

# TOWN OF SUTTON PUBLIC ART POLICY

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Adopted October 5, 2015  
Amended October 3, 2016

*“Public art: The art of making places public.” - Jack Mackie*

## Scope

This document is addressed to the Town of Sutton’s elected officials and municipal civil servants concerned with public art, to the volunteers and invited experts who make up the various committees relating to Culture and Heritage, to artists and craftspeople, and to the general population of Sutton interested in public art.

## Introduction

Public art is defined as physical works of art<sup>1</sup> and cultural property<sup>2</sup> placed in the public realm. These works or artifacts may be inside buildings, or outdoors on public lands belonging to the Town.

This policy elaborates upon the Town’s Cultural Policy adopted on April 2, 2007.

## Vision

*“Everywhere one turns, there is a work of art”<sup>3</sup> – art which bears witness to Sutton's development, reflects its identity and contributes to its impact as a cultural and creative town.*

*Through its Public Art Policy, the Town strives to create vibrant public spaces that reflect the diversity of our community, stimulate a sense of pride and engage its residents and visitors with quality works of public art.*

*The Policy is therefore a concrete sign of the recognition of the contribution of arts and heritage to the development of Sutton.*

## Goals

- Provide all Sutton residents with access to art in public places.
- Honour, preserve and encourage the expression of our cultural heritage and artistic diversity, namely by offering a showcase to local artists.
- Promote civic identity through awareness and preservation of the community’s history and cultures.
- Enhance Sutton’ desirability as a community by creating appealing environments in which to live, work and play.
- Support effective urban planning, economic development and cultural tourism opportunities.
- *Encourage all those who care about the community to participate in making, collecting and commissioning art.*

All public art projects and acquisitions will be assessed and developed in keeping with the above goals.

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<sup>1</sup> See Appendix 1 for a definition of a work of art.

<sup>2</sup> See Appendix 1 for the definition of cultural property and the different forms it may take.

<sup>3</sup> This quote is one of the visions for the future expressed by participants at the March 24, 2014 consultation meeting with the Town’s cultural community.

## Purpose

The purpose of this policy and guidelines is to provide the following:

- Criteria for the review and selection of public art
- Procedures for determining the placement of public art
- Guidelines for the management, preservation, interpretation, development and promotion of the Town's art collection
- Criteria for the acquisition of public art over the medium and long-term
- A foundation on which to develop programs that allow Sutton's residents and visitors to experience art in public places

## Scope of the Town's Art Collection

In keeping with this Policy's vision and goals, the artworks in the Town's art collection shall satisfy *at least one* of the following criteria:

- Work by an artist who was born, lives or lived in Sutton or is local and active in the community
- Views of the town and surroundings of Sutton
- Representation of the community's civic history
- Representation of the community's cultural and artistic heritage
- Content that evokes a link with Sutton
- Items from community organizations, and other municipalities and countries that are presented as official gifts

## Committees

An Advisory Committee, appointed by Council, will serve in an advisory capacity to the Town's Culture Department staff. A second committee may be set up if necessary to evaluate donation and purchase proposals. The composition of these committees shall reflect the diversity and sectors of the community.

### Public Art Advisory Committee

- a. **Composition:** *The committee shall have at least three members, including the cultural development agent and person(s) from Sutton's artistic community who have knowledge and expertise related to the committee's mandate, such as art history, art appraisal, conservation, collections management, promotion, and educational programs connected to the arts.*

*Added to this, as needed, will be non-voting resource people from various municipal departments, as well parties and members from various organisations in Sutton who can assist the work of the committee.*

- b. **Role:** The role of the Advisory Committee is to oversee the application of the Public Art Policy. The committee suggests a vision for the development of the Town's public art collection and advises the Town on all matters related to its promotion, use and administration, including the disposition of certain items. The committee supports municipal employees by establishing methods and procedures for calls for submissions, by outlining the evaluation criteria for such submissions, by checking files for completeness, by recommending expertise, by identifying municipal sites for the installation of public art and for possible public art projects. The committee shall also collaborate in the formulation of a three-year public art plan and the prioritization of tasks related to the management and conservation of the collection within the framework of the Town's annual budget.
- c. **Term of Committee members.** Each member of the Advisory Committee is appointed for a two-year term that starts on the date on which the resolution appointing the member is adopted. This term may be renewed once, for a second two-year period. No member of the Advisory Committee may sit on the Committee for more than four consecutive years.
- d. **Terms of Reference** will be developed for the Advisory Committee which will detail process and reporting structure as per standard Town procedure.

## Public Art Acquisition Committee

- a. **Composition:** The Public Art Acquisition Committee may be set up if the Town receives proposals for donations and/or if an acquisition budget is adopted. The Committee will be composed of the following:
- 1 member of Municipal Council
  - 1 member of the Culture and Heritage Committee or Public Art Advisory Committee
  - The Town's Cultural Development Agent
  - 1 working visual artist or craftsman, residing in Sutton ;
  - 1 person from the visual arts community, i.e., a curator, arts educator, or arts administrator.
- No member of the committee, nor any relative of a member, may offer a work for acquisition.

- b. **Role:** The role of the Acquisition Committee is to review materials and make recommendations regarding potential acquisitions. When required, the Committee will help the Town negotiate agreements to borrow works of art (incoming loans). Compared to the Advisory Committee, which has a long term role in the development of the Public Art collection, the mandate of the Acquisition committee is more restricted, with a defined duration.
- c. **Term of Committee members.** Members are appointed annually, by resolution, to assess yearly proposals. If the committee must hold several meetings in a given year and in between meetings a member finds him or herself in a situation of personal interest, the member shall be replaced.  
The term of a member of the Acquisition Committee who is a Counsellor ends upon the adoption of a resolution to that effect, or when the member is no longer a Town Counsellor.

## Personal Interest

In this Policy, "personal interest" is defined as the benefit that a member of either committee may obtain for him or herself, a member of their family, their enterprise, or for the organization for which they volunteer.

If a committee member has a personal interest in a topic, he/she must immediately advise the members of the committee in question to avoid being placed in a conflict of interest. When a committee member has a personal interest in a topic being discussed, the member must recuse him or herself from the discussion. In addition, he or she must not receive any documentation relating to the deliberations.

## Budget<sup>4</sup>

In the municipal operational budget, funds shall be allocated to the following budget items:

- Conservation and storage of works in the Town's art collection
- Publicizing and promoting the Town's art collection (may include reproduction fees paid to the artist)
- In the event of a dispute, compensation to artists who have loaned works of art to the Town,<sup>5</sup> repairs to works of art belonging to the Town and, as applicable insurance (and any fees to assess the value of artworks)
- Over the long-term, art acquisition

## Financing

*An acquisition fund may be established by means of sponsorships, grants, donations or other revenue assigned to the acquisition of works of art, in partnership with the community.*

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<sup>4</sup> Appendix 2 summarizes the main points of the *Copyright Act* passed by the Government of Canada (R.S.C., 1985, c. C-42).

<sup>5</sup> Such compensation will subject to a limit set by the Town when the incoming loan agreements are negotiated.

## **Implementation**

The Town Council is the steward of the Town's art collection on behalf of the citizens of Sutton and shall preserve the collection in keeping with the vision statement and goals of the Town's **Cultural Policy** and **Public Art Policy**.

Implementation of this Policy is the responsibility of the Culture Department staff, in accordance with the appended *Procedures Manual*.

## Appendixes

### Appendix 1: Definitions

a. **Works of art** include items of artistic interest, such as:

- *Paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand)*
- *Original prints and photographs*
- *Original artistic assemblages and montages in any medium*
- *Work of commemorative art and sculpture in any material*
- *Works of applied art in such materials as glass, ceramics, metal, wood, etc.*

b. **Cultural property** comprises tangible evidence of human history, tradition, culture and knowledge, such as:

- Memorials, plaques and commemorative tablets
- Arches, ornamental gateways, foundation stones and other structures of a permanent or fixed character intended for ornament or commemoration, both interior and exterior ;
- A combination of landscaping and landscaping design such as rocks, fountains, reflecting pools, benches and other types of street furniture
- Decorative arts (limited to the furniture and furnishings of the public rooms of Town-owned buildings)
- Artifacts comprising memorabilia or ceremonial objects
- Historical components
- Official gifts from visiting officials
- Gift exchanges from twin city relationships

### Appendix 2: Copyright

Although the acquisition of a work of art automatically entails a contract between the artist and the acquiring body, such contract cannot override the *Copyright Act* (R.S.C., 1985, c. C-42) which was adopted by the Government of Canada in 1985. The artist retains the copyright to the work as per the law. In addition, pursuant to the Act, the acquirer has the responsibility to look after the work, to prevent its alteration or destruction, and to ensure no changes are made to it. The central element of the *Copyright Act* is that, at the time of a sale, the physical ownership of a work of art changes, but the intellectual property (copyright) remains with the artist who created it.

To comply with applicable copyright legislation, the Town cannot, without written consent from the artist:

- reproduce a work in whole or in part;
- modify or have modified a work in any manner;
- use the work or allow it to be used in any other manner than initially foreseen in the contract with the artist;
- infringe upon the integrity of a work by distorting, mutilating or otherwise modifying it;
- transfer to a third party the rights acquired under the acquisition contract between the Town and the artist.

The artist can with the consent of the Town:

- borrow his/her work of art for a defined period in order to exhibit it;
- make reproductions of his/her work;
- restore his/her work if it has been damaged.

The Town will draw up a royalty-free, perpetual licence with each artist negotiating copyright as it pertains to reproducing the work solely for the purposes of communication, promotion or publicity.