

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO. 33-2020

**Being a By-Law to Adopt a Public Art Policy
for The Corporation of the Township of Wollaston**

WHEREAS the *Municipal Act, 2001*, Section 270(1) 3, as amended, requires that a municipality and local board shall adopt and maintain policies;

AND WHEREAS the *Municipal Act, 2001*, Section 224 (b) to develop and evaluate the policies and programs of the municipalities;

AND WHEREAS the Public Art Policy attached hereto sets out the method by which goods and services will be purchased; establish a standardized and transparent process for the selection, acquisition, maintenance of Public Art; a provide a sustainable funding model for the management of Public Art.

NOW THEREFORE, the Council of The Corporation of the Township of Wollaston enacts as follows:

1. That this policy will provide guidance to both Council and Staff and provide a basis for decision-making relating to public art;
2. That this By-Law shall come into force and take effect upon the passing thereof and that all former by-laws governing procurement of goods and services are hereby repealed.

PASSED THIS THE 11th DAY OF MAY, 2020

MAYOR: BARBARA SHAW

CLERK: BERNICE CROCKER

CORPORATION OF THE TOWNSHIP OF WOLLASTON

Public Art Policy

POLICY STATEMENT:

The Township of Wollaston recognizes that Public Art is a valuable asset that enhances the quality of life for its citizens, strengthens community pride, improves the aesthetics of the public environment, and contributes to the Township's cultural aspirations, social wellbeing and economic vitality. Public Art is a mechanism to celebrate culture and heritage, reflect community diversity, express shared values and define the unique local identity.

PURPOSE:

The purpose of this Public Art Policy for the Township is to:

- a) establish a standardized and transparent process for the selection, acquisition, maintenance of Public Art;
- b) provide a sustainable funding model for the management of Public Art.

SCOPE:

This policy applies to all members of the Corporation of the Township of Wollaston including:

- a) Council;
- b) full, part-time and contract staff;
- c) Advisory Committees or Boards and any sub-committees of these committees or boards; and
- d) volunteers involved in the management of the Township of Wollaston Public Art Collection.

Murals and other artistic works that do not leave a lasting record of their creation are considered temporary art and are not subject to this policy.

Furnishings, such as benches, light standards, and signage are not subject to this policy unless a design component is commissioned.

Plaques, memorials, and interpretive signs are not subject to this policy unless a design component is commissioned.

1.0 Collection Mandate

The mandate of the Collection is to:

- a) acquire artistic works to increase livability and attractiveness of the Township of Wollaston
- b) introduce local landmarks and/or place makers into the public urban environment;
- c) stimulate the growth of arts and art-related businesses within the Township of Wollaston; and
- d) increase the accessibility of artistic works by all citizens.

3.0 Funding

3.1 Municipal Contribution

The primary funding mechanism for Public Art Reserve Fund would be established by Council through the annual budget process.

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3.2 Private Sector Contributions

Developer contributions to the Public Art Reserve Fund may be considered through applications under Section 37 of the *Planning Act*. Private sector and community donations will also be encouraged.

3.3 Maintenance Budget

The Public Art Maintenance operating budget line will be maintained to support ongoing maintenance and conservation of artistic works in the Township's Public Art Collection, and considered in the annual budget process

4.0 Selection

4.1 Roles

The management of Public Art is a consultative process involving multiple participants, including Township staff and Wollaston Council.

4.1.2 Role of Township Staff

Township staff will:

- a) establish an inter-departmental public art team consisting of the Clerk, Treasurer, and Public Works staff;
- b) establish an annual process for artists to propose their projects;
- c) recommend a budget through the Township's annual budget process;
- d) administer project budgets;
- e) establish and maintain a Public Art Inventory;
- f) develop scope and terms of reference for each new proposed Public Art project;
- g) coordinate the acquisition of artistic works in accordance with this Policy;
- h) coordinate conservation of the Township's Public Art as required; and
- i) investigate Federal, Provincial, or other sources of funding to promote and support the development of Public Art in the Township.

The implementation of this Policy will be coordinated by staff responsible for implementation of the Public Art Policy in collaboration with the Interdepartmental Public Art Team.

4.1.3 Role of Wollaston Council

Council will:

- a) act as an advocate for art in Public Spaces in the Township;
- b) approve the Public Art Policy;
- c) approve any changes to the Public Art Policy, as needed;
- d) authorize expenditures from the Public Art Reserve Fund;
- e) approve the annual Public Art maintenance budget through the budget process; and
- f) approve the selection, and/or acquisition of Public Art.

4.2 Owned Public Art

The process for soliciting proposals for providing Public Art should:

- a) attract Artists from a variety of artistic disciplines;
- b) be meaningful, fair and equitable;
- c) encourage opportunities for learning, participation, and experimentation in arts and culture; and
- d) integrate Public Art into the planning, design, and execution of selected civic development projects.

Proposals for providing Public Art may be solicited through:

- a) open competition;
- b) invited competition; or
- c) direct award, where permitted by the Township's Purchasing By-law.

Public Art will be selected on merit through a process informed by the Inter-departmental Public Art Team. Final decisions regarding the selection, acquisition of artistic works will be made by Wollaston Council.

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

- a) quality of work;
- b) condition of work;
- c) monetary and/or appraised value;
- d) artistic reputation of the artist;

- e) suitability of the artistic work for display in a Public Space;
- f) no duplication of other Owned Public Art or aspects thereof;
- g) relevance to the Township's natural and built environment, cultural heritage, and/or history;
- h) authenticity of the artistic work;
- i) long-term durability and maintenance requirements of the artistic work; and
- j) ethical and legal considerations regarding ownership.

All offers of gifts, donations and bequests of artistic works will be reviewed by the Inter-departmental Public Art Team prior to any acquisition, designation or installation as Public Art to assess:

- a) artistic merit;
- b) site suitability and context;
- c) durability and maintenance requirements;
- d) financial implications; and
- e) public safety.

5.0 Acquisition

5.1 Owned Public Art

The Township of Wollaston may acquire Owned Public Art through:

- a) purchase;
- b) commission; or
- c) 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 will be subject to the public area approved by the Interdepartmental Public Art Team. The donor of the artistic work must have legal title to the artistic 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 for the donation. 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 Township's Treasurer.

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

5.3 Acquisitions and Signing Authority

Acquisitions will follow Township of Wollaston's Procurement By-law, which establishes policies for the procurement of goods and services by the Township, and any subsequent revisions or replacement of this by-law.

5.4 Installation

The Township is responsible for coordinating the installation of all Owned Public Art. The installation process will be identified, in advance, through the purchase, commission, donation, or exhibition agreement and may involve participation of the Artist and/or a contracted professional installer. The condition of all acquired artistic works will be reported upon receipt, and any problems found will be referred to the Artist/lender for resolution, prior to installation.

5.5 Insurance

All artistic 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.

6.0 Maintenance

The Artist is responsible for developing a maintenance plan for each Public Art artistic work. 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 of the artistic work.

Maintenance plans will include, but are not limited to:

- a) maintenance specifications;
- b) budget implications;
- c) manufacturer lists; and
- d) key contacts, including the Artist

The Township is responsible for the care and maintenance of the artistic work, in accordance with the approved maintenance plan. Staff responsible for the implementation of the Public Art Policy will monitor the maintenance plan. The appropriate Township staff will undertake an inspection of the artistic work according to a pre-determined schedule.

8.0 Removal of Public Art

The Township may remove 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 removal include, but are not limited to:

- a) endangerment of public safety;
- b) excessive repair or maintenance;
- c) irreparable damage;
- d) inaccessibility; and
- e) site redevelopment

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

No artistic work will be removed and disposed of without consultation with the Public Art Team. The removed 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.

9.0 Private Art

Staff responsible for economic development and municipal planning will work with new and established businesses, agencies and other levels of government, architects, builders, contractors, and developers to identify opportunities for incorporating private artistic works into architecture, building and/or landscape designs of private infrastructure, or the layout of private open spaces, including private connections to adjacent public features (e.g. streets, bridges, road infrastructures, interchanges, gateways, parks and open spaces).

The inclusion of private artistic works will be encouraged formally through the development review process and informally as opportunities arise.

Private sector developers will be encouraged to integrate private artistic works into the design of private sites, buildings and/or landscaping, especially in publicly accessible and visible areas of private sites, including, but not limited to:

- a) building facades;
- b) floors;
- c) ceilings;
- d) courtyards; or
- e) entrances.

This could include functional and decorative elements including, but not limited to:

- a) benches;
- b) water features; and
- c) light standards.

The Township will not assume any responsibility for maintenance of private artistic works installed on private lands.

DEFINITIONS:

Acquisition: The process of accepting an artistic work into the Township of Wollaston's collection of Public Art.

Artist: The designer/creator of an artistic work. This term can include, but is not limited to, a professional artist, graphic designer, collaborative team, architect, or landscape designer.

Collection: The artistic works acquired for permanent display in Public Space through the Public Art process, directly owned by the Township of Wollaston for the purpose of presentation to the public.

Community Art: An artistic work created collaboratively between an artist and an identified community. Community members actively participate in the creation of the artistic work. The artistic process is of equal importance to the artistic product.

Inter-departmental Public Art Team: A team led by staff responsible for the implementation of the Public Art Program and including representatives from other municipal departments that provides guidance on the acquisition of Public Art and borrowed artistic work.

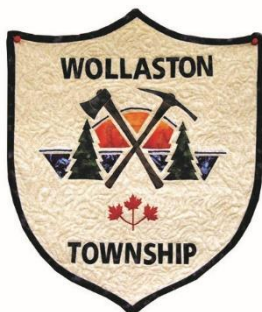
Owned: An artistic work that is owned by the Township of Wollaston for the benefit of current and future generations.

Public Art: Artistic works that are created by Artists and acquired by the Township of Wollaston with the specific intention of being sited on or staged in municipally owned public space. Such artistic works may be owned or borrowed, and may be characterized as aesthetic, functional, interactive, or any combination thereof. These works may be created using any material or any combination of media, including but not limited to: sculptures; water features; paintings; drawings; textiles; furnishings; installations; and kinetic works.

Public Art Reserve Fund: Funding to support the Public Art Policy will be provided through the establishment of a Public Art Reserve Fund. Funds from the Reserve Fund will be used for designing, fabricating, installing and documenting public works or community art projects chosen through an objective juried selection process.

Public Space: Space available for use by the public, that can include, but is not limited to, parks, trail systems, open spaces, waterways, roads, bridges, 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 Township of Wollaston.

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www.wollaston.ca



MAYOR: BARBARA SHAW
CLERK: BERNICE CROCKER
613-337-5731 (Phone)
613-337-5789 (Facsimile)

ARTIST APPLICATION FORM

CONTACT INFORMATION:

NAME: _____

ADDRESS: _____

HOME PHONE: _____

CELL PHONE: _____

EMAIL: _____

ARTWORK INFORMATION (Please attach additional pages as required.)

Name of Piece: _____

Description (story behind artwork and physical dimensions):

Detailed Budget (Project Materials, Labour, Installation, Total Costs)

Is a maintenance plan required for artwork?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

Details and Estimated costs of maintenance plan:

DATE: _____

ARTIST SIGNATURE: _____

OFFICE STAFF

Art Work Project reviewed by Internal Staff Team
Location
Installation
Maintenance Plan
Recommendations to Council

This form contains personal information collected under the *Municipal Freedom of Information and Protection of Privacy Act* and is maintained specifically for the purpose of processing this Artist Agreement form. This is not a public document nor available for public inspection. Questions regarding the collection of personal information should be directed to the Clerk, Township of Wollaston, 90 Wollaston Lake Road, Coe Hill, ON K0L 1P0.