

Kingston Arts Council Plan for Administration of Arts Funding  
for the Corporation of the City of Kingston in 2024



# Kingston Arts Council Plan for Administration of Arts Funding for the Corporation of the City of Kingston in **2024**

**Approved by:**

Kingston Arts Council Board of Directors  
22 October 2023

Arts Advisory Committee  
9 November 2023

Arts, Recreation and Community Policies Committee

**DATE**

Kingston City Council

**DATE**

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## A. Introduction and Overview - The City of Kingston Arts Fund

The City of Kingston through the City of Kingston Arts Fund (hereafter known as CKAF) provides grants to local arts organizations and projects through Operating and Project Grants to foster creativity at all levels and enrich how Kingston residents experience and engage with the arts. Since its inception in 2007, CKAF has provided a mechanism for the City to invest in the arts and arts organizations and to-date, the City has invested close to \$9.1 million to support a combination of both operational and project funding.

CKAF is an investment in Kingston's cultural capital that aims to foster cultural vitality, increase the capacity of the arts community to create and produce artistic work, engage residents and enhance our city's cultural economy, and promote financial stability and sustainability. CKAF is administered by the Kingston Arts Council (hereafter known as the KAC) to ensure that the Fund supports and nurtures the capacity of Kingston's artists and the arts sector. As Kingston's umbrella arts service organization, the KAC has the necessary expertise, understanding of, contacts and connections within the arts community to carry out the administration successfully. Annually, the KAC submits a Plan for Administration (hereafter known as the Plan for Admin), as part of a Service Level Agreement with the City of Kingston, through the Arts & Culture Services Department.

Each year, the KAC leads an Annual Review process of the Plan for Admin that engages with a committee consisting of organizations, collectives, professional artists, jurors, community members, the KAC, and City of Kingston staff. The Plan for Admin is then presented to and approved by the KAC Board of Directors, the Arts Advisory Committee, the Arts, Recreation and Community Policies Committee, and Kingston City Council.

This document is the updated Plan for Admin 2024 for the City of Kingston Arts Fund, Operating and Project Grants.

Note: In 2023-2024, the City is leading a large-scale review of CKAF that will ensure that the municipal arts funding program continues to be responsive to and meet the needs of Kingston-based artists, arts groups, collectives and arts organizations, all of whom contribute to the vitality, richness and diversity of the local arts ecology in Kingston. The review is also intended to assess how CKAF is administered in accordance with best practices and to ensure the City of Kingston's investment in arts and culture is being effectively managed in ways that benefit the sector as well as Kingston residents. The KAC will play an active role in this City-led review. Recommendations and changes to CKAF will be presented to City Council for approval in 2024 and then reflected in an updated Plan for Admin in 2025.

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Following approval of the Plan for Admin, the KAC oversees the open application process and manages the intake of applications, adjudication, and distribution of grant funds. All CKAF applicants must strive to offer services that respect the independence, dignity, integration and equal opportunity of individuals of all backgrounds and abilities.

While CKAF is administered by the KAC, the applications are reviewed using a peer assessment process that engages stakeholders from across Kingston as jury members. Jury members are themselves representative of the arts, arts professionals, and practitioners in the City of Kingston and are selected for their knowledge of the arts, high standing within the arts community, awareness of the City of Kingston context and the broader arts environment and, where possible, are reflective of the gender, demographic and cultural diversity of Kingston itself.

Please find the following:

- The KAC Plan for the Administration of Arts Funding for the Corporation of the City of Kingston in 2024;
- Appendix A: Policy Statement Regarding Non-Profit Eligibility (Operating);
- Appendix B: Policy Statement Regarding Non-Profit Eligibility (Project);
- Appendix C: Glossary of Terms (Note – Terms that appear in *italics* in this document are defined in the Glossary).

### **B. Objectives of The City of Kingston Arts Fund**

The objectives of CKAF are to nurture the capacity of the arts, artists and the arts sector in Kingston while fostering creativity, encouraging social cohesion, enhancing quality of life and stimulating economic development through direct investment.

Through CKAF, the City of Kingston seeks to enrich the way Kingston residents experience and engage with the arts; to leverage arts and culture to assert Kingston's distinctives and stimulate economic development and tourism; to ensure arts funding aligns with comparable municipalities; and to bring provincial, national and international recognition to Kingston as a centre for the arts and culture.

The objectives for CKAF-funded operations and projects ensure accountability, viability and sustainability for organizations and collectives.

CKAF-funded operations and projects must meet the following objectives:

- i. Engage Kingston artists with professional opportunities and industry-standard compensation;
- ii. Nurture creativity and arts engagement for Kingston residents;
- iii. Address current needs in the Kingston community;
- iv. Strengthen and expand access to the arts;

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- v. Create inclusive activities and equity practices that reflect the diversity of artists, arts communities, and audiences in Kingston;
- vi. Foster collaboration between emerging and established artists and arts organizations across disciplines;
- vii. Build capacity in the arts and culture sector through professional development, mentorship, and investment in sustainable, relevant, high-quality artistic work; and
- viii. Cultivate community partnerships across private and public sectors.

## **C. Scope - Categories of Funding**

The annual CKAF program is comprised of two funding categories: Operating Grants and Project Grants. Both streams will support grant recipients to continue to work, to participate in the arts community, and to respond to community needs. Operations and projects must demonstrate sustainability, viability, and accountability and will engage and provide payment to local artists, provide access to the arts, and strengthen Kingston's arts sector.

### **C.1. Operating Grants Program**

The amount allocated to this pool is normally 70% of total available funds.

#### **C.1.a. Purpose of Operating Grants Program**

The Operating Grants Program is intended to foster sustainability among leading arts organizations by providing funding for operations and programming that support CKAF objectives.

#### **C.1.b. Term of Operating Grants**

Operating Grants are for a one-year term. Organizations that have received an Operating Grant are eligible to reapply for the following year. Access to multi-year Operating Grants may be available in the future (see C.1.h below).

#### **C.1.c. Eligibility**

In order to be eligible to apply for an Operating Grant, organizations must meet all of the following criteria. Applicants must:

- i. Be located in the City of Kingston;
- ii. Be a *non-profit arts organization* (see Appendix A);
- iii. Have been incorporated for a minimum of two years by the end of the calendar year in which the grant application is made;
- iv. Exhibit high achievement in arts programming;

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- v. Fulfill a significant role in the Kingston community through the arts;
- vi. Demonstrate efficient planning and administrative practices, which meet professional standards, and;
- vii. Be in good standing with the municipality both generally and with regard to past CKAF, City of Kingston Heritage Fund and/or Community Investment Fund projects (successful completion of projects and submitted final reports).

First-time applicants to the Operating program must book a consultation with the Grants Coordinator before **17 March 2024** to be eligible. Applicants who do not book a consultation will not be eligible in **2024**.

**C.1.d. Exclusions from Eligibility**

The following organizations will not be eligible for Operating Grants.

- i. Academic units of educational institutions;
- ii. Schools, conservatories and other organizations the primary mission of which is training or education;
  - a. The presence of education or training as an ancillary part of an organization's mandate will not result in an exclusion from eligibility
- iii. Charitable organizations or Foundations, the primary mission of which is fundraising.

Organizations receiving operating, project or other forms of grant funding from the City of Kingston through sources other than CKAF are deemed ineligible to receive funding through CKAF for the duration of the applicable agreement. *In-kind support* is excepted, especially as it may relate to participation in multi-partner initiatives.

In addition, City of Kingston Arts & Culture Services and/or Kingston Arts Council permanent or contract staff may not hold a *primary role* with any organization applying to CKAF.

**C.1.e. Eligible Costs**

CKAF funding may be used for:

- i. Artists' fees (mandatory to be eligible);
- ii. Artistic production, presentation and dissemination costs;
- iii. Utilities, staffing, office expenses, and rent
- iv. Costs related to accessibility for Deaf artists and audiences and/or artists and audiences with disabilities; and
- v. Minor equipment or software purchases to upgrade technology, workspaces or health and safety items to support operations and programming.

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**C.1.f Exclusions from Eligible Costs**

CKAF funding may not be used for:

- i. Major capital purposes including but not restricted to the purchase of land, equipment, fixtures or physical facilities;
- ii. Furthering a profit venture or to advantage a *for-profit partner*;
- iii. Fundraising;
- iv. Recovering the costs of an organization's financial *deficits*;
- v. Programs/services that are delivered by an organization aligned with any political party; and
- vi. Paying for expenses incurred prior to the ratification of the Report to the Kingston Arts Council Board of Directors on the Adjudication of Applications to the City of Kingston Arts Fund (hereafter known as KAC CKAF Board Report) at a meeting of Kingston City Council.

**C.1.g. Grant Size**

Operating Grants have a \$10,000 minimum and \$75,000 maximum. The Jury has discretion with regard to the amounts awarded. Under the present guidelines, the Jury is required to balance the following requirements when allocating and awarding funding, which are to:

- i. Support the maximum number of organizations that provide high-quality services and programming that would be beneficial to the Kingston community;
- ii. Make a substantial improvement in the operations of the receiving organization; and
- iii. Ensure the operations of the recipients are sustainable, viable, and accountable.

**C.1.h. Grant Stability**

CKAF endeavours to provide a measure of stability in its Operating Grant Program.

Each year a minimum funding increase, based on inflation (CPI Index), can be allocated by the Jury following its assessment of all applications provided that additional funding is allocated by the City of Kingston as part of its annual support of CKAF.

A Grant reduction may be made for one or more of the following reasons:

- (i.) A shortfall in available funds;
- (ii.) An increase in the number of high-quality applicants;
- (iii.) Evidence of inadequate performance;
- (iv.) Inability to demonstrate viability and/or the capacity to deliver on the proposal; or
- (v.) Failure to meet the CKAF objectives.



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The Jury will not recommend a reduction of more than 20% of an organization's previous year Operating Grant. Should a reduction be recommended, the Jury will provide reasoning in the notification letter.

### C.1.i. Reporting Requirements

- i. All organizations receiving Operating Grant funding from CKAF will be required to submit an Interim Report by **15 January 2025**;
- ii. For organizations that receive a CKAF Operating Grant in any year and reapply to the Operating Grant program the following year, the Final Report will be integrated as part of the subsequent application form; and
- iii. Organizations that receive a CKAF Operating Grant in any year and choose not to reapply to the Operating Grant program the following year will be required to indicate those intentions and submit a Final Report no later than the following year's application deadline.

## C.2. Project Grants

The amount allocated to this pool is normally 30% of total available funds.

### C.2.a. Purpose of the Project Grants Program

The Project Grant program funds the creation and presentation of arts projects that meet the CKAF objectives. Projects must demonstrate engagement with the Kingston community and engage professional artists and pay artist fees. Applicants are evaluated on artistic contribution, benefit to community, viability, and innovation.

### C.2.b. Term of Project Grants

Project Grants are awarded once a year for a term of eighteen months.

Applications for recurring projects must be submitted annually and will be adjudicated based on the project grant adjudication criteria in addition to the following:

- i. Success of the project in the previous year, including a financial report;
- ii. Innovation within the project to reflect community needs and viability; and
- iii. Availability of funds in the context of the program objectives.

Any information submitted to the KAC through the CKAF process, including applications, Interim Reports, and Final Reports, may be shared with a jury adjudicating future recurring projects and/or operating grant applications at the discretion of the KAC.

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The term of Project grants may be extended according to the procedure described in F.7. Extensions. All extensions are granted at the discretion of the KAC Executive Director.

### C.2.c. Eligibility

In order to be eligible to apply for a Project Grant, applicants must be located in the City of Kingston and be **one** of the following:

- I. An individual professional artist meeting the conditions of C.2.d.;
- II. An unincorporated collective meeting the conditions of C.2.d.;
- III. An individual or unincorporated collective using an eligible sponsor meeting the conditions of C.2.e.; or
- IV. An incorporated non-profit organization or registered charity (see Appendix B) meeting the conditions of C.2.d.

Applicants must also be in good standing with the municipality both generally and with regard to past CKAF, City of Kingston Heritage Fund (CKHF) and/or Community Investment Fund projects (successful completion of projects and submitted final reports).

An individual, collective, or organization may apply for only one Project Grant each year.

### C.2.d. Direct Application

Individual artists, collectives, and non-profit organizations may apply directly to CKAF **without** a *sponsor*. These applications must meet the following requirements:

- i. Individuals applying directly must:
  - a. Establish or possess a bank accounting in their own name; payment of the grant cheque must be made to the applicant signing the application and grant agreement.
  - b. Be professional artists, who have developed skills through training and/or practice and: is recognized as such by artists working in the same artistic traditions; has a history of public presentation or publications; seeks payment for their work; and actively practices their art.
  - c. Submit two letters of reference from individuals who can speak to their ability to execute the proposed project as set out in the application.
  - d. Individuals without a sponsor may be required as part of their CKAF agreement to provide additional reports to provide sufficient accountability on the use of funds.
  - e. All individuals are required to satisfy the CKAF requirements including proof of insurance and reports (see Funding Section H.6 for details on proof of insurance and reports).
- ii. Collectives applying directly must:

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- a. Establish or possess a bank account in the name of the collective. Payment of the grant cheque will not be issued to any individual member within the collective.
  - b. Have three members, who must be listed on and sign the application and grant agreement.
  - c. Submit two letters of reference from individuals who can speak to the collective's ability to execute the proposed project as set out in the application.
  - d. Collectives without a sponsor may be required as part of their CKAF agreement to provide additional reports to provide sufficient accountability on the use of funds.
  - e. All collective types are required to satisfy the CKAF requirements including proof of insurance and reports (see Funding Section H.6 for details on proof of insurance and reports).
- iii. An incorporated non-profit organization or registered charity applying directly must:
- a. Have two members sign the application and grant agreement on behalf of the organization.
  - b. Provide their most recent audited Year-End Financial Statements, which have been reviewed by a chartered accountant or the most recent unaudited Financial Statement if an audited version is not available. The statement must be signed by representative of the board or governing body.
- iv. Each application must have one *lead applicant* (an individual, collective or organization) which meets the requirements in C.2.c. Eligibility. This individual, collective or organization is responsible for managing the project, the funds, and the application and reporting.
- v. Projects may have *community partners*. These partners may be collectives, non-profit, or for-profit organizations. They must be described in the application and submit a letter of agreement outlining their role in the project. They may make donations in-kind, but there cannot be an exchange of funds. There is no limit on the number of community partners.

**C.2.e. Sponsored Application**

Individual professional artists and collectives may apply to CKAF with a *sponsor*. These applications must meet the following requirements:

- i. Individuals must be professional artists as described in C.2.d. They must meet all other requirements, including proof of insurance and reports.
- ii. Collectives must have three members as described in C.2.d. They must meet all other requirements, including proof of insurance and reports.
- iii. A sponsor may be any incorporated non-profit or charitable organization in Kingston, other than the KAC. It is the responsibility of the unincorporated

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collective that wishes to receive CKAF funding through this sponsor to complete the application.

- iv. The Sponsor will also sign the application and include a letter of support for the project that identifies the Sponsor's support and financial agreement if any, with the collective. The KAC may look to the partnering sponsor for final reports on the project should the collective not provide them as required.
- v. The sponsoring organization may apply for its own project in addition to one sponsored project in each grant cycle. Organizations receiving CKAF Operating Funds may sponsor artist or community collectives for Project Grants in the same year.

Sponsorship is not available for charitable or incorporated non-profit organizations. They must apply directly as described in C.2.d.

**C.2.f. Exclusions from Eligibility**

The following organizations will not be eligible for Project Grants.

- i. Academic units of educational institutions;
- ii. Schools, conservatories and other organizations the primary mission of which is training or education;
  - a. The presence of education or training as an ancillary part of an organization's mandate will not result in an exclusion from eligibility.
- iii. Charitable organizations or Foundations, the primary mission of which is fundraising.

Projects with the sole purpose of creating new artistic work, without a presentation and community engagement component as described in C.2.a., are not eligible for a CKAF Project grant. Applicants are evaluated on artistic contribution, benefit to community, viability, and innovation.

Organizations and/or collectives receiving operating, project or other forms of grant funding from the City of Kingston through sources other than CKAF are deemed ineligible to receive funding through CKAF for duration of the applicable agreement. *In-kind support* is excepted, especially as it may relate to participation in multi-partner initiatives.

In addition, City of Kingston Arts & Culture Services and/or Kingston Arts Council permanent or contract staff may not hold a primary role with any organization or collective applying to CKAF.

**C.2.g. Eligible Costs**

CKAF funding may be used for:

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- i. Artist's fees (mandatory to be eligible);
- ii. Artistic production, presentation and dissemination costs, and project administration costs;
- iii. Marketing, promotion, audience development, community engagement activities;
- iv. Venue or studio rentals;
- v. Costs related to accessibility for Deaf artists and audiences and/or artists and audiences with disabilities; and
- vi. Minor equipment or software purchases to upgrade technology, workspaces or health and safety items required to carry out the proposed project.

**C.2.h. Exclusions from Eligible Costs**

CKAF Project funding may not be used for:

- i. Major capital purposes including but not restricted to the purchase of land, equipment, fixtures or physical facilities;
- ii. Furthering a profit venture or to advantage a for-profit partner;
- iii. Funding a project that appears on more than one CKAF Project grant application in the same year and/or that identifies one CKAF Project grant as a source of funding for another CKAF Project grant;
- iv. Fundraising events and projects;
- v. Recovering the costs of a project deficit or an organization's financial deficits;
- vi. Programs/services that are delivered by an organization aligned with any political party;
- vii. Paying for expenses incurred prior to the ratification of KAC CKAF Board Report;
- viii. No more than 20% of the project budget can be for administrative/ overhead costs (this includes administrative salaries and fees).

Organizations receiving CKAF Operating Funds in any given year are **not** eligible for Project Grants in the same year. However, organizations may apply for both.

**C.2.i. Individual Artist Grants**

Individual professional artists may apply to CKAF Project Grants as individuals or by forming a collective. Eligibility requirements for application are described in C.2.d and C.2.e. There are no other grant opportunities for individuals at this time.

**C.2.j. Grant Size**

The maximum award for a Project Grant is \$15,000 and the minimum award is \$5,000. The Jury has discretion with regard to the amounts awarded. Under the present guidelines the Jury is required to balance the following requirements, when allocating and awarding funding, which are to:

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- i. Support the maximum number of eligible, high quality projects that would be beneficial to the Kingston community;
- ii. Ensure project plans are viable, accountable, and responsive to community needs; and
- iii. Award grant amounts that are sufficient to enable success of the projects.

**C.2.k. Reporting Requirements**

- i. **For all grant recipients in the 2024** CKAF Project Grant Program, a Final Report is required 60 days after project completion **and no later than 31 December 2025**. A hold back totaling 10% of total funding awarded will be released upon successful submission of the Final Report;
- ii. Applicants must file an extension request if the project will not be completed by the original Final Report deadline based on the application. Extension requests must be submitted following the procedure in F.7. Extension Requests.
- iii. If the project completion date is after **31 December 2024**, **grant recipients** are required to provide an Interim Report no later than **15 January 2025**.
- iv. Any changes to a project must be submitted in writing to the KAC in advance for approval and unapproved changes may result in funds being withheld at the discretion of the KAC or a withdrawal of funding following the procedure in F.1.h. Modification requests must be made before the original Final Report deadline, or grant may be considered null and void and the amount may not be issued.
- v. If a CKAF grant recipient has overdue Interim or Final reports, it will not be eligible to apply for further CKAF grants or to receive funds for grants subsequently awarded until such time as those reports are submitted to and accepted by the KAC;
- vi. Recurring projects will be required to report on the project as part of their next year's application.

**D. Adjudication Criteria**

**D. 1. Operating Grant Program**

The Jury will consider the degree to which the organization demonstrates:

- i. Compatibility of the organization's objectives with those of CKAF;
- ii. Ability of the organization to achieve its mission, mandate and objectives through viable operational, program, and activity plans;
- iii. Artistic merit and quality of work and programs;
- iv. Strength of administration and financial planning, including professional practices in the management of artists and staff;
- v. Demonstration of innovation and effective use of CKAF funds to benefit the community;

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- vi. The ability to measure and report on the success of its activities and programs on an ongoing basis;
- vii. A commitment to hire local, professional artists; and
- viii. A commitment to compensate artists and other employees at industry-standard rates.

## **D. 2. Project Grant Program**

The Jury will consider the degree to which the proposed project demonstrates:

- i. Compatibility of the project's objectives with those of CKAF;
- ii. Clarity of the project objectives and plan;
- iii. The viability of the proposed project and the capacity of the applicant to deliver the project;
- iv. Artistic merit and the quality of work and programs;
- v. Demonstration of innovation and effective use CKAF funds to benefit the community;
- vi. A commitment to hire local, professional artists; and
- vii. A commitment to compensate artists and other employees at industry-standard rates.

## **D. 3. Other Adjudication Criteria**

As part of CKAF, it is important that applicants ensure that operations, programs and projects foster inclusion, diversity and access within the arts. Please see the definitions for these words as provided; applicants are required to connect these definitions to their work for the benefit of the jurors who will be adjudicating the applications.

Access encompasses the physical, financial, intellectual, and socio-economic accessibility of programming, events, and venues. Diversity addresses the non-material culture of the project or organization, specifically the way in which it welcomes people of varying ability, income, language, incarceration history, cultural background, race, ethnicity, faith, gender, orientation, or education level. Inclusion refers to the removal of material or non-material barriers to participation, through policies in human resources, strategic planning, physical environment, programming, audience, community development, and budget management.

## **E. Procedures**

- E.1. Each year's grant allocation of CKAF is subject to approval annually by City Council through its budget process and will be provided for distribution purposes to the KAC on approval of the annual budget.

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- E.2. To be considered for funding, individual artists, organizations, or collectives must submit a grant application to be received at the KAC office by or before the appropriate published deadline.
- E.3. The KAC will provide a CKAF Board Report to the City of Kingston Arts & Culture Services Department following the distribution of funds. This Report will identify successful applicants, their request for funding, the dollar value of each of the requests received and details of all allocations. The Report will also specify the number of unsuccessful applicants and the total amount of funds requested. This Report is brought forward to City Council as part of the City's annual budget process.
- E.4. The KAC staff in consultation with the KAC Board of Directors will determine the application form, submission process and dates.

## **F. Responsibilities of the Kingston Arts Council**

### **F.1. General Principles**

The KAC will be responsible for the overall administration of the CKAF, subject to the approval of the City of Kingston. This will include the following tasks:

- F.1.a. Ensuring that the administration and adjudication of applications are consistent with the CKAF's objectives.
- F.1.b. Developing the application submission process, application forms, dates and administrative criteria including, but not limited to:
  - i. Determining and confirming terms of eligibility for the CKAF;
  - ii. Assessing and confirming the eligibility of applications. Applications may be rejected by the KAC if it appears that they do not fit the eligibility criteria as per CKAF Guidelines;
  - iii. Advising and providing an update on decisions made regarding eligibility to the City of Kingston Director of Arts & Culture Services; and
  - iv. Establishing a complaints review process.
- F.1.c. Appointing the peer assessment Jury for the purpose of adjudicating applications and allocating the CKAF.
- F.1.d. Enacting and overseeing compliance with the terms of reference for the KAC Grants Committee including, but not limited to:
  - i. The number of Jury members;



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- ii. Representation on and composition of the Jury;
  - iii. Rules pertaining to conflict of interest;
  - iv. Length of service; and
  - v. Reporting requirements of the Grants Committee to the KAC Board.
- F.1.e. Acting as Chair of the Adjudication meetings for the Operating and Project Grant programs. The Executive Director of the KAC will act as Chair, unless they are unable, in which case the Grants and Programs Coordinator will act as Chair.
- F.1.f. Providing administrative support to the Grants Committee by hiring administrative staff.
- F.1.g. Awarding honoraria to CKAF jurors in recognition of their work on the program.
- F.1.h. Enforcing the decisions of the jury. The KAC has discretion to decide if changes to an application after the adjudication require a review for potential withdrawal of funds. An application may be reviewed for eligibility according to program eligibility requirements or it may be reviewed to evaluate whether changes are so significant that it is no longer the application endorsed by the jury. In such case, the KAC Board of Directors and a representative of the City of Kingston will approve the KAC's recommendation to withdraw funds.
- F.1.i. Distributing funding to successful applicants.
- F.1.j. Receiving and assessing Interim and Final Reports to ensure funds are being used for the applicants approved activities.
- F.1.k. Reviewing CKAF annually and formulating recommendations to improve and develop the program.

## **F.2. Time Frame for Establishing the Grants Committee**

The KAC will establish the Grants Committee, made up of the Jury, City of Kingston Councillors, City of Kingston staff, and KAC staff, annually with reference to the deadlines for receipt of grant applications.

## **F.3. Governance**

- F.3.a. As Chair, the KAC Executive Director will receive administrative support from the KAC Grants and Programs Coordinator.
- F.3.b. The KAC will facilitate the selection of Jury members for the Grants Committee in accordance with the outline for membership contained in Section G.

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- F.3.c. The KAC will be responsible for implementing the guidelines and terms for the allocation of funds pursuant to the CKAF.
- F.3.d. The KAC will be responsible for ensuring that all members of the Grants Committee are aware of the terms of the Plan for Admin and adhere to the rules and guidelines for adjudicating applications and allocating funds.
- F.3.e. The KAC will not be involved with the decision-making function of the Jury.
- F.3.f. The KAC Staff will report to the KAC Board of Directors on an ongoing basis.
- F.3.g. The KAC Staff will present the proposed distribution of funds, including final rankings for each application, which will be kept strictly confidential, and a Report on the Adjudication of Applications to the CKAF for ratification to the KAC Board of Directors.
- F.3.h. Application forms and guidelines are established by the KAC in accordance with the principles described in this document.
- F.3.i. Decisions of the Jury are final. The KAC Staff when requested by the designated contact person for the applicant will provide discretionary feedback concerning Grants Committee comments on applications.
- F.3.j. It is understood that, in order to respect the decisions of the Jurors, the KAC Board of Directors will support decisions made by the Jurors so long as they comply with the current KAC Plan for Administration of Arts Funding for the Corporation of the City of Kingston.

#### **F.4. Dispute Resolution**

- F.4.a. All complaints and concerns relating to the adjudication, guidelines and criteria for the allocation of funds pursuant to the CKAF should be addressed to the Executive Director of the KAC. The KAC will develop and forward a written report with respect to such complaints and concerns to the KAC Board of Directors.
- F.4.b. In the event that a complaint specifically involves/implicates the Chair, that complaint may be addressed directly to the Chair of the KAC Board of Directors.
- F.4.c. Any concerns or complaints regarding a potential undeclared conflict of interest of a member of the Grants Committee shall be made in writing to the Executive Director of the KAC.

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F.4.d The City of Kingston will be notified by the KAC of all concerns and complaints received.

## **F.5. Monitoring and Reporting Requirements of the KAC**

F.5.a. Once approved by Kingston City Council, the KAC CKAF Board Report will be a matter of public record and available through the KAC. Prior to that approval, the KAC CKAF Board Report is confidential.

F.5.b. The KAC CKAF Board Report is subject to the provisions of the applicable Municipal Freedom of Information and Protection of Privacy legislation. Any application pursuant to the applicable Municipal Freedom of Information and Protection of Privacy legislation will be restricted to information pertaining to the specific applicant.

## **F.6. Application Periods and Receipt of Applications**

There will be one application deadline for both the Operating Grant and Project Grant Streams in April. Applications will be submitted by email to the Grants Coordinator. All applications will be date stamped and numbered when received. Applicants will receive a notification that their application has been received and will be forwarded to the jury. A file copy of this notification will also be retained in the KAC Grants Department files. If applicants realize there is an error in the application after it is submitted, they may correct or update their application until the deadline. Once the deadline has passed, all eligible applications will be submitted to the jury “as is” without alteration or correction.

## **F. 7. Extension Requests**

Extensions may be requested in three contexts: for the application deadline, for reporting deadlines, and for the term of project grants. Extensions will only be granted if the request is filed through the procedure described below. The KAC has the authority to approve or deny an extension request.

### **F.7.a. Application Deadline**

Potential applicants must submit an extension request no less than five business days in advance of the posted deadline. Requests are made directly to the Grants Coordinator in writing. Requests are reviewed and approved at the discretion of the KAC Executive Director. Deadline extensions are only granted for extenuating circumstances and cannot exceed ten business days. The KAC may require documentation in support of some circumstances.

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**F.7.b. Reporting Deadline**

Grant recipients may request extensions for Interim or Final Reports. Requests must be made in writing at least five business days in advance of the deadline. Extensions will be granted at the discretion of the KAC Executive Director. Extensions for Interim or Final Reports will not exceed 30 calendar days.

**F.7.c. Term of Project Grants**

Project grants have a term of 18 months and activities must take place between **July 2024 and 31 December 2025**. Project grant recipients must submit extension requests for the term of the grant in writing before the original Final Report deadline from their application. Requests should be made in writing to the Grants and Programs Coordinator and will be granted at the discretion of the KAC Executive Director.

Extensions to the term of Project grants generally will not exceed 120 calendar days, however further extensions may be granted as a result of unforeseen circumstances at the discretion of the KAC Executive Director. If Project recipients do not submit their signed grant agreement and proof of insurance or an extension request by the original Final Report deadline, the grant may be considered null and void and the amount may not be issued.

**G. Grants Committee**

**G.1 General Principles for Fund Allocation**

G.1.a. As a general principle, all sectors of the arts should be funded through CKAF to ensure that the grants portfolio is balanced at the end of each year.

However there will not be any specific allocation percentage made to each sector of the arts, as the quality and range of the applications received will also influence this element of the Jury's decision-making process.

G.1.b. A Jury may decide, in exceptional circumstances, not to award all the monies available for the Operating or Project Grant Program.

G.1.c. Any unawarded grant funds or grant funds returned to the KAC will be allocated to the following year's grants programs at the discretion of the KAC staff. Unawarded funds from the Operating stream may be allocated to the Project stream in the same year.

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## **G.2. Grants Committee Membership**

There are two categories of membership in the Grants Committee, Jury members and Ex-Officio members.

### **G.2.a. Jury members**

The Jury is responsible for adjudicating the applications and allocating funding in accordance with CKAF guidelines and criteria and includes:

- Five Jurors appointed by the KAC

These members are responsible for becoming familiar with the CKAF grant program and its assessment criteria, reading all the applications, reviewing supplementary materials, and making notes about each application based on the assessment criteria and granting program objectives.

For both the Operating and Project grant programs, the Jury is required to complete an initial round of scoring of each application before the meeting. At the meeting, based on the results of pre-scoring, the Jury will:

- Discuss in detail each application based on its Artistic Contribution, Community Benefit and Quality of Administration and Financial Responsibility;
- Conduct a second round of scoring based on the discussion; and
- Determine and allocate funds.

### **G.2.b. Ex-Officio members**

There are two categories of Ex-Officio members as follows:

- City of Kingston representative:
  - o The Director, Arts & Culture Services of the City of Kingston and/or their delegate; and
  - o Two City of Kingston Councilors, one per jury.

These members of the Grants Committee may attend the meeting as a resource for the jurors. They provide, upon request, broader community perspectives and information on the City of Kingston objectives for the CKAF program. They are not jurors and do not participate in the evaluation of applications or contribute to funding decisions. They are present to ensure transparency and fairness in the process.

- KAC Staff

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The KAC Staff including the Executive Director and Grants Coordinator are present to Chair the meetings, facilitate discussion, and ensure that each applicant is treated equitably and without prejudice. KAC Staff are also responsible for ensuring that there are no direct conflicts of interest, that indirect conflicts of interest are declared, and appropriate procedures are followed.

Additional responsibilities of the KAC are to remind the Jury of program priorities and the budget context, ensure that the Jury shares a common understanding of the assessment criteria, serve as resource persons and provide information and historical context in the CKAF programs, as well as overseeing and recording the rating/ranking process.

### **G.3. Grants Committee Meetings**

There will be two separate Grants Committee meetings, one for Operating Grant applications and one for Project Grant applications. The Jurors will be different for each meeting. Each Grants Committee meeting will take place over a single full day.

#### **G.3.a. Quorum**

A quorum shall consist of a majority of the Jury members. A schedule of meetings will be established for the Grants Committees at the beginning of the adjudication process. There must be at least a 48-hour notice of changes of meeting dates to all members of the Grants Committee.

#### **G.3.b. Confidentiality and Conflicts of Interest**

Each member of the Grants Committee is required to fill out and sign:

- i. A Confidentiality Form, acknowledging that they have read, understand, and agree to the rules of Confidentiality as described later in this document; and
- ii. A Conflict of Interest Declaration Form, in which they disclose the applications with which they have any direct or indirect conflict of interest. This form is the basis upon which the KAC will require members of the Grants Committee to conform to the Conflict of Interest Rules and Procedures as described in sections G.7. below.

#### **G.3.c. Decisions**

The Jury is required to assess applications in accordance with CKAF objectives, the application guidelines and assessment forms provided. After discussion within the Grants Committee, the Jury will decide on the allocation of grant funding. Thus the decisions are at arms-length from the KAC and the City and are adjudicated by independent peer assessment.

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Decisions of the Jury together with a report of the meetings will be brought forward to the KAC Board of Directors for ratification. Thereafter a report listing successful applications and details of amounts awarded will be forwarded to city staff, to be ratified by Kingston City Council.

## **G.4. Selection of Grants Committee Members**

G.4.a. All members of the Grants Committee will:

- i. Have an understanding, interest and appreciation of the arts and their diversity;
- ii. Bring vision, open-mindedness and generosity of spirit to the deliberations;
- iii. Declare conflicts of interest; and
- iv. Provide fair and objective opinions in their assessment of applications in accordance with the CKAF Objectives.

G.4.b. City Council appoints Ex-Officio members representing the City.

G.4.b. Jurors are chosen and appointed from a list of potential jurors by KAC staff.

G.4.c. Potential Jurors: to be included on the list of potential jurors all interested parties will be asked to submit an Expression of Interest Form and a CV to the KAC staff which will review these to ensure that those selected meet the juror eligibility requirements.

## **G.5. Criteria for Eligibility to be Appointed as a Jury member**

Jury members must be:

- G.5.a. Artists, professionals, and/or persons who are knowledgeable in the arts with high standing within the arts community; representative of a wide range of artistic disciplines; knowledgeable and experienced in the arts, arts organizations and related issues;
- G.5.b. Knowledgeable about the City of Kingston context and the broader arts environment beyond their area of expertise;
- G.5.c. Able to articulate their opinions, and work in a group decision-making environment; good communicators;
- G.5.d. As much as possible, be reflective of Kingston's gender, demographic and cultural diversity.

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## G.6. Terms of Appointment of Grants Committee Members

- G.6.a. Terms of appointments of the City of Kingston representatives are at the discretion of City Council;
- G.6.b. Appointment of a Jury member is for a term of 1 or 2 years. Each successive Jury should have at least two new members (i.e. jurors who have not served on the previous Jury) in order to ensure that diverse perspectives are brought into play over time. To provide continuity, ideally, at least two and not more than three members should continue on a Jury for a second year.

## G.7. Conflict of Interest Rules for Members of the Grants Committee

There are two types of conflict of interest – direct and indirect. There are also two kinds of direct conflict of interest – financial and private.

### G.7.a. Jury Conflict of Interest Rules

- i. A juror is in a **direct** conflict of interest with a particular application if he or she, or a member of the Juror's immediate family (spouse or equivalent, son or daughter, parent, sibling or member of the immediate household) has a financial interest in the success or failure of the application.
- ii. A juror is also in a direct conflict of interest with a particular application if he or she has a private interest in the success or failure of the application. Staff or board members of the organization applying for funds, or members of their immediate families (spouse or equivalent, son or daughter, parent, sibling or member of the immediate household) would be in direct conflict. For such applications a private interest also includes affiliations or activities that compromise or unduly influence decision-making.
- iii. Any reason that makes it difficult for a juror to evaluate an application objectively may create an **indirect** conflict of interest. For example, an indirect conflict of interest may arise when a juror's record includes previous participation with an applicant.
- iv. All jurors are asked to sign forms to identify direct and/or indirect conflicts of interest as a means of documenting the integrity of the process. At the jury meeting, the KAC staff may answer any questions, facilitate a discussion on the juror's impartiality and decides how the situation will be managed.
- v. To prevent conflicts of interest and ensure the arms-length character of the peer jury, members of the Board of Directors and staff of the Kingston Arts Council and those employed by or under contract with the City of Kingston will not serve on the Jury.
- vi. Immediate family members of Kingston Arts Council and City of Kingston staff (spouse or equivalent, son or daughter, parent, sibling or member of the



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immediate household) serving as Jurors must declare an indirect conflict of interest.

**G.7.b. Ex-Officio Conflict of Interest Rules**

- i. City of Kingston members are subject to the same conflict of interest rules as the jury members. They are not permitted to take part in adjudication discussions (except as specified in section G.2.b.i. above).
- ii. KAC Staff are subject to the same conflict of interest rules as the jury members. They are not permitted to take part in adjudication discussions and in addition they have in their employment contracts the following clause(s):
  - a. That you will not take any action to either favour or prejudice any applications submitted to the CKAF (see Note 1 below);
  - b. That you will not participate in the writing of any application to the CKAF for another party (see Note 1 below);
  - c. That you will not hold a *primary role* with any organization applying to CKAF;
  - d. That you will not profit financially in any way from a successful CKAF application, Operation or Project Funding;
  - e. That you will bring to the attention of the KAC Board of Directors any potential conflicts of interest arising from activities of the Kingston Arts Council.

In addition, City of Kingston members and KAC Staff may not be associated with any organization applying to or receiving funds from CKAF as board members, committee members, or in a paid consultancy role. However, other associations, such as being a member or volunteer, may be allowed.

Note 1: As part of the grant management process, providing information or clarification of application guidelines to applicants or potential applicants do not constitute participation in the writing of grant applications.

**G.7.c. Procedures with respect to Conflict of Interest Issues**

- i. All members of the Grants Committee must abide by the Conflict of Interest Rules set out in this document and as amended from time to time.
- ii. All potential disclosures of conflicts of interest must be submitted in writing to the KAC and will be retained as part of CKAF records.
- iii. Individuals who are in direct conflict of interest with any of the applications being assessed cannot serve on the Grants Committee. If a direct conflict of interest becomes apparent at any time before or during the assessment process, the jury member will be immediately released from their duties.
- iv. Individuals who have an indirect conflict of interest with any of the applications are managed based on their ability to remain objective in assessing the application. Individuals who declare an indirect conflict of interest that makes it

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- difficult for them to evaluate an application objectively will be asked to leave the room.
- v. If any conflict of interest becomes apparent during the discussion of the relevant application, the Chair will ask the juror to leave the room immediately for the remainder of that discussion.
  - vi. If a member of the Grants Committee failed to make proper prior disclosure of his or her conflict(s) of interest and that omission resulted in a profit or benefit to the member or member's family, the Executive Committee of the KAC shall review the circumstances and if satisfied that the member failed to comply with the applicable Conflict of Interest Rules, then the member may be required to compensate the KAC for the profit or benefit improperly realized.
  - vii. The Chair will oversee compliance with conflict of interest rules pertaining to the Grants Committee adjudication meetings.
  - viii. Any concerns or complaints regarding a potential conflict of interest of a member of the Grants Committee shall be made in writing to the Chair of the KAC Board of Directors.

## **G.8. Confidentiality**

- G.8.a. No Grants Committee member may divulge to any person or use in any way not directly related to the activities of the KAC the information contained in the applications for funding, unless an applicant has given express written consent to such disclosure.
- G.8.b. Any information pertaining to the CKAF obtained during a meeting of the Grants Committee, or a meeting of the KAC Board of Directors or Executive Committee, or from reading any minutes of a meeting of the KAC Board of Directors, Executive Committee, or Grants Committee, is considered confidential.
- G.8.c. Communication of Jury results and relevant Jury comments will be made through the KAC Office.
- G.8.d. Prior to the ratification by Kingston City Council, results are confidential.
- G.8.e. In order to maintain independence in decision-making, Jury members of the Grants Committee shall not disclose that they have been selected until their names are published when Kingston City Council ratifies the decisions regarding the allocation of funds.

## **H. Funding**

- H.1. The KAC Board of Directors anticipates that the amount allocated by the City of Kingston pursuant to the CKAF will increase to \$5.00 per capita as recommended in the Kingston Culture Plan and pending council approval.

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- H.2. The Fee for Service for administration of the fund is accounted for as part of the Service Level Agreement between the City and the KAC. Based on the recommendations contained in the Kingston Cultural Plan it is anticipated that the Fee for Service will increase by 2% per year, pending Council approval on an annual basis.
- H.3. The funds received from the City of Kingston for allocation pursuant to the CKAF will be deposited and managed in a separate bank account from which the allocations will be made. Withdrawals from this account must be supported by approved applications for funding and must bear the signatures of two signing officers of the KAC. See below for details regarding financial arrangements.
- H.4. Allocations of funds are decided by the Grants Committee Juries. After ratification by the KAC, the KAC CKAF Board Report will be forwarded to City Council for ratification of the distribution of CKAF funds in July. Unallocated funds from the current year will be added to the fund for the next CKAF year.
- H.5. Upon City Council ratification of the KAC CKAF Board Report, the KAC will draw up an agreement with each recipient organization/collective of the 2024 CKAF as decided by the Grants Committee.
- H.6. The lead applicant identified on the application will become the grant recipient, who, upon entering into an agreement with KAC, will be responsible for managing the project, the funds, and the reporting. Grants will only be issued to the grant recipient or the recipient's sponsor as identified on the grant agreement. If the grant recipient can no longer meet the eligibility requirements, the grant may be considered null and void and the amount may not be issued.
- H.7. The grant recipient will be required to sign an agreement, recognizing their obligations regarding the use of the funds, reporting requirements and conditions. Evidence of \$5 million liability insurance coverage per occurrence naming the Kingston Arts Council and the City of Kingston as additional insured's will be required from the recipient before the funds are released.
- H. 8. The signed grant agreement and evidence of \$5 million liability insurance or a request for extension must be received by the KAC in advance of the project dates as listed in the application.
- H.9. After the agreements have been signed by both KAC and the recipient, conditions are met and evidence of adequate insurance is received, the KAC will issue a cheque for the organization or collective's grant. For organizations receiving a CKAF Operating Grant the KAC will issue a cheque for 100% of their grant.

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For CKAF Project Grants, the KAC will issue a cheque for 90% of their grant and a 10% hold back will be released upon successful submission of the Final Report.

- H.10. Applicants will not be eligible to receive further CKAF funding until all required reports have been submitted to and accepted by the KAC.
- H.11. A grant recipient in default of its grant agreement may be required to return funds to the KAC and may be judged to be ineligible for future grants.

**I. Financial Plan of the KAC for CKAF administration**

- I.1. Responsibility for the financial arrangements rests with the elected Treasurer of the KAC.
- I.2. A separate bank account shall be set up at Scotiabank in the name of the Kingston Arts Council and be designated as the City of Kingston Arts Fund (CKAF) Account and used solely for receiving and disbursing grant funds.
- I.3. The signing officers on the CKAF Account shall be the same as for the existing KAC Operating and Bingo accounts and will normally be the Chair of the KAC Board of Directors, the Treasurer, the Executive Director and one other director of the KAC Board of Directors. Two signatures shall be required on all grant cheques.
- I.4. The KAC Operating Grant and the Fee for Service, paid by the City of Kingston under the terms of their Service Level Agreement, shall be deposited in the KAC Operating Account, to be used at the discretion of the KAC Treasurer and Board.
- I.5. Cheques shall be written on the authority of the KAC Executive Director, based on the decisions of the Juries and upon approval of the KAC Board and City Council.
- I.6. The KAC bookkeeper will be the bookkeeper for the CKAF Account, and along with the Executive Director of the KAC will keep records and provide reports for the Treasurer.
- I.7. Cheques on the CKAF Account will be commercially printed and the details written directly from the accounting software.
- I.8. KAC will submit quarterly reports, including Financial Reports to Cultural Services, City of Kingston.

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- I.9. Applicants will not be eligible to apply for further funding until all required reports have been submitted to and accepted by the KAC.
- I.10. Bank fees for the maintenance of the CKAF Account shall be paid from the KAC Operating Account.
- I.11. Interest accumulated on the CKAF Account shall be paid to the City of Kingston, who will issue a cheque reimbursing KAC for this amount annually.
- I.11. The bookkeeper will submit invoices for services to the CKAF Program, which will be paid from the KAC Operating Account.
- I.12. The KAC will arrange to have its annual financial report audited. The auditor for the Grants Account and related papers shall be the same as the auditor for the KAC accounts.
- I.13. Auditor's fees will be paid from the KAC Operating account.
- I.14. Any funding unclaimed or returned by grant recipients will be made available to future CKAF granting programs.
- I.15. Upon approval by City Council of the Plan for Administration of Arts Funding for the Corporation of Kingston (as amended for 2024), the City of Kingston will enter into a Service Level Agreement with the KAC. Once that contract is signed by both parties, the City will transfer to the KAC 100% of funds allocated by the City of Kingston for grants through the CKAF. Other payments by the City to the KAC will be paid out according to the terms of the Service Level Agreement.

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## APPENDIX A - Policy Regarding Non-Profit Eligibility (Operating)

Policy Statement on the Definition of “Non-profit Arts Organization” in the CKAF Operating Grant Guidelines

In order to be considered a “non-profit arts organization” under the CKAF Operating Grant Guidelines, applicant organizations must meet all the following criteria.

- i. The applicant organization’s mandate or mission must focus on artistic endeavour (either creation or presentation) as the primary objective of the organization.
- ii. The activities of the applicant organization must be consistent with the artistic focus of the mandate or mission;
- iii. The applicant organization must be non-profit in orientation.

In addition, the applicant organization must be either:

- iv. Incorporated as a non-profit arts organization in and of itself for a period of at least two years; or
- v. A distinct and discrete arts organization, other than an academic unit of an educational institution (see Note 1, below), which has been in operation for at least two years within a parent institution which has been incorporated as a non-profit organization for a period of at least two years (see Note 2, below).

Note 1: Academic units of educational institutions will not be eligible.

Note 2: In the case of v. (above), the applicant organization should submit its own discrete audited/reviewed year-end financial statements as specified in the guidelines. If the applicant organization is unable to provide these discrete statements in an audited/reviewed form, but the parent organization has audited/reviewed year-end financial statements that include the financial records of the applicant organization, then these will be accepted, provided that the applicant organization also provides a separate schedule detailing its own discrete records as included in the audited statements. (This schedule must consist of financial statements applicable to the revenues and expenses of the applicant organization; or if a multi-purpose organization is involved, the applicant organization must provide a fully segregated and itemized authorized financial statement accompanied by the financial statement of the multi-purpose organization in which the applicant operations are specifically identified.)

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## APPENDIX B - Policy Regarding Non-Profit Eligibility (Project)

Policy Statement on the Definition of “Non-profit Organization” and “Artistic or Community Collective” in the CKAF Project Grant Guidelines

In order to be considered an eligible “non-profit organization” under the CKAF Project Grant Guidelines, applicants must meet all the following criteria:

- i. Must be non-profit in orientation;
- ii. Have a component which has an ongoing mandate or mission focusing on artistic endeavour (either creation or presentation) as an objective; or
- iii. Engage professional artist(s) in a community arts project.

In addition, the applicant non-profit organization must be either:

- iv. Incorporated as a non-profit organization in and of itself; or
- v. A distinct and discrete arts organization, other than an academic unit of an educational institution (see Note 1, below), within a parent organization, which is incorporated as a non-profit organization (see Note 2, below).

Note 1: Academic units of educational institutions will not be eligible.

Note 2: In the case of v. (above), the applicant organization should submit its own discrete audited/reviewed year-end financial statements as specified in the guidelines. If the applicant organization is unable to provide these discrete statements in an audited/reviewed form, but the parent organization has audited/reviewed year-end financial statements that include the financial records of the applicant organization, then these will be accepted, provided that the applicant organization also provides a separate schedule detailing its own discrete records as included in the audited statements. (This schedule must consist of financial statements applicable to the revenues and expenses of the applicant organization; or if a multi-purpose organization is involved, the applicant organization must provide a fully segregated and itemized authorized financial statement accompanied by the financial statement of the multi-purpose organization in which the applicant operations are specifically identified.)

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## APPENDIX C - Glossary of Terms

**Access:** This term encompasses the physical, financial, intellectual, and socio-economic accessibility of programming, events, and venues.

**Artist collective:** A group of three or more artists who have come together for the purposes of artistic creation and presentation in a collective artistic endeavour. Collectives are not normally incorporated. Collectives may apply to CKAF through an *eligible sponsor* or apply directly for CKAF funding providing they meet the requirements of the program set out in clause **C.2 Project Grants**. See also *community collective*.

**Charitable arts organization:** A charitable organization whose mandate or mission is focused primarily on artistic creation and presentation.

**Charitable organization:** To be considered as charitable an organization's purposes must be exclusively and legally charitable and it must be established for the benefit of the public or a sufficient segment of the public. It must also be registered with the Canada Revenue Agency as having charitable status under The Income Tax Act. Organizations so registered are able to issue tax receipts for charitable donations.

**Community arts project:** Broadly defined, a community arts project involves a collaborative creative process between a professional practicing artist and a community. It is a collective method of art making, engaging professional artists and self-defined communities through collaborative, artistic expression. It is as much about process as it is about the artistic product or outcome. A community arts project provides a unique way for communities to express themselves and enables artists, through financial and other support, to engage in creative activity with communities. This broad definition identifies three elements which separate community arts projects from other methods of art-making:

- The co-creative relationship between artist and community;
- A focus on process as an essential tool for collective, collaborative, mutually-beneficial results;
- The active participation of artists and community members in the creative process.

The source of this definition is Community Arts Ontario. See also *eligible arts project*.

**Community collective:** A group of three or more individuals who have come together for a specific purpose involving a clearly defined endeavour. Collectives may apply to CKAF through an eligible sponsor or apply directly for CKAF funding providing they meet the requirements of the program set out in clause **C.2 Project Grants**. See also *artist collective*.



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**Co-project:** *see joint project*

**Corporate Sponsorship:** An in-kind or cash donation from a for-profit corporation. This may be accompanied by a formal agreement in which the applicant agrees to thank or acknowledge the corporation for their donation.

**Deficit:** An excess of expenditure over revenue. See also *surplus*.

**Diversity:** This term addresses the non-material culture of the project or organization, specifically the way in which it welcomes people of varying ability, income, language, incarceration history, cultural background, race, ethnicity, faith, gender, orientation, or education level.

**Eligible arts project:** In order to be an eligible arts project, a project must fulfill the criteria outlined in section **C.2.** of this document. Of particular interest is the paid involvement of professional artists in the planning, direction, and execution of the project.

**Eligible sponsor:** Any non-profit or charitable entity located in Kingston, Ontario may act as a sponsor to the CKAF Project Grant Program. See also *Sponsor*.

**For-profit partner:** A for-profit enterprise collaborating in a project with an eligible non-profit group. See also *surplus and deficit*.

**Joint Project:** A project in which the applicant co-produces a project in an administrative, financial, or artistic manner. Typically, a joint project involves each partner taking on a substantial amount of responsibility; though one partner may be the lead partner. A joint project may involve both non-profit and for-profit entities, but in order to be eligible to apply to the CKAF, the lead partner or one equal partner must be a non-profit or charitable entity.

**Inclusion:** The removal of material or non-material barriers to participation, through policies in human resources, strategic planning, physical environment, programming, audience, community development, and budget management.

**In-Kind Support:** Support in the form of goods, commodities or services rather than money; including, but not limited to the provisions of space, administrative services, promotional and marketing support, etc.

**Lead applicant:** the organization or collective identified on the application, which must meet all CKAF eligibility criteria; this organization or collective is responsible for managing the project, the funds, the application, and any reporting.

**Non-profit arts organization:** A non-profit organization whose mandate or mission is focused primarily on artistic creation and presentation (*see Appendix A*).

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**Non-profit organization:** An organization not conducted or maintained for the purpose of making a profit. Instead, it operates to serve a public good. Non-profit organizations are specifically incorporated as such. Any surplus generated by a non-profit organization is used by the organization for the purposes for which it was established (see *Appendix B*).

**Partnership:** An agreement between an applicant and a third party wherein the third party agrees to support the project through in-kind donation, which is formalized in a letter and submitted as part of the application. Partnerships can occur with both non-profit or for-profit entities.

**Peer assessment:** CKAF jury members are arts professionals, practitioners and/or persons who are knowledgeable in the arts with high standing within the arts community. These jurors evaluate funding requests and make decisions to CKAF on who gets grants and in what amounts. Peer assessment ensures that the arts community has a voice in how funds are distributed, and that applications are evaluated by artists and other experts with knowledge and experience of the specific art forms, art practices and communities involved.

**Professional artist:** A professional artist has developed skills through training and/or practice and: is recognized as such by artists working in the same artistic traditions; has a history of public presentation or publications; seeks payment for their work; and actively practices their art.

**Primary role:** Someone who occupies an executive and/or decision-making staff or board position within an organization and/or collective.

**Sponsor:** A sponsor is defined as any non-profit or charitable entity located in Kingston, Ontario, other than the KAC, that may agree to support an artist or community collective that wishes to apply for funding through the CKAF Project Grant Program. As part of the agreement between sponsor and collective the Sponsor will receive and disburse project funds on behalf of the applicant/collective. A Sponsor may also assist the applicant by securing insurance coverage and agrees to file a final report on a CKAF Project Grant if the collective involved does not provide reports as required. In this scenario the Sponsor shares some responsibility for the successful management of the CKAF Project Grant and is expected to provide professional advice and mentorship to the applicant as needed. A Sponsor is not intended to gain financially from this agreement but may be reimbursed for out of pocket expenses directly related to the management of the CKAF Project Grant. If otherwise qualified, a Sponsor may also apply to receive funding through the CKAF Project Grant Program within the same grant cycle.

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**Surplus:** The amount of money gained from the execution of a project after payment of all eligible expenses. See also *deficit*. In the case of a joint project, as a general rule, we would expect that either:

- The non-profit applicant would assume all responsibility for any surplus or deficit generated by the project; or
- The project partners involved would share any surplus or deficit proportional to their contributions to the project.



## **Sports Field Allocation Policy and Guideline**

<b>Policy #</b>	POL-68
<b>Effective Date</b>	September 1, 2018
<b>Status</b>	Under Review
<b>Final Approver</b>	Council

### **1.0 Purpose**

The purpose of this policy is to establish guidelines for the allocation and management of Sport Fields owned and operated by the City.

### **2.0 Persons Affected**

This policy affects all Partner Groups, Seasonal User Groups and any person, organization, community member, and/or community group interested in renting space within the City's owned and operated Sport Fields.

### **3.0 Policy Statement**

#### **3.1 Policy Goal**

It is the goal of this policy to:

- i. Promote and encourage participation in sport and physical activity to the overall benefit of the community;
- ii. Recognize that the benefit to the overall community is maximized by prioritizing access to opportunities for physical activity and sport participation in youth;
- iii. Provide a fair and transparent means for service delivery;
- iv. Consider the needs of Kingston residents before residents of other communities;
- v. Strive to provide fair access to Sport Fields and recreational amenities;
- vi. Allow flexibility to meet the needs of Sport Associations and other users;
- vii. Establish uniform criteria and procedures for the reservations and use of Sport Fields;
- viii. Facilitate scheduling that will support proper and sufficient maintenance and

repair of Sports Fields;

- ix. Permit the planning and implementation of special sport events and programs in which a large number of people are expected to participate;
- x. Ensure that the City's Sports Fields are used for the benefit of the entire community; and
- xi. Balance the needs of partner groups, seasonal user groups, casual participants and the City as a whole.

### **3.2 Sports Field Distribution Matrix (Master Schedule)**

#### **3.2.1 Distribution Matrix**

On an annual basis the Facility Booking Office (FBO) will develop a Sports Field Distribution Matrix that best reflects the expressed needs of all seasonal users and application of this policy's directives and guides. Any such matrix will reflect the relative priority of each class of user group and will allocate fields proportionally based on user group participant numbers from the previous year, in order to ensure that seasonal user groups have their core programming needs met before allocations are considered for expanded programming, new user groups, emerging sports, occasional users, or commercial users. The City reserves the right to reassign Sport Fields annually as required.

#### **3.2.2 Client Scheduling Priorities**

Sports fields will be allocated utilizing the following priority user groups:

- i. City of Kingston recreational programs
- ii. Tournaments & special events
- iii. Partner Groups
- iv. Youth Recreation Groups
- v. Seasonal User Groups
- vi. Boards of Education
- vii. Occasional user
- viii. Commercial users

### **3.3 City of Kingston Recreation Programs**

The City reserves the right to offer recreational programs at its facilities and to schedule such programming as it sees fit. Such programming will be scheduled before allocations to other user groups are made. Programs may be provided in

response to resident demand.

### **3.4 Tournaments and Special Events**

The City supports special programs like tournaments and special events. These programs provide revenue generating opportunities to both the program organizers and the City, as well as provide an economic spin-off to the community at large. Generally, tournaments and special events are competitions hosted by recognized City Partner Groups and Seasonal User Groups. They may include events of regional, provincial, or national significance. Special events may not be limited to sport competitions. Tournament and special event allocation requests received in compliance with the terms of this policy are allocated before all other allocation requests are considered. Time allocated to Partner Groups and Seasonal User Groups for tournaments will not impact the regular seasonal allocations of these groups.

### **3.5 Partner Groups**

A Partner Group is defined as follows:

- i. A non-profit recreational Sports Field User Group based within the city and dedicated primarily to minor sports (18 and under);
- ii. Will be established providers of quality recreational programs, primarily for youth;
- iii. Will be a main provider of its particular activity for youth in the city; and
- iv. Membership in the group will be dominated by residents of the City (Note: If item 3 is dominate, item 4 may be waived).

Organizations recognized as Partner Groups must:

- i. Have constitutions;
- ii. Be incorporated;
- iii. Have an auditable annual financial statement;
- iv. Be affiliated with a responsible regional, provincial or national organization. The choice of this organization can be entirely at the discretion of the Partner Group; and
- v. Have an elected body of officers and hold an annual meeting of members.

If the appropriateness of a Partner Group's status as a Partner Group comes into question, the group may be required to re-produce evidence that the conditions

under which it was granted partner status still apply.

### **3.6 Youth Recreation Groups**

A non-profit recreational Sports Field User Group that meets the above definition of a Youth Partner Group, with the exception that the organization may exist without a constitution, may not be incorporated and may not be affiliated with a recognized regional, provincial or national sport organization.

To be recognized as a Youth Recreation Group under this category, the group will exhibit good governance including:

- i. Have an elected body of officers and hold an annual meeting of members; and
- ii. May be required to provide the City with auditable annual financial statements.

### **3.7 Seasonal User Groups**

Groups in this category are defined as Sport Field User Groups that use a sports field facility(s) on a weekly basis for an entire season (minimum of 6 weeks), but do not qualify under the criteria of a Partner Group or Youth Recreation Group. The primary purpose of Seasonal User Groups is to offer recreational athletic activities in the community, but the age of its participants is greater than that which would qualify as a Partner Group or Youth Recreation Group. Seasonal User Groups will exhibit good governance, including having an elected body of officers and hold an annual meeting of members. Seasonal User Groups may be required to provide the City with auditable annual financial statements.

If a designated seasonal long-term permit holder disbands or fails to apply for Sport Field usage in consecutive seasons, they will lose their status. If they reapply in a subsequent season, they will be treated as a new client as the seasonal long-term client designation is not transferable.

### **3.8 Boards of Education**

School bookings are to be administered on a first-come, first-served basis through the FBO with the exception of booking requests for facilities that are covered under existing agreements between the school boards and the City.

### **3.9 Occasional Users**

Occasional users book Sports Fields sporadically, or infrequently, and do not use sports fields for commercial purposes.

### **3.10 Commercial Users**

Groups in this category are defined as organizations or individuals that use Sport

Field time with the intent of generating positive net income (profit). At the City's discretion, not-for-profit groups may be allowed to generate net income from the use of allocated Sport Field time, so long as the use aligns with the "fundamental activities" of the group. In consultation with field users, the FBO will establish a process to ensure that net income producing activities of not-for-profit groups remain consistent with the goals, objectives and guiding principles of the Allocation Policy as well as the best interests of Kingston residents.

### **3.11 Residency**

The City recognizes the tax-based contribution provided by its residents toward the development and operation of recreation Sports Field facilities and recognizes that residents will always receive priority over non-residents in the allocation of Sports Field time. For the purpose of supporting the ongoing development of Sports Field User Groups, the City will accept the residency requirements defined by Sport Governing Bodies (S.G.B.'s – local, regional, provincial and/or federal) which govern the actions of local affiliated Sports Field User Groups. The City reserves the right to impose residency requirements or limitations on permit applicants at any point in time in the future if it is deemed necessary to do so (e.g. restricted field capabilities).

The City will accommodate the regular use of Sports Fields by non-residents after resident demand is satisfied and under special circumstances such as reciprocal agreements. Non-residents will not achieve historical status in regard to permit allocation on a year-to-year basis. Non-resident use will be reviewed on a case-by-case basis.

### **3.12 Allocation Entitlement and Distribution for Partner Groups**

The number of weekly hours allocated to any Partner Group will be based on justified need. On an annual basis, registration data for the previous season must be supplied by the Partner Group in a format acceptable to the City. The FBO will then apply the data to a 'Standards of Play' (SOP) formula which will determine the total number of weekly hours each user is entitled to and the distribution of those hours to different age and skill level groupings.

The tables below contain example standard of play formulas. The goal of the standard of play formula is to ensure user groups obtain a fair and equal allocation of time based on the guidelines of their respective sport governing bodies and is subject to change. The formulas are not the only component of the allocation process. The application of each allocation formula by FBO staff will provide a starting point that ensures all Partner Groups and Youth Recreation groups receive adequate booking time to satisfy their core programming needs at the previous season's registrations numbers, before other requests for field allocations are considered.



BASEBALL   SOFTBALL					
Category	Age Level	Base # Players (Per Team)	Hours/Week Practice (Per Team)	Hours/Week Games (Per Team)	Total Hours/Week (Per Team)
House League	0-6	6	0.5	0.5	1
	7-9	13	2	1	3
	10-11	13	2	1	3
	12-13	13	2	1	3
	13-15	13	2	1.25	3.25
	16-18	13	2	2.5	4.5
Competitive (Comp.)	7-9	13	6	1	7
	10-11	13	6	1	7
	12-13	13	6	1.25	7.25
	14-15	13	7.5	1.25	8.75
	16-18	13	7.5	1.5	9

SOCCER						
Category		Age Level	Base # Players (Per Team)	Hours/Week Practice (Per Team)	Hours/Week Games (Per Team)	Total Hours/Week (Per Team)
House League	Micro	0-6	9	0.375	0	0.375
	5v5	7-8	10	0.75	1.5	2.25
	7v7	9-10	12	0.75	1.5	2.25
	9v9	11-12	15	0.75	1.5	2.25
	11v11	13-16	17	0.75	2	2.75
Comp.	5v5	7-8	10	0.5	0.5	1
	7v7	9-10	12	3	0.75	3.75
	9v9	11-12	16	3	1	4
	11v11	13-15	17	3	1	4

### 3.13 Use of Non-City of Kingston Sports Fields

Sport organizations that may book space at both City and non-City owned and operated Sport Field facilities must include in their requests for municipal field time confirmation of all weekly hours of sports fields booked on non-City owned and operated Sport Fields. These hours may be subtracted from the field allocation to ensure a fair division of available hours at City owned and operated fields in proportion to the number of participants using these fields during the previous season.

### 3.14 Existing Programs and Program Expansions

For the purposes of the Sports Field Allocation, request for Sports Fields will be classified as one of the following:

**Existing Programs:** Field allocation requests, based on a group’s submitted participant registration numbers from the previous season. Existing program allocation requests will be allocated first to ensure groups are allocated sufficient field time to maintain their core programming at a similar level to the previous season, before allocations are considered for expanded or new programs.

**Existing Program Expansions:** Field allocation requests by existing organizations/groups looking to expand their program(s), due to increased demand for program registrations and/or changes to governing sport affiliation rules and regulations, which require additional field time, or more field time than the entitlement or previous season baseline. Such requests will be fulfilled in the priority order outlined in section 3.2.1 after allocations for existing programs are met. No user group shall expand their programming beyond the level of the previous year without informing the City.

**New Programs:** Organization/groups not allocated regular field time in the previous seasons, whose program or services meet unmet need.

**3.15 Allocations for New Organizations or Emerging Sports**

Should there be requests to accommodate a new or emerging sport/organization within existing sports; the City will review each request on a case-by-case basis to determine the feasibility of providing Sports Fields to the new applicant. In general, a new organization requesting on-going Sport Field time must meet an identified need in the community that is not currently being filled by an existing organization. Should the City recognize a new or emerging sport/organization, it will first permit unallocated time to said sport/organization, before considering any additional reallocation of hours. The City reserves the right to reasonably reallocate hours from existing users, if warranted.

**3.16 Prime and Non-Prime Field Time**

All Partner Groups will receive an equitable distribution of prime and non-prime hours. All Partner Groups, regardless of gender orientation, level of competitiveness, and total hours of entitlement shall not receive relatively more or less prime time access than a similar client. To maximize the use of the City’s Sports Fields, Partner Groups may be issued approximately 5% of their allocation during non-prime times. Prime Time hours are defined as those hours that have historically had significant bookings while non-prime hours are defined as those hours which have historically had a limited number of bookings.

PRIME & NON-PRIME SPORT FIELD HOURS		
Prime Time	Monday to Thursday	5pm to Close

	Saturday	8:00am to 5:00pm
	Sunday	8:00am to Close
Non-Prime Time	Monday to Friday	8:00am to 5pm
	Friday and Saturday	5:00pm to Close

### 3.17 Youth and Adult User Fees

All user fees, equipment and service fees are subject to the provisions of the City's Fees and Charges By-Law. Some Partner Groups may have adult membership (excluding coaches). Partner Groups that have limited adult memberships must adhere to the rates and fees established in the Fees and Charges By-Law. Participants are considered youth participants if they are no older than 18 years of age at the start of the calendar year in which the field booking will occur. Groups will be charged youth rates when a Sports Field is used for instructional purposes and there is a mix of adult and youth participants. Casual recreational bookings with a majority of youth users will be charged the youth rate. All mixed ages competitive field use will be charged at adult rates.

### 3.18 Allocation Timelines and Due Dates

The following time frames will be compulsory when submitting seasonal Sports Field allocation requests to the FBO unless alternate dates are communicated by the City:

- i. **September 30:** All user groups must submit tournament application forms in order for tournament requests to be considered before regular seasonal allocations.
- ii. **October 30:** The FBO will issue confirmation of all tournament booking requests received by September 30.
- iii. **January 15:** All user groups must submit participant numbers from the preceding season, broken out by age group and competitive level, in a format acceptable to the City, along with any requests for expanded programming.
- iv. **February 15:** The FBO will provide user groups with a weekly allocation of fields for the season based on the submitted participant information applied to the standards of play formula.
- v. **February 28:** The FBO will provide users groups with a response to any request for expanded programming and/or new programming.
- vi. **April 15:** All user groups must submit a field allocation return form detailing any allocated hours they are returning by this date to avoid cancellation charges.

### 3.19 Processing and Management of Tournaments and Special Events

### **3.19.1 Tournaments and Special Events**

The City recognizes the significant positive impacts that tournaments, special events and championships can provide to the community. As a result, tournament requests are given a high priority in annual field allocations when submitted in accordance with the terms of this policy.

### **3.19.2 Tournament Dates and Times**

With some exceptions, tournaments will generally be allocated time on weekends. Staff will allocate and restrict tournament play primarily to weekends, except for championship, national or international tournaments. Seasonal Permit holders may be impacted and will be advised of any potential exceptions at the time their permit is issued.

### **3.19.3 Tournament Applications**

All tournament requests are to be made in writing to the City prior to the issuance of seasonal allocations. Tournaments are not allowed on fields until May 15<sup>th</sup>. A tournament/special events request form must be submitted no later than September 30<sup>th</sup> of the previous year in order to be guaranteed priority status.

### **3.19.4 Tournament Priority**

Tournaments and special events will be prioritized in accordance with 3.2.1 and will be further prioritized as follows:

- i. Sanctioned National Championships
- ii. Sanctioned Provincial Championships
- iii. League Play-Off Tournaments
- iv. Charity, Invitational or Open Events

### **3.19.5 Tournament/Event Logistics**

All permit holders hosting tournaments must meet with City staff at least 30 days prior to the tournament to discuss logistics and submit a completed Tournament/Special Event Checklist and Questionnaire. Based on advice from City staff, permit holders hosting tournaments must:

- i. Ensure that there is adequate washroom capacity for the number of attendees expected at the event. Toilet facilities at most City Sports Fields do not have the capacity to accommodate large events. Should City staff identify a need for additional portable washrooms; the permit holder will be required to provide these at their own expense.
- ii. Ensure that a parking plan is in place for the event that ensures that

tournament attendees are not parking in non-designated parking areas. Should City staff determine that the anticipated number of attendees requiring parking will exceed the parking capacity of the tournament site, organizers may be required to designate overflow parking site(s) that are agreeable to the City.

- iii. Ensure that emergency plans are in place, including designated first aid providers are onsite during the event and that direct EMS vehicle access to the tournament site is maintained during the event.

### **3.19.6 Tournament/Event Permit Amendments and Cancellations**

The City will effectively manage any client requests for tournaments and special event permit amendments or cancellations, with the goal of minimizing impact to City administration, revenue, and operations. When changes or cancellations are requested, the guidelines outlined in the Sport Field Allocation Policy and permit terms and conditions will be stringently applied.

## **3.20 Processing and Management of Seasonal Sports Field Allocations**

### **3.20.1 Sport Field Permit Requirements**

A valid permit, with appropriate insurance, is required for any organized use of:

- i. Baseball diamonds
- ii. Softball diamonds
- iii. Rectangular sports fields
- iv. Sand volleyball courts (woodbine park only)

No permit is required and only casual use is permitted on:

- i. Outdoor basketball courts
- ii. Outdoor pickle ball courts
- iii. Outdoor tennis courts
- iv. Outdoor volleyball courts (other than those at Woodbine Park)

### **3.20.2 Application Process: Sport Field Allocation/Permit**

All organized users of City Diamonds and Rectangular Sports Fields must obtain a permit and have appropriate insurance in place. The process to apply for a permit varies depending on the type of user/group.

Partner and Seasonal User Groups must apply for their seasonal allocation each year, as outlined above. Once each group's seasonal allocation is confirmed, it will

be issued as monthly field permits.

Occasional Users and Commercial Users, must submit requests to book fields using the Sport Field Request Form. Such requests will be filled based on the allocation priority outlined in section 3.2.1 and responses issued by February 28<sup>th</sup> following the finalization of allocations to Partners and Seasonal User Groups.

### **3.20.3 Allocation/Permit Applications**

All applications for use of City Sports Fields must include the following information with the application:

- i. Contact information for a maximum of two individuals, who will receive communication regarding the application/permit, including email addresses and phone numbers. All communication regarding the application and resulting permits will go through these designated contacts.
- ii. Documentation of insurance that meets the City's criteria.
- iii. The number of participants who will be using each field.
- iv. Detailed participant registration information from the previous season, broken out by age and in a format acceptable to the City must be submitted by Seasonal User Groups (Partner Groups, Youth Recreation Groups and Seasonal User Group), prior to January 15<sup>th</sup>.

### **3.20.4 Allocation Considerations**

In addition to the allocation priority outlined in section 3.2.1, the following principles will form the basis of annual allocations to Partner Groups, Youth Recreation Groups and Seasonal User Groups:

- i. The use of a particular field in past seasons will not guarantee future use of the same field.
- ii. The goal of seasonal allocations will be an equitable division of Sport Fields of comparable size, class, and amenities between user groups based off participation numbers from the previous season.
- iii. The goal of initial allocations will be to ensure that all Partner Groups, Youth Recreation Groups and Seasonal User Groups are first allocated field time that allows them to maintain their core programming at participant levels comparable to the previous season.
- iv. While youth serving Partner Groups and Youth Recreation Groups will have priority over Seasonal user groups, such priority will not be absolute. Seasonal user groups will be allocated time in proportion to their participant numbers but may be allocated hours of lesser interest to

youth serving groups. Seasonal User Groups may be allocated time during the later hours of prime time (after 9pm) first, with earlier time allocated from any time remaining after initial youth group allocations have been made. Seasonal User Group allocations will occur before expanded programming requests are considered by any group to ensure the continuing viability of Seasonal User Groups.

- v. When groups of equal priority request the same time and location, priority will be given to the group that has most recently occupied that time and location in a previous season.
- vi. Requests from casual and commercial users will be considered only after both initial seasonal allocations, and requests for program expansions have been processed for Partner, Youth Recreation and Seasonal User Groups.
- vii. Once Sport Field time has been allocated by the City, each Permit Holder is responsible to distribute its allocation amongst its various subgroups in accordance with established rules of its organization and in keeping with the principles of this policy.
- viii. Requests for any additional field time for individual teams must be submitted the FBO by one of the organizations two designated contacts. Individual coaches or teams may not book field time directly for sanctioned games or practices.
- ix. Generally, the City will determine the maximum number of games per week for each Field based on rest and regeneration requirements, including tournaments.
- x. During allocation deficit period, the total number of hours will be pro-rated so that all Permit Holders will receive an equitable deficit allocation adjustment.
- xi. The City, at its discretion, may place a cap on the proportion of the total available Prime Time that adult Permit Holders may access in order to ensure that Youth Sports have a majority of Prime Time allocated to them.
- xii. The City, at its discretion, may prioritize the use of fields for games over practices.
- xiii. In the event any applicant for a permit for the use of municipal Sports Fields has an outstanding account, rental privileges may be suspended until the account(s) have been paid in full.

### **3.20.5 Communication**

Communication is a vital component of the bookings and allocation process. To foster this communication, the City will organize and facilitate meetings with all user groups at least once per year to discuss outstanding issues, communicate changes and provide a forum for discussion and feedback.

To improve efficiency and record keeping, all formal booking inquiries will be done electronically by email or through the City's customer service portal, ContactUs. Partner groups are asked to designate no more than two individuals and email addresses through which they prefer to receive communications from the City. All communication relating to permits should be directed through these designated individuals.

### **3.20.6 Amendments**

It is recognized that last minute changes to use of a Field may occur under rare, infrequent or unforeseen circumstances; however, the City must be notified of these changes within 2 business days of the occurrence. A fee may be charged for any permit amendments requested to a confirmed permit.

### **3.20.7 Subleasing**

No permit holder shall transfer, trade, or sub-lease their permitted Sport Field time granted by the City. Such assignments are strictly prohibited and may lead to loss of privileges.

### **3.20.8 Field Use: Last Minute Cancellations/No Shows**

It is recognized that last minute changes to the use of a Sport Field may occur under rare, infrequent, or unforeseen circumstances. However, the City must be notified of any such changes to scheduled/permitted field use, within 2 business days of the occurrence. It is not acceptable for a Sport Field to go unused during a permitted time. The booking of Sport Fields without using them may result in a loss of privileges if notice is not provided to the City within 2 business days of a last minute cancellation. Any permit holder that has been allocated field time and does not intend to use it regularly shall notify the City so time may be reallocated or otherwise used to its maximum. No refunds will be issued in cases where a permit holder did not cancel their use of a field without advanced notice of at least 48 hours.

### **3.20.9 Permit Cancellations**

Following the finalization of the Sport Field allocation, and the processing of requests for any additional time to accommodate expanded or new programming, seasonal user groups, will be issued monthly permits that cover their seasonal allocation.



User Groups have until April 15<sup>th</sup> to submit a list of allocated time on each monthly permit they wish to return without incurring cancellation fees. Once this date has past, cancellation of any booked field time will incur an administrative cancellation fee equal to 25% of the fees for the cancelled time. No refunds will be available for cancellations made within 48 hours of a booking.

Casual and commercial groups must submit a request to cancel booked field time in writing at least 30 days in advance to avoid a cancellation fee equal to 25% of the fees for the cancelled time. No refunds will be available for cancellations made within 48 hours of a booking.

The City reserves the right to cancel any time for the purpose of repairs to the Sport Fields or structures located within a park for any reason deemed necessary. In the event of such cancellation, the affected permit holders will be provided with as much notice as possible and any applicable fees will be refunded.

### **3.21 Permit Holder Expectations**

#### **3.21.1 Expectations**

As responsible users of municipal Sports Fields, all leagues/teams/individuals who book field time are expected to follow these guidelines, as well as the provisions of the Parks and Recreation By-Law Number 2009-76 and all applicable federal and provincial statues and regulations.

#### **3.21.2 Code of Conduct**

- i. No one is permitted to engage in an organized sport activity on a Sports Field, or in proximity to a field, that would cause one to enter a field in the form of a practice without a valid permit. No permit, no play and no practice. This would include fouling of end zones while using goal posts in reverse to facilitate a practice off the field. A permit is only considered valid if a signed copy has been returned to the FBO.
- ii. The consumption of alcohol is not permitted in any park or on any Sport Field unless authorized. This includes adjacent facilities and parking areas.
- iii. Players, coaches, and team supporters must be courteous and respectful to residents, other park users, caretakers, City staff and other agencies, at all times.
- iv. Designated washroom facilities or portable washrooms must be used at all times.
- v. Changing of clothing must only be done in washrooms and designated change rooms.
- vi. All traffic signage, regulations and bylaws must be obeyed at all times.

- vii. Permit Holders must ensure all garbage generated during use of the sports field is deposited in the provided trash receptacles and that no litter is left behind at the conclusion of the play period.
- viii. Respect and protect private property.
- ix. Obey all City By-laws and federal and provincial statues.
- x. Ensure that field lights are turned off at the conclusion of evening bookings as applicable, and be aware that lights must be turned off no later than 11:10pm.
- xi. Access fields only during times noted on the field rental permit. Permit holders must not access the fields before their designated start time and must vacate the field before their designated end time.
- xii. Permit holders will not enter the play area of any field that has been designated as closed by the City.
- xiii. Permit holders will not use any municipal field not permitted to their organization.
- xiv. The permit holder will not allow any person, group or organization not named on the permit to use or occupy the field.
- xv. No person shall sell or expose for sale any refreshment of any product or service for a fee in a municipal park unless expressly authorized to do so by the City.
- xvi. Permit holders will obtain approval from the City before erecting any signs, banners or pennants and will not deface public property. If such signage is erected without written permission or damages to public property occur, permit holders will be billed for any related expenses.
- xvii. Permit holders will obtain permission from the property owner before retrieving any equipment from private property.
- xviii. Permit holders will exercise good judgment and follow the procedures outlined in this allocation policy when assessing field conditions and will not use the fields when use is likely to cause injury to participants or result in damages to the playing surface.
- xix. Amplified sound is not permitted on any municipal field or in any municipal park unless authorized by the City. Use of artificial noisemakers by spectators is not permitted.

### **3.21.3 Loss of Privileges**

In addition to the charges applicable under By-Law Number 2009-76 the following

loss of privileges may apply for any permit infraction or violation of the code of conduct, including but not limited to:

- i. Revocation of permit;
- ii. Loss of field time;
- iii. Refusal of future permit applications;
- iv. Imposition of a security deposit for future bookings; and/or
- v. Imposition of a fine for infractions that contravene City of Kingston By-Laws, including but not limited to organized use of the sports field without a valid permit and use of fields that have been designated as closed by the City.

#### **3.21.4 Loss of Privileges Considerations**

Loss of privileges for any infraction of this policy or associated By-Laws will consider:

- i. The circumstances and severity of the infraction;
- ii. The damage to the field (if applicable);
- iii. The impact to other field users, the public and the City;
- iv. The previous conduct and cooperation of the permit holder; and
- v. The level of cooperation and understanding by the permit holder in resolving the issues around the infraction.

### **3.22 Field Maintenance and Regeneration**

#### **3.22.1 Season Opening and Closing Dates**

The City's Diamond Sport Fields will be closed between September 30<sup>th</sup> and April 30<sup>th</sup>. Rectangular Sports Fields will be closed between September 16<sup>th</sup> and May 14<sup>th</sup>. Seasonal field closures are vital to allow time for fields to rest, especially during the wettest times of the year, as this is when the most damage can occur. Seasonal field closures also provide time for maintenance that is not possible to complete during the periods the Sport Fields are in regular use. Should the use of specific Sports Fields be desired during the above-mentioned seasonal closure periods, a written request must be submitted to the City prior to September 15<sup>th</sup> for consideration. Decisions on the use of Sport Fields during the seasonal closure dates will depend on the fall maintenance schedule and field conditions at that time.

#### **3.22.2 Routine Field Maintenance**

The City's Public Works Department and its contractors will conduct routine maintenance on Sports Fields throughout the season in accordance with below:

- i. Grass mowing is performed once per week for fields without irrigation and twice a week for irrigated fields. Inclement weather may alter or delay mowing schedules.
- ii. Fields with irrigation systems will be watered as required and in accordance with the City's watering by-law.
- iii. City staff will review field conditions and maintenance schedules will be communicated to permit holders annually. Maintenance schedules are weather dependent and may be subject to change.

### **3.22.3 Field Closures**

Fields may be closed at the discretion of the City. Closures are kept to a minimum when field conditions remain playable. Priority will be given to maintenance needs, rest, and regeneration periods for all fields. The City may close a field for any of the following reasons:

- i. The City engages in work involving any of the fields, parks, or areas close enough to a field or park to make play unadvisable for the duration of the work.
- ii. The condition or anticipated condition of the field makes the field unplayable, either due to the likelihood that play will result in damage to the field, or that conditions would compromise the health and safety of participants. Reasons for such closers include, but are not limited to, rain, poor surface conditions, damage, and poor air quality alerts. Should it be necessary to close any field, impacted permit holders will be notified as soon as possible and no later than 12:00pm on the day of the closer.

### **3.22.4 Inclement Weather/Poor Field Conditions/Short Term Field Closures**

Conducting play on natural grass fields during periods of inclement weather can pose a hazard to both players and the fields themselves. During or following inclement weather the Supervisor of Public Works, or designate, will assess the state of the fields and issue notice that fields are closed to all permit holders through the FBO, if the fields are to be closed should the fields be assessed as unplayable. Short term field closure notices will be issued by email to permit holders designated contacts by 12:00pm. Permits will be amended to remove charges for any sessions impacted by such closures.

During periods of changeable, adverse weather conditions where fields remain open, referees and team official will be responsible for pre-game inspections to determine field safety and surface damage potential. If fields are judged to be unfit for play based on 3.22.5 Unplayable Criteria below, play should not proceed and the FBO be informed within 48 hours. As long as notification of such cancellations is received by the FBO within 48 hours permits will be amended to remove fees for the impacted booking. The permit holder will be responsible for all damages to the field

if used when in an unplayable condition or following a closure notice.

### **3.22.5 Unplayable Criteria**

Whenever inclement weather occurs, the permit holders must evaluate the field condition using the following criteria. If any of these criteria are met, then the field is not to be used as it is considered unplayable:

- i. The presence of standing water or puddles and/or
- ii. Water sponges up around your feet when you walk on the field.

Permit holders must monitor the condition of the field throughout the period of play. If conditions deteriorate, so that the above conditions develop during the course of play, play must be stopped immediately.

### **3.22.6 Field Resting Program**

In accordance with the Sustainable Turf Care Management Plan, the City may designate some fields for extended closure for maintenance or to allow for regeneration for a period of time, up to including the entire season. No user will conduct play on a field designated as closed.

### **3.22.7 Sport Field Amenities**

The City has a wide variety of Sports Fields with varying amenities ranging from fields that are a part of a large multi-use sports complex featuring amenities such as washrooms, bleachers and running water, to single-use sports fields in residential parks with no such amenities. The City's provisions a limited number of portable toilets at high use Sport Field locations without built washroom amenities as a courtesy but cannot guarantee that all Sport Fields that are available for permitted use will have any amenities beyond the field itself. Permit holders should confirm the amenities available at any given field they wish to permit before confirming a booking. If a user wishes to add amenities at their own expense, such as portable washrooms, to a Sport Field location that lacks such amenities, permission must be obtained by the City in advance.

### **3.22.8 Requests for Field Modifications, Improvements, Additional Amenities, or New Fields**

Requests to modify or improve any City Sports Field, or requests for the addition of any new Sports Field shall be submitted in writing for review first, and if approved by City staff, will be submitted to City Council for consideration. Requests by users to add any additional amenities or structures to a field may be considered by City staff. Should permission be granted to add any structure on City property, such structures will become the property of the City upon completion. The funding of such additional amenities or structures will not infer any future obligation on behalf of the City to the groups or individuals who contributed funding, unless such obligations are

articulated in a formal agreement between the parties involved.

### **3.23 Parking and Traffic**

Permit holders must inform their participants and spectators to park in parking lots and public parking areas. If needed, permit holders should post directional signs to assist participants and spectators to appropriate parking areas. No vehicles are allowed on City Sport Fields or property other than parking lots without written permission from the City.

### **3.24 Lit Fields**

At locations where lights are available, permit holders are required to turn the lights on and off. For energy conservation and respect for neighbours, permit holders are required to turn off the Sport Field lights at the conclusion of their game. Lights are on timers set to be activated ½ hour prior to dusk and turn off no later than 11:10pm. All participants are required to vacate lit fields by 11:00pm, unless otherwise authorized by the City.

### **3.25 Keys**

Keys may be required for access to some Sport Field locations, light switch boxes, and washrooms/change rooms. A refundable key deposit may be required in order to sign out a key. Keys are to be obtained from the booking office at least one week prior to the start date and returned within 30 days of the completion date of the permit or the deposit will be forfeited.

### **3.26 General Administration**

#### **3.26.1 Forms**

All applicants and users must submit all requests for permit applications, processing, amendments and cancellations on City approved forms. Packages and forms are available from the FBO. The City reserves the right to reject applications and requests from clients who submit forms which are not complete or contain falsified information.

#### **3.26.2 Insurance Requirements for all Organizational Field Users**

Any formal organization obtaining a permit for use of a City's Sports Field shall, at all times during its allocated time on the City's facilities, arrange, pay for and keep in force and in effect Comprehensive General Liability Insurance on an "occurrence" basis including personal injury, bodily injury and property damage protecting the City of Kingston, its elected Members of Council, its employees, agents and contractors (hereinafter "Released Persons") and the organization against all claims for damage or injury including death to any person or persons, and for damage to any property of the Released Persons or any public or private property, howsoever caused including damage or loss by theft, breaking or malicious damage, or any other loss for which the Released Persons or the organization may become liable

resulting from the organization's use of Sport Field time in City's facilities. Such policy shall be written with inclusive limits of not less than Five Million Dollars (\$5,000,000), shall contain a cross liability clause, a severability of interest clause, shall be primary without calling into contribution any other insurance available to the Released Persons as additional insured parties and will have a total deductible of no greater than \$25,000. The Corporation of City of Kingston, 216 Ontario Street Kingston Ontario K7L 2Z3 must be named as additional insured.

The organization (for itself and its insurers) shall release each of the Released Persons and waives any rights, including rights of subrogation; it may have against them for compensation for any loss or damage occasioned by organization or loss of use of property of the Purchaser.

The organization shall provide certificates of insurance evidencing the coverage as required above to the FBO upon Sport Field time confirmation by the FBO, which certificates shall include the obligation on the part of the issuer of the certificates to endeavor to provide thirty (30) days written notice of cancellation to the certificate holders. Upon expiry, documents of renewed coverage are again to be provided and the organization will make policies available to the City for review from time to time and in the event of a claim.

### **3.26.3 Insurance Requirements for Casual Users**

All casual user groups without existing insurance coverage, or affiliation with a sport governing body, as well as all individuals booking sports fields for private use, must purchase appropriate insurance through the FBO to cover all permitted use of sports fields.

## **4.0 Responsibilities**

### **4.1 Field Allocation Responsibility**

The City's Facility Booking Office (FBO) has the responsibility to manage the allocation and distribution of municipal Sport Fields on an annual basis to reflect population, registration, utilization, and participation patterns, in addition to applying municipal, provincial and federal directives where required. The FBO is responsible for the implementation of the policies as outlined.

### **4.2 Sport Field Operations**

The City will responsibly manage its Sport Field resources to ensure optimum usage and programming, to reflect municipal directives and to minimize risk and operational issues, as well as enhance fiscal health to allow for timely and effective field and infrastructure updates.

On an annual basis, City staff will review, define, or confirm the City's Sport Field seasons, hours of operation, lighting, Sport Field uses and restrictions, facility closures, field resting, prime and non-prime time hour definitions and capacity calculations. The results of this meeting will enable City staff to update related

portions of this document, the Allocation Matrix, critical dates, capital upgrades, and the Sustainable Turf Care Management Plan.

### 5.0 Approval Authority

Role	Position	Date Approved
Subject Matter Expert	Facility Booking Office	
Legal Review	Senior Legal Counsel	
Management Review	Assistant Supervisor, Rec Services Supervisor, Rec & Com Dev Manager, Rec Services Manager, Rec Facilities Manager, Public Works	
Final Approval	Council	

### 6.0 Revision History

Effective Date	Revision #	Description of Change

### 7.0 Appendix

#### 7.1 Related Links and Documents

Sustainable Turf Care Management Plan