

5.1.5 Staff may designate some projects as suitable for non-professional artists.

5.2 Types of Panels

5.2.1 A Public Art Panel may be one of two types:

i) Selection Panel: The panel reviews multiple submissions (dependent on the form of the call) and recommends one artist or a shortlist of artists.

ii) Review Panel: The panel reviews a single submission to ensure that it meets with the goals and objectives of the public art program and the terms of reference specific to the project or opportunity. This panel also reviews the method in which the submission was chosen to ensure that it meets with the goals and objectives of the public art program.

Public Art Panels may take curatorial considerations into account and assess the public art collection as a whole when making recommendations on new public art projects. A panel may determine that none of the submissions fulfill the project criteria. In this case, the selection process may be re-opened.

5.3 General Considerations for Panelist Selection

5.3.1 A comprehensive selection panel should include artists, art professionals and design professionals (i.e. architects, landscape architects, engineers, urban designers, and planners).

5.3.2 The majority of members of a public art panel should have professional experience.

5.3.3 The panel process may provide for neighbourhood input or representation (specifically for neighbourhood-specific projects), and panels should reflect community diversity.

5.3.4 In community and private development projects, the proponent may appoint a representative to the panel.

5.3.5 Art dealers are usually not allowed to participate on selection panels due to potential conflict of interest.

5.3.6 A panel will be comprised of no less than three (3) and usually no more than ten (10) members.

5.3.7 Staff will maintain a list of candidates for panels, with input and periodic review by PAAC.

5.3.8 Non-voting advisors may be included as needed to supply technical information or community advice. Typical panel advisors might be: community residents, project staff, and technical staff.

5.3.9 An appointed panel shall not include any person from Municipality of Chatham-Kent staff or Council, nor their respective partners, employees or families.

5.3.10 Panelists and/or others consulted or asked to provide an evaluation of the proposals or artists' qualifications will be paid an honorarium (ranging from \$100 to \$300 per panelist).

5.4 Recommendations for Panel Composition

It is recommended that the Public Art Selection Panel comprise no more than 10 members, as follows:

- i) One (1) member of the Public Art Advisory Committee
- ii) One (1) member of the community Arts Council (CK Arts and Culture Network), who does not serve on the Public Art Advisory Committee
- iii-iv) Two (2) artists
- v) One (1) visual arts professional, such as a gallery director or curator, or a visual arts faculty member from a post-secondary institution
- vi - viii) Three (3) community representatives with professional experience in at least one of the following disciplines: urban planning, landscape architecture, architecture, art history, administration or education, curating, civil engineering and heritage research
- ix – x) Two (2) staff representatives, one from Arts and Culture division and one from another department, to be chosen based on the details of the shortlisted projects

6. SELECTION PROCESS

- Step 1: Public Art Program staff screen applications and evaluate them against candidate criteria and qualifications outlined in the RFQ/RFP/Call for Artists.
- Step 2: Public Art Program staff present the slate of qualified candidates to the PAAC. Along with the candidates recommended for review, the PAAC will receive a list of all project applicants.
- Step 3: The PAAC develops a shortlist of qualified artists and projects, and accepts recommendations from Public Art Program Staff for the Public Art Selection Panel (PASP).
- Step 4: The PAAC selects panelists for the PASP based on the following:
 - i) Experience in implementing or administering public art projects
 - ii) Ability to assess the creativity, design skills and problem-solving abilities of artists under review
 - iii) Knowledge of materials and methods of fabrication used in public art projects and an ability to assess their appropriateness to a particular site
 - iv) Ability to represent a variety of areas of the Municipality
 - v) Ability to work cooperatively and effectively in a panel process
- Step 5: Public Art Program staff issue written instructions to the PASP detailing the duties and responsibilities related to the project before the first panel meeting.

- Step 6: The PASP reviews proposals submitted by artists, and holds a vote, with the majority carrying the decision; each panelist shall have one vote. The PASP shall have the option of making no selection, in which case the PAAC, in collaboration with Public Art Program staff, shall determine whether to initiate a new selection process, revise the project or abandon the project.
- Step 7: The PASP's decision shall be recorded by Public Art Program staff in the form of a written record to the PAAC, who shall review and approve or reject the PASP's recommendation.
- Step 8: If the PAAC approves the PASP's recommendation, the PAAC shall forward the proposed contract recommendation to Public Art Program staff, who will prepare an Information Report to Council. If the PAAC rejects the PASP's recommendation, it shall provide a report to Public Art Program staff with the reasons for the rejection. The PAAC, in collaboration with Public Art Program staff, shall determine whether to initiate a new selection process, revise the project or abandon the project.

7. ART DOCUMENTATION

7.1 Art Record Form

7.1.1 An Art Record Form must accompany all completed artworks. This form is used for the proper curatorial gathering of data relating to the artwork. The data gathered includes (but is not limited to):

- i) Name of artwork;
- ii) Name and biographical details of the artist(s) including place of birth;
- iii) Contact mailing and email address, phone number and website;
- iv) Specifications of the artwork including medium, method of construction and installation, and dimensions;
- v) Artist description of the work;
- vi) Artist statement including how the artwork relates to its environment, and/or area history, and/or community as applicable.

7.1.2 The Art Record Form should also be accompanied by six high quality, high-resolution electronic images (minimum 700 dpi) showing the artwork close-up, details, and in context.

7.1.3 Other related materials as necessary may also be required to reveal the artwork and/or artist intentions (e.g. film, video clips, book works, etc.).

7.1.4 A copy of the artist's maintenance plan, including method, materials and frequency of inspections or maintenance and person or organization responsible for maintenance and long term conservation

7.2 Condition Reports

7.2.1 Each work must be accompanied by a condition report outlining the condition of each individual element of the work (ie. materials, supports, coatings), and recommendations for any maintenance or conservation required.

7.2.2 On occasion, condition inspections will be carried out and recorded, as an update to the original condition report.

7.3 Photography of the Collection

7.3.1 On occasion, updated professional photos of the public art collection (in part or in whole) will be obtained.

7.4 Public Art Database

7.4.1 The Municipality's public art database shall be updated regularly and remain accessible to the public through the Municipality's website.

8. DONATIONS AND LOANS

The following Donations and Loans guidelines apply to works of Public Art proposed for donation or loan to the Municipality; however, these guidelines may also inform the acceptance of donations or loan of works for display in non-public or limited-access areas, including offices, boardrooms and meeting spaces.

8.1 Donations

8.1.1 The Municipality will consider donations of artwork for placement at municipally owned sites on the following basis:

- i) That the donation meets a high artistic standard and is appropriate and meaningful to the community
- ii) That the donation is made with the understanding that no Municipal funds will be required for production, siting, installation or ongoing maintenance of the work without prior approval of Council
- iii) Preference will be given to works by local artists, and/or artists with a meaningful connection to the Municipality
- iv) That the donated work is in good condition and does not require significant restoration or repair.

8.1.2 The Municipality will not accept a donation of artwork until all funds for its development, siting and maintenance have been secured.

8.1.3 The Municipality will consider the following types of donation proposals for artworks intended for placement at a public site under the Municipality's jurisdiction:

- i) An already completed work of art
- ii) A commissioned artwork by a specific artist or artists
- iii) A commissioned artwork by means of a public competition, as described in the Public Art Program.

8.1.4 Donations of creative or innovative public art projects are welcomed and encouraged. (For example: provision of a site and/or an endowment for an artist residency, public art symposium, a changing exhibition of public art, sculpture garden, etc.)

8.2 Role of Sponsor

8.2.1 A donation of artwork must have a sponsor or co-sponsors, who will present the proposal.

8.2.2 The sponsor's principle role is to state the intent of the donation and be responsible for raising or providing the funding for its production, acquisition, installation, and maintenance.

8.2.3 Community groups or corporations can act as a sponsor, provided that they are capable of demonstrating community support for the proposal.

8.2.4 Demonstrating community support reinforces the public nature of the proposal.

8.3 Donation Proposal

8.3.1 All offers of artwork proposed for sites under Municipal jurisdiction must be made in writing and submitted to Public Art Program staff.

8.3.2 The sponsor will be asked to submit a detailed proposal for consideration. The proposal must contain:

- i) A rationale for the intent and purpose of the proposed donation;
- ii) A brief statement about the proposed artwork and theme from the artist;
- iii) A donation time line;
- iv) Project ownership, transfer to the Municipality and stakeholder responsibilities;
- v) A site plan showing the installation of the work in relation to the site;
- vi) Visual presentation of the work on the proposed site(s), including drawings, photographs and models of the proposed work with scale and materials indicated;
- vii) A detailed budget, with projected costs for the project, including: materials, installation, documentation, construction, maintenance, insurance, etc.;
- viii) Funds committed to date and proposed source(s) of funds;
- ix) Anticipated maintenance for the artwork;
- x) Artist's resume and any additional supporting material; and
- xi) All other program criteria should be addressed in the proposal.

8.4 Donation Review Process

8.4.1 All proposals for donations of public artwork must be reviewed by Public Art Staff and PAAC.; recommendations will be presented to Municipal Council for approval. If, at any stage, the Municipality decides against accepting the proposal, Public Art Staff will notify and provide a rationale to the sponsor and the artist.

8.5 Donation Review Criteria

All stages of the Donation Review Process will be based on, but not limited to, the following criteria:

8.5.1 Municipal Sites: Donated public artwork must be located on sites that are municipally owned and managed.

8.5.2 Theme: A stated theme of the artwork, which is consistent with the goals, objectives and mandate of the Municipal Public Art Program must be identified.

8.5.3 Relevance: Works of art must be appropriate for the proposed site and its surroundings, and/or complement surrounding architecture, topography, history and the social dynamic of the particular community in which the art will be placed.

8.5.4 Artistic Excellence:

i) The work of art shall merit placement in a Municipal public space.

ii) The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience.

iii) In the case of a donation of an existing work of art, the quality of the work(s) must be supported by documentation from an independent professional evaluator.

iv) The artwork must enhance the Municipality's public art collection.

8.5.5 Physical Durability: The artwork will be assessed for long-term durability against theft, vandalism, and weather.

8.5.6 Public Safety: The artwork will be assessed for any public safety concerns.

8.5.6 Environmental Sustainability: Consideration will be given to the environmental impact and sustainability of the proposed artwork.

8.5.7 Legal: Consideration will be given to the proposed terms of donation, legal title, copyright authenticity, artist right to reproduce, liability and other issues as deemed appropriate.

8.5.8 Other considerations may include (but are not limited to): sponsorship, acquisition terms and procedures, and ability to de-accession, if required.

8.6 Acceptance and Registration of the Artwork

8.6.1 If the proposal is accepted by Council, a formal agreement will be negotiated outlining the responsibilities of each party (the Municipality, the sponsor, the artist and outside contractors, where applicable). The agreement will address project funding, insurance, siting, maintenance, project supervision, vandalism, the right of removal or transfer, public safety and other issues as necessary.

8.6.2 The Municipality will be the owner of the artwork and reserves the right to move or alter the work to meet public safety or other Municipality concerns. Any such change will be made in consultation with the artist and sponsor.

8.6.3 The completed and installed artwork will be registered in the Municipality's Public Art Inventory together with all accompanying documentation. See Section 7: Art Documentation for further details.

8.7 Loans

The Municipality of Chatham-Kent may secure on a temporary basis works of Public Art for display in municipally owned spaces. All artworks to be displayed in public spaces will be evaluated against the following criteria:

- Artistic quality of the piece of art
- Relevance to the Public Art Policy and Inventory
- Suitability of the artwork for display in a public space
- Condition of the artwork
- The Municipality of Chatham-Kent's ability to safely display and conserve the work
- Exposure provided for Chatham-Kent artists
- Promotion of Chatham-Kent's cultural heritage
- Degree of fit with existing mandates or programs in public exhibition spaces

In the event that unsolicited works of art are found in public spaces, the Municipality of Chatham-Kent, at its discretion, may have these works removed. Ownership of Public Art on loan to the Municipality will remain with the owner.

9. DEACCESSIONING

In accordance with professional standards and ethics, it may be necessary, from time to time, to deaccession materials.

9.1 Reasons and Methods for Deaccessioning

A work may be deaccessioned if:

- i) the work is no longer relevant to or appropriate for the goals of the Public Art Program or the community in which it the work is located;
- ii) the work is in such fragile or damaged condition as to have lost all intrinsic value, or would present a danger or hazard to the site, or to patrons viewing the artwork;
- iii) the item has been lost, destroyed or stolen, unless there is strong evidence the work will be recovered.

Deaccessioned works may be:

- i) returned to the donor, sponsor or proponent
- ii) exchanged with a responsible public or private institution, organization or agency involved in the arts;
- iii) gifted to a responsible public or private institution or agency involved in the arts;
- iv) offered for sale at a public auction
- v) sold without auction to the public
- vi) destroyed

Works of art or materials borrowed or on loan to the Municipality will be considered to be deaccessioned upon the termination of the loan and return of the artwork to the owner.

9.2 Documentation

Works must be thoroughly researched and documented prior to deaccessioning. All records of the work will record the date, reason and destination of the deaccessioned work. A Deaccession Form will be completed and placed in the artifact's Document File.

9.3 Public Trust

The Municipality will do its utmost to ensure that deaccessioned objects, if not returned to their donors or lenders, lost, destroyed or intentionally destroyed, will remain in the public trust.

9.4 Adherence to Laws

Deaccessions will adhere to the applicable Provincial and Federal laws, and legal advice will be sought as required.

9.5 Public Notice

Where the Municipality wishes to deaccession works of art on loan when lender cannot be reach or located, and when the work of art is not covered by a donation agreement, the Municipality will make public a media a statement to the following effect:

“The Municipality of Chatham-Kent Public Art Program wishes to contact the following individuals who have loaned objects to the Municipality. The Municipality wishes to return these objects to their rightful owners or else transfer the ownership. The lenders, their heirs, or next of kin or anyone knowing their whereabouts are asked to contact the Municipality. A list of lenders will follow.”

The statement must appear for a minimum of three days over a two-week period. The Municipality is obligated to retain these objects for a length of time as recommended by legal counsel after this notice, or until their owners claim them. After the specified period of time, unclaimed objects may be disposed of by the Municipality.

9.6 Deaccessioning and Conflict of Interest

Municipal staff and members of the Public Art Advisory Committee may be in the position to take advantage of opportunities not available to the general public which may, if accepted, create a conflict of interest.

Therefore, no member of Municipal Staff or Council, or the Public Art Advisory Committee will acquire items deaccessioned from the Municipality's collection or offered for the collection unless it is by highest bid at public sale. Requests from the private sector for the purchase of items to be deaccessioned may be considered if it is in the best interests of the artwork/artist, and creates no conflict of interest for the Municipality. This information must be recorded on the Deaccession Form to protect the Municipality. When the situation warrants, two or more bids will be sought. If a prospective donor does not wish the return of the art work offered for donation, the Municipality may then forward them to another, more appropriate institution or individual.