

# Procedures for the Administration of the Public Art Policy

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## Role of the Town

### Management of the Town of Sutton's Public Art Collection

Council assigns custody of the Town's art collection to the Culture Department. The management of the Town's art collection includes developing, maintaining and promoting the collection. More specifically, the Culture Department shall:

- Ensure the development of the Town's art collection management system, with documentation standards and procedures based on practices in museums and other municipal art collections and with an ongoing system of maintenance and inspection
- Ensure the preservation of the physical integrity and security of the Town's art collection and the provision of adequate facilities and resources for its long-term care
- Arrange for the placement of the Town's art collection in public spaces
- Develop and implement an art maintenance schedule
- Coordinate the planning, development and installation of outdoor art including memorials, plaques, sculptures
- Cooperate in the design and installation of heritage plaques
- Cooperate on communications with citizens of Sutton regarding the Town's art collection
- Develop programs and public education opportunities related to the use and promotion of the Town's art collection
- Convene meetings of the Public Art Advisory Committee and the Public Art Acquisition Committee
- Receive the recommendations of the Public Art Advisory Committee and the Public Art Acquisition Committee and forward them to the Municipal Council
- Propose a yearly budget

### Contribution from Other Municipal Departments

Implementation of the Public Art Policy has an impact on a number of municipal departments and requires collaboration among them. Most departments have both an active and consultative function with respect to public art. They will be informed of their respective responsibilities.

### Facilities and Resources

- The municipality will gradually equip itself with infrastructures accessible to the public where the works can be installed.
- Appropriate facilities will also be allocated for the administration, installation, maintenance and storage of the Town's art collection.
- The Town's art collection, when not on public display, must be stored in a secure area. Such storage will depend on spaces available in municipal buildings.

## Insurance

The Town shall purchase insurance coverage for all or part of its public art collection as a distinct entity. The insurance policy, of the type “all risks unless excluded,” must protect this collection while in transit and at all Town owned/leased locations, and while in storage or on display.

## Contribution from Other Organizations

The Town may rely on other community organizations to carry out its work. For example:

- *Heritage Sutton* for cross-referencing of archives with Town’s art collection as necessary
- *Corporation de développement économique de Sutton* for promotion and consultation in the development of cultural tourism opportunities

## Acquisition and Loan Procedures

In order to establish parameters for the acquisition of works of art and to ensure proper follow-up, the Town of Sutton has established clear criteria for selection and acquisition.

### Types of acquisition

The acquisition of a work of art entails a transaction during which the title of ownership of a work is transferred to the acquirer using a contract. Usually, it is only the physical aspect of the work which changes ownership. Unless otherwise agreed to in the acquisition contract, the copyright of the work remains with the creator of the work. There are different types of acquisitions and their legal and financial implications vary. They are as follows:

- **Donation.** A voluntary offer of property without consideration of its value, with the legal transfer to the Town of title and physical possession. A charitable receipt may be issued if appropriate.
- **Bequest.** A form of donation whereby an offer of property is made through a will or notarized instructions, and carried out by the Executor of the estate. A charitable receipt may be issued if appropriate.
- **Purchase.** A sales transaction whereby a work is purchased with funds designated for this purpose. The purchase can be made directly from the artist or through an art gallery or an authorized art dealer.
- **Competition.** The Town can establish a competition open to artists and define its rules. The procedures of a competition may include the following steps: establishing clear rules of participation and selection; publishing the terms of the competition, appointing a competent jury followed by a public unveiling of the chosen works.

**In the short term, donations and bequests are the only types of acquisition. Emphasis is placed on loans.** The objective is to give the Town time to develop the tools, facilities and structures required to implement the Public Art Policy and become more familiar with this new area of expertise.

## **Incoming Loans**

Artists, citizens or organizations may propose short-term loans of objects to the Town. Although a loan is not an acquisition as such, the owner of the work is required to prepare a portfolio<sup>1</sup> for submission to the Town.

Furthermore, the condition of the artwork must be documented and monitored. Such documentation shall include recent images of the work. Loans must be governed by written loan agreements between the Town of Sutton and the borrower or lender, which must be signed by both parties prior to shipment.

Artworks will be borrowed from the artists, organizations or individuals only if their loan requirements can be met. The loan agreement shall include the term of the loan, conditions with respect to, for instance, shipping, and the responsibility of each party. It shall also state the value of the work which must be paid in the event of loss or damage: this amount, negotiated between the two parties, assumes that both parties share the risk to which the work of art is exposed. The agreement shall also take into account the limit set by the Town for all types of loans. If necessary, such a loan will be added to the Town's insurance contract. Loaned objects will be returned to their lenders at the end of the specified loan period, and in accordance with the terms set out in the loan agreement.

## **Submissions for acquisition or loan**

All proposals for acquisition or incoming loan of a work must be accompanied by a document prepared by the artist or the owner. A printed form designed for evaluating the work would facilitate analysis of the submission. The submission will include the identification of the artist and/or owner, the title and date of the piece, dimensions and medium, provenance (if applicable), an image of the work (digitized) and the CV of the artist.

Furthermore, for a donation or bequest, it is recommended that an independent appraisal be prepared by a qualified professional.<sup>2</sup>

## **Quality of fabrication and maintenance of the artwork**

In the first three years after the work of art is bought from the artist, the artist is responsible for maintaining the work of art; this must be taken into account in the selling price. The artist may also designate someone to perform the maintenance at the artist's expense. After the three years, the Town will assume maintenance costs and may sign an agreement to that effect with the artist.

Incidents of vandalism and force majeure are excluded from the artist's obligation to maintain the work and are at all times the responsibility of the Town.

## **Evaluation of works proposed for acquisition**

Prior to forwarding the file to the Acquisitions Committee, the Culture Department may organize an external evaluation of the work, to establish its authenticity, its provenance, its fair market value, its potential cost of conservation in addition to its insurance cost. Supplementary documents may be requested from the seller in order to allow for a better analysis of the acquisition file.

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<sup>1</sup> The form can be downloaded from the Town's website

<sup>2</sup> If a donor wishes to receive a charitable tax receipt, the donor must provide an assessment, recognized by the Public Art Advisory Committee, of the value of the donation, at the donor's expense. Contact the Town's Cultural Development Officer before incurring any expense.

Establishing the market value of a work entails consulting sources such as auction records, and the galleries who represent or have represented the artist whose work is being offered for acquisition. It is also possible to request proof of recent sales from the artist (invoices or certificates of authenticity containing the contact information of purchasers), so that, by comparing prices, it can be determined if the estimated value is realistic. Finally, two experts may be asked to appraise the work.

### **Study of the acquisition file and recommendations for its acceptance**

The Public Art Acquisition Committee will conduct the evaluation of each proposal and submit its recommendation to the Town Council for ratification.

A rating system has been developed to facilitate a fair and equitable process for managing the Town's art collection, and to:

- *allow a subjective process to be more objective.* The goal is to be able to describe what it is about a work of art that makes it meaningful to the community. All scoring systems are dependent on the human elements of taste, personal opinion and interpretation. However, despite these limitations, a numerical rating system provides a valuable foundation for making decisions.
- *provide a focus for the Public Art Advisory Committee.* The Town's capacity to manage an art collection is currently untested, and resources are limited. The rating system will allow the committee to set priorities in keeping with the resources available.
- *establish the credibility of the two committees.* Prioritizing the Town's art collection based on objective, understandable criteria allows for a more informed dialogue with Council, the arts community and the general public.

### **PUBLIC ART RATING SYSTEM**

The rating system, with weightings determined by the Public Art Advisory Committee, is comprised of three categories:

- Community Significance
- Artistic Merit
- Compatibility with the Town's Art Collection

Each of these categories has criteria on which the assessment is based. The criteria are in keeping with the Public Art Policy of the Town of Sutton and provide a standard, systematic assessment by applying a number of common criteria, regardless of the source or type of art being considered.

#### **Community Significance**

##### Artistic Significance

- Artist's contribution to the arts and the contribution of the work to the development of the visual arts locally
- Extent to which the work is representative of the arts activity in the community
- Extent to which work increases the understanding and the support of public art (\*)
- Openness to both innovative professional practices and emerging artists (\*)

### Cultural Significance

- Relevance and extent to which work addresses the community or demonstrates a relationship with the community
- Relevance to the community's cultural heritage and the need to respond to diverse cultures
- Degree to which work enriches the Town's art collection

### Historical Significance (if appropriate)

- Work depicts historical content that is relevant to community i.e., a specific occurrence, person/group, or site
- Historic context of work is important i.e., may embody distinctive characteristics of a type, method of construction, period or entity; a style or theme of some significance; a significant time
- Clarity of the work's historical representation
- Work is commemorative in intent i.e., design, age, tradition, or symbolic value has invested it with exceptional significance

### **Artistic Merit**

- Qualifications of artist
- Craftsmanship and quality of materials; use of appropriate material and their durability; construction (structural and surface integrity)
- Original and unique work of art in concept, design and presentation (including original prints, photographs and sculptures which are numbered and signed) (\*)
- Aesthetics (application of artist's concept and viewer's response to artwork)
- Experience of artist, professional and peer recognition (exhibition record, collections which include works by the artist, grants and endorsements, etc.).

### **Compatibility with the Town's Art Collection**

#### Policy Objectives

- Extent to which the work maintains, improves the quality, and broadens the scope of the Town's art collection (harmony and diversification)
- Relevance to the stated objectives of the Public Art Policy
- Relationship to existing work(s) in the Town's art collection

#### Administrative Requirements

- Ethical and legal suitability (\*)
- Certified provenance: record of previous ownership and/or previous locations of work (\*)
- Feasibility of publishing the work on the Town's website and in other publications (\*)
- Cost of the acquisition and link to its market value
- Cost of maintenance and conservation

### Technical Requirements

- Suitability of the work for display, including its installation, maintenance (\*) and conservation requirements (has the artist proposed a maintenance plan in the acquisition proposal and is the plan realistic?<sup>3</sup>)
- State of preservation (damage and alterations) and capacity for being conserved (\*)
- How the work activates or enhances public spaces (\*)
- How the work improves accessibility to the public (\*)
- Appropriateness of the form, content, and scale of the artwork (\*)

### **Criteria for refusing an acquisition**

- Duplication of work in the collection
- Poor physical condition
- Unacceptable price
- Impossibility of exhibiting the work
- Conservation and restoration requirements
- Ethical constraints and objections
- Conflict of interest
- Absence of proof of legal status
- Demands of the donor or vendor
- Excessively high insurance costs

### **OUTDOOR ART AND MEMORIALS (\*)**

The installation of all outdoor art and memorials will be assessed using both the criteria above and the following considerations:

- Visibility
- Public safety
- Issues related to pedestrian traffic
- Suitability to location/site (form, content, materials, exposure to light and to the weather)
- Function of the existing facility or site
- Users and interaction of users with works of art through:
  - a) appropriateness to the physical characteristics of the site
  - b) relationship to the social and cultural identity of the immediate local community
- Landscape design
- Environmental assessment (e.g., type of terrain, current and past use of the specific area, application of current land-use planning regulations)

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<sup>3</sup> The *Guide pour la conservation des œuvres d'art public* by the Centre de conservation du Québec could be a useful tool.

- Public accessibility

An analysis of these latter criteria will be carried out by the appropriate municipal department(s) following a recommendation by the Public Art Advisory Committee.

### **Evaluation of works offered on loan by an artist or an organization**

The criteria marked with an asterisk (\*) also apply to the selection of works for loan, keeping in mind that exhibition space for loans is limited.

### **Documentation and conservation of the works in the Town's art collection**

The Public Art Advisory Committee, in collaboration with municipal services, will recommend the site for displaying a new acquisition. In addition to the goal of enriching the site and the work, the choice of site is one of the first criteria to consider to ensure the lasting influence of a work. With help from the Centre de conservation du Québec and its guide for the preservation of works of public art<sup>4</sup>, the Public Art Advisory Committee will inform the Town of the appropriate steps to ensure conservation of the works.

Upon the acquisition of a new work, the Town will register and document it for integration within the art collection. An up-to-date inventory of the Town's art collection will be kept to document all works in the collection, including information (date and place) about any interventions (conservation, framing, location etc.) and exhibitions. The acquisition of a work means ensuring its perennality and maintenance.

Each acquisition file shall contain the following:

- the signed acquisition contract
- the Council resolution authorizing the acquisition
- the registration record which includes the identification of the work, its dimensions, its physical description (including its current state), its location, the proof of ownership and a photograph
- research done on the work and on the artist
- a number must be affixed to the verso of the work, corresponding to the number in the acquisition file, which allows for identifying the work
- maintenance specifications proposed by the artist

### **Dissemination of the works in the Town's public art collection**

In consultation with the Public Art Advisory Committee, guidelines will be established for the dissemination of the works of art in the Town's public art collection. For example, the Town could plan activities for giving citizens access to its public art collection with a view to developing their interest in the visual arts and encouraging an arts practice.

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<sup>4</sup> [http://www.ccg.gouv.qc.ca/fileadmin/images/guide\\_artpublic/Guide\\_VF-2015.pdf](http://www.ccg.gouv.qc.ca/fileadmin/images/guide_artpublic/Guide_VF-2015.pdf)

## **Outgoing Loans**

Requests for loans from the Town's art collection by a third party may be considered, provided that the borrower guarantees that appropriate standards and terms will be met, such as installing the work in a secure environment where the necessary environmental conditions are maintained. Loan requests will be analyzed by the Public Art Advisory Committee to evaluate the loan implications, the potential costs and whether the event is significant enough to justify the loan.

The loan agreement must include the length of period for the loan, the insurance certificate, and other conditions such as transportation and the responsibility of each party. No object shall be permitted to be loaned unless adequate insurance coverage is provided.

Furthermore, the condition of the artwork should be documented and monitored. Such documentation should include recent images of the work, when possible. Loans must be governed by written loan agreements between the Town of Sutton and the borrower or lender, which should be signed by both parties prior to shipment.

If any change occurs to a work of art while on loan, such degradation caused by environmental conditions, breakage, or theft, the event and scope of the loss will be reported immediately to the Town of Sutton. Notification will be followed by a full written report prepared by the borrower to the Town of Sutton. Except to secure a work of art from further damage in an emergency situation, the borrower will not treat (fumigation, restoration, conservation, or other treatment) the object without the express permission of the Town of Sutton. In accordance with copyright law, the artist must be consulted for advice on the restoration of the work.

## **Disposition of a work**

The Town reserves the right to dispose of certain items, by donation, sale or exchange if this promotes the development and conservation of its art holdings.

This step, which would be taken under exceptional conditions, must be well documented and may start as a recommendation from the Public Art Advisory Committee. The Town may return the work to the donor or to his or her family, if the donor is deceased. The work can be offered to a cultural institution, be sold or, as a last resort, destroyed. However, no work of art may be disposed of less than 10 years after it was acquired if a tax receipt was issued at the time of acquisition.

Please note that the procedures are administrative tools and are presented as information. Changes and adjustments may be made to this document without advance notice. Such changes will be posted on the Town website.