SUSSEX POLICY

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1.0 Introduction

The town of Sussex Public Art Policy reflects commitment and desire to connect and engage with the community, as well as transform the spaces where we live, work, learn and play into vibrant, inviting, and meaningful public places.

1.1 What is Public Art and its Value?

Public art provides universal access to art. The enduring nature of public art promotes a lasting appreciation and integration of art into daily community life. Other benefits include increased job opportunities for artists, increased tourism to the community, and the development of pride and ownership among communities.

Public Art and Public Artworks are original art that is created for, or located in, public spaces, and which is accessible to the public at no cost. Public Art installations may include but are not limited to the following:

- Sculptures
- Murals
- Street Art
- Mosaics
- 2-dimensional Artworks
- Interactive Artworks
- Temporary Installations
- Community Art Projects
- Monuments*
- Water and Outdoor Garden Features*
- Street Furniture/Functional Art*
- Engineering or Architectural Features*

*These Public Art works must include a strong design component or integrated artistic feature.

From an infrastructure standpoint, buildings that incorporate art into public space not only have greater economic value, but also enhance the overall value of the surrounding community.

From the standpoint of cultural tourism, public art serves as living examples of contemporary art that reflect the unique culture and heritage of our province. Promoting public art can contribute to the development of diverse, integrated tourism offerings.

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1.2 Statement of Purpose

The overall goal of a municipal public art policy for Sussex is to ensure the policy clearly directs the requirement of public art inclusion in public spaces and guarantees that artists and artworks are chosen based on established processes. The implementation of the Public Art Policy will ensure worthwhile and impactful investments.

This policy promotes a sense of shared identity and pride of place among residents of Sussex while recognizing and supporting professional artists through the establishment of a Public Art Policy. The policy authorizes the acquisition or commissioning of artworks in public spaces and describes the processes for choosing artworks and artists.

1.3 Guiding Principles

The town of Sussex's Public Art Policy aims to ensure:

- Public Art will be accessible to all
- That the acquisition of Public Art will be transparent and professional, providing opportunities for public participation and community partnerships
- That Public Art illustrates the culture and diversity of the town
- That quality art is acquired and demonstrates a commitment to excellence and craftsmanship, creativity and innovation
- Various art mediums, types, sizes and different locations are considered
- That considerations for Public Art are integrated into planning and the development process
- That Public Art will reveal the unique character of, and foster a positive image for, the town.
- That the investments made have a meaningful public impact.
- That artworks are suitable for their respective sites and enhance the buildings or public spaces where they are located.

1.4 Definitions

1.4.1 Public Artworks - Original creations of artwork by professional artists created for public engagement and designed to be permanently situated in public spaces.

1.4.2 Public Spaces – For the purposes of this Policy, public spaces are town-owned buildings and spaces. Private art acquisitions located on privately owned lands and temporary art that does not leave a lasting record of its creation (e.g. ice sculptures) are not subject to this Policy.

1.4.3 Professional Artist – An individual who practices an art and aspires to earn a living thereby, who offers his or her services as a creator or performer in one or more arts disciplines in return for remuneration, who has undertaken a course of accredited or equivalent training in the field of the art discipline and/or who is recognized by his or her peers.

1.4.4 Public Art Commission – The commissioning or requesting of new public artwork from an artist/artist team. In some cases, the commission includes involvement with project architects regarding the design. In some cases, items in public spaces of the building/site required for its operation, including for example, architectural finishings, such as seating, lighting, flooring, etc. may be included in a commission.

1.4.5 Public Art Acquisition – The purchase of an existing work of art from a professional artist to further develop the municipal art collection or to beautify a specific public building/site.

1.4.6 CARFAC (Canadian Artists' Representation / Le Front des artistes canadiens) – CARFAC are obligated to represent the interests of Canadian visual and media artists, and to establish standards and fee scales in this sector. Their founding principle and continued concern is that artists, like professionals in other fields, must be paid fairly for their creative output and services. The ***CARFAC-RAAV Minimum Recommended Fee Schedule*** is widely recognized as the national standard for remuneration of visual and media artists in Canada.

1.4.7 Equity-Deserving Groups – Equity-deserving groups are communities that face significant collective challenges in participating in society. This marginalization could be created by attitudinal, historic, social, and environmental barriers based on age, ethnicity, disability, economic status, gender, nationality, race, sexual orientation, and transgender status, etc. Equity-deserving groups are those that identify barriers to equal access, opportunities, and resources due to disadvantage and discrimination and actively seek social justice and reparation.

2.0 Administration

The Public Art Policy will be overseen by Community Services Department staff in collaboration with the following groups:

- Town of Sussex staff

- AX, the Arts and Culture Centre of Sussex
- Public Art Committee
- Public Art Selection Juries
- Sussex Town Council

Any participating member shall declare a conflict of interest and remove themselves in all cases where a project arises in which they are involved either directly or indirectly.

The implementation of the town of Sussex Public Art Policy will adhere to all applicable municipal, provincial and federal legislation

2.1 Town of Sussex Staff

Community Services staff is responsible for overseeing and implementing the Public Art Policy and Program. Responsibilities include:

- Developing all procedural aspects related to the Policy
- Developing the Public Art budget and submitting it via the municipal capital and operating budget
- Advising Council, staff and residents on the Public Art Policy and related initiatives
- Identifying and recommending appointments to the Public Art Committee for Council approval
- Working with the Public Art Committee to identify Public Art priorities, locations and initiatives (e.g. the Public Art work plan)
- Maintaining the Public Art inventory and coordinating the maintenance and conservation of the Public Art collection
- Conducting Feasibility analysis for art donations, as required

2.2 AX, the Arts & Culture Centre of Sussex

AX, the Arts & Culture Centre of Sussex will support the Public Art Committee and this policy by completing the following tasks:

- Develop "Call for Proposals"
- Market and circulate "Call for Proposals"
- Receiving and organizing submissions
- Coordinate and engage the Public Art Selection jury
- Facilitate jurying sessions
- Draft artist and jury contracts for the Town of Sussex

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- Develop promotional and marketing initiatives to communicate Public Art activities
- Develop grant applications in support of the annual public art plan, as needed

As compensation for providing the services identified above, AX will be paid an administration fee equal to 10% of the annual public art plan budget approved by Council. Any changes to this budget must be approved by Council.

2.3 Public Art Committee

The Public Art Committee will advise municipal staff on all Public Art Policy directions. Experts from the community will be selected to serve as members of this Committee, thereby increasing community engagement. The committee will contain at least one staff member from AX, the Arts and Culture Centre of Sussex, one town staff member, one member from the Downtown Business Association, and one professional artist. Committee members will serve as a collaborative forum for feedback as new ideas are being developed.

The Public Art Committee is responsible for:

- Ensuring the Public Art Policy is adhered to, relevant and updated
- Working with Community Services staff to develop the annual Public Art work plan (e.g. identifying potential Public Art projects, locations, themes and concepts, maintenance of permanent pieces, schedule for replacing non-permanent artworks (i.e., Murals), or deaccessioning pieces when appropriate)
- Identifying jury members for recommended Public Art projects
- Review and approve "Call for Proposals"
- Providing advice and expertise to town staff
- Assisting with decision-making on accepting and deaccessioning Public Artworks
- Assist to foster community engagement and public support to enhance the value and impact of all the Public Art
- Reviewing potential donations of public art and making recommendations to town staff
- Review complaints for policy compliance and make recommendations for resolution to town staff.
- Review received applications and create a shortlist for contracted jury as identified in section 3.7
- Arrange accommodations and travel for hired artists
- Organize community volunteers to work as ambassadors to be on site as the hospitality point person for artists

Members of the Public Art Committee are not compensated and will serve in a voluntary capacity.

2.4 Public Art Selection Jury

Public Art Selection Juries will be organized on a case by case and project by project basis. For each Public Art Commission, Purchase, or Donation, a selection jury of professional artists will be hired to review artist proposals and make selection recommendations to the Public Art Committee.

The composition, duration and terms of reference for any Public Art Jury will be dependent on the nature of the Public Art project identified. The Public Art Jury will be comprised of five persons with at least one member belonging to each of the following groups:

- Wolastoqey First Nation;
- Local artists who live, or have lived, in Sussex or within a 150 km radius;
- Artists who self-identify as members of other equity-deserving groups, and
- Artists with expertise relevant to the project.

Members of the selection jury will be remunerated in accordance with current CARFAC fee schedules and reimbursed for all travel and paid per diem. All associated expenses will be identified in the annual Public Art Work Plan developed by the Public Art Committee for Council consideration.

2.5 Sussex Town Council

Sussex Council approves the Public Art Policy developed by the Community Services Department.

Responsibilities include:

- Approving the related budget, and expenditures annually
- Approving any amendments to the Public Art Policy
- Authorize and execute the jury/artist contracts as needed

3.0 Acquisition

Public Art may be acquired by the town of Sussex through a variety of means, including: purchase or commission, donation, temporary loan or partnership. Art acquired through the

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Public Art Policy will become a part of the town's Public Art Inventory. Regardless of the method of acquisition, all Public Art will be culturally sensitive and free from exploitative materials, explicit content, advertising, or religious iconography.
This Policy also sets out considerations when determining the selection of an artist(s) and proposed artwork(s).

The Public Art Policy recognizes exhibition rights and non-commercial reproduction rights for promotional purposes.

3.1 Purchase or Commission

Types of Public Art opportunities include:

Open Call - This type of opportunity is the preferred method which sees a "Call for Proposals" developed and publicly circulated. The Public Art Committee will open a call to professional artists to submit artwork and/or proposals for juried assessment and potential purchase engagement. A "Call for Proposals" can be geared towards local, provincial, national and/or international artists and/or art collectives and includes specific guidelines, criteria and eligibility based on each Public Art initiative identified by the Public Art Committee. Focused calls to artists related to a particular project may be implemented in order to address strategic initiatives as decided upon by the Public Art Committee. Calls to artists will range in scope from local to national and international, depending on available resources, project scope, and related criteria.

Direct Invitation or Purchase - This type of acquisition occurs when a single artist is identified to complete a Public Art project or when an existing piece of Public Art is purchased. Where appropriate, artwork for designated capital projects may be purchased rather than commissioned, providing that the work meets site specific requirements and has been selected through juried assessment.

3.2 Donation

The town of Sussex may acquire Public Art works through donation. All donations of existing artworks will be subject to a review process by the Public Art Committee.

All donations shall be unencumbered. Donations will be evaluated against the selection criteria identified in section 3.7. The town of Sussex is not required to accept donations of Public Art that are offered. Donated Public Art could include a donation of funds for the maintenance and conservation, or restoration of the work being donated. Additionally, town staff are responsible

for conducting a feasibility analysis, which outlines aspects such as the benefits of the acquisition and short- and long-term costs.

The donor and the town of Sussex shall be responsible for meeting Government of Canada criteria to receive a tax credit/issue a tax receipt for the work of art. All donated items should be appraised by a certified appraiser at the time the donation is being considered to determine fair market value. The donor will be responsible for paying the cost of the appraisal. An official receipt for income tax purposes will be issued by the town of Sussex as per regulations of the Canada Revenue Agency.

3.3 Temporary Loan

The town of Sussex may secure Public Artworks on a temporary basis or by loan for special purposes, such as an exhibition. All loans of artwork shall be subject to a review process and considerations as identified in section 3.7. A unique agreement developed on a project-by-project basis will be issued between the lender and the town of Sussex that outlines parameters for the loan including but not limited to: the nature of the loan, the duration of the loan, copyright/reproduction rights, insurance, responsibilities of the artist and town and maintenance considerations.

3.4 Partnership

Sussex may work in partnership with external organizations for the acquisition of Public Art; however, the ownership of the artwork may not always fall to the town. Scenarios for partnership may include but are not limited to:

- Use of town property to install Public Art
- Installation, maintenance and conservation agreements for artworks located on town property but where the artwork is owned and operated by external agencies
- Cost sharing programs (e.g. sponsorship with private sector)
- In Kind services (e.g. staff support to assist with Public Art acquisition on private property or development initiative)

A unique agreement on a project-by-project basis will be issued between the partner and Sussex that outlines parameters for the partnership including but not limited to: the nature of the partnership, the duration of the partnership, copyright/reproduction rights, insurance, responsibilities of the artist and town and maintenance considerations.

3.5 Planning Considerations to Inform the Public Art Committee

Plans for acquisition, regardless of the acquisition method, should take into account the following:

- Community Relevance and Impact
  - Reflects the town's culture and diversity, and/or natural elements and landscapes
  - Builds appreciation for Public Art
- Location
  - Site Suitability
  - Responds to or complements the location's uses and users
  - Works are circulated and displayed in and on municipal buildings and facilities and strive to ensure that artwork is fairly distributed across Sussex's full geographic scope.
  - Accessible places of prominence and community gathering spots are considered to be prime display locations.
- Economic Value
  - Short and long term costs
  - Tourism potential
- Installation, Maintenance & Conservation
  - Town's ability to accommodate installation requirements
  - Town's ability to safely display, maintain and conserve the work
  - Long-term maintenance cost
  - Longevity of the artwork
  - Environmental impact

3.6 Selection Process

Juried selection is recognized as a valid evaluation protocol within the town of Sussex's purchasing practice and is the protocol of choice for this Policy.

Public Art opportunities for artists advertised through any of the methods identified in 3.1 will be selected through a jury process. Steps in this process include:

3.6.1 Shortlist Process

The shortlist must consist of at minimum twice the number of artworks being commissioned for the calendar year.

The Public Art Committee will review all submitted proposals and narrow them down based on the following criteria:

- Overall Quality and Authenticity
  - Originality of design
  - Intrigues viewers and stimulates imagination
  - Artist reputation, demonstrated and related experience
  - Condition of the artwork
  - Suitability for display in a public space
- Submissions
  - Compliance with guidelines outlined in the Public Art Policy and accompanying "Call for Proposals"
  - Quality of the approach/work plan and methodology
  - Ability to meet budgetary estimates and deadlines
  - All other logistical considerations

Preference is given to artists from Wabanaki First Nations, local professional artists who live, or have lived, in Sussex or within a 150 km radius, and artists who self-identify as members of equity-deserving groups

The shortlisted artists will be contacted by a representative from AX, and asked to submit a design for the specified public art. These designs will be artist-led concepts, with no dictation or direction of content by any outside influence. Shortlisted artists will be paid for these designs. Once completed, the designs will be sent to the Public Art Selection Jury.

3.7.2 Juried Artist Selection Process

The Public Art Selection Jury will choose artist(s) based on the submitted designs. The jury's selections will be final.

The Public Art Selection Jury will review shortlist and choose artists based on the following criteria:

- Overall Quality and Authenticity
  - Originality of design
  - Intrigues viewers and stimulates imagination
  - Artist reputation, demonstrated and related experience
  - Condition of the artwork
  - Suitability for display in a public space

- Submissions
  - Compliance with guidelines outlined in the Public Art Policy and accompanying "Call for Proposals"
  - Quality of the approach/work plan, conceptualization and methodology

Preference is given to artists from Wabanaki First Nations, local professional artists who live, or have lived, in Sussex or within a 150 km radius, and artists who self-identify as members of equity-deserving groups.

Extra consideration given to proposals which include community engagement.

4.0 Site Selection

The Community Services Department, in collaboration with The Public Art Committee and other key town departments and staff, will coordinate the selection of appropriate locations for the installation of Public Art in and/or on town-owned buildings and spaces.

Outdoor public spaces, recreation facilities, libraries and other large municipal buildings are ideal locations for public art commissions and priority will continue to link public art installations and budgets directly with these project sites.

The strategic placement of Public Art in Sussex shall complement current and future development and infrastructure improvement projects. Public Art Commissions may be associated with a capital construction project site or where funding source allows, may be associated with alternative sites that are more publicly accessible or that address underserved areas and strategic objectives.

Types of locations include:

- Municipal Buildings
- Street Features (e.g. gateways/entrances, tunnels, roads, bridges)
- Parks
- Trails

Sites for Public Art should:

- Be safe to the public
- Be publicly accessible
- Have optimum visibility

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- Be relevant to the community
- Be respectful of the function of the existing facility or site
- Promote public interaction with the works of art
- Be appropriate to the physical characteristics of the site
- Provide a relationship and connection to the social and cultural identity of the immediate local community
- Be relevant and respectful of landscape design
- Be relevant and respectful of urban design and the surrounding contextual architecture
- Be subject to an environmental assessment where applicable
- Aim to be resistant to vandalism

5.0 Collections Management

The Public Art, held in trust for residents, is an asset that requires professional stewardship, care, maintenance, and conservation. Primary collections management functions include acquisition, documentation, maintenance, conservation, interpretation, and deaccessioning.

5.1 Ownership

Sussex will acquire works of art that are unencumbered and that will result in the full transfer of ownership from the artist to the town. The artist will retain all or any copyright, moral and intellectual rights to the artwork.

5.2 Documentation and Record Keeping - Public Art Inventory

Sussex will maintain accurate and up to date records relating to the selection, acquisition, deaccession, maintenance and conservation of all Public Artworks. A Public Art Inventory will list all the Public Art installations owned by Sussex.

Community Services staff will oversee the Public Art Inventory which will contain information on each Public Artwork including:

- Title of Artwork
- Artist(s) Name and Biography
- Agreements (e.g. Artist, Partner, Building Owner)
- Location of Artwork
- Maintenance Plan
- Conservation Activities and Condition Reports

- Photograph of the Artwork
- Other applicable documents

5.3 Maintenance and Conservation

Sussex shall be responsible for the care and maintenance of Public Art, in accordance with approved agreements and maintenance plans and will budget accordingly. Community Services staff, or its agent, shall monitor the existing Public Art Inventory for maintenance requirements and will undertake an inspection of the artwork according to a predetermined schedule. The town may choose to retain a qualified professional to undertake the inspection, and subsequent conservation work, if deemed necessary, with preference given to the original artist.

The artist may be requested to submit with their proposal a five-year maintenance and conservation plan. The plan shall include, but is not limited to:

- Maintenance dossiers
- Engineering or shop drawings
- Manufacturers' lists
- Original installation plan
- Key contacts including the artist
- Maintenance and/or conservation specifications; and
- Estimated budgets

5.4 Deaccessioning

Deaccessioning is the process of permanently removing a piece of art from the Sussex Public Art Inventory. It may involve the relocation, removal or disposal of an artwork provided that these actions are not in conflict with the terms under which Sussex acquired the work.

Community Services, in collaboration with the Public Art Committee, will consider artwork(s) for deaccessioning when appropriate or necessary. Community Services, in collaboration with the Public Art Committee, will be responsible for providing a report to town Council for approval outlining the reasons for deaccessioning and the proposed method of disposal.

Public Art may be deaccessioned under any of the following situations or as otherwise determined in the town's sole opinion:

- The art is deteriorating and restoration is not feasible

- The art is no longer relevant to the town's Public Art Inventory
- The art endangers public safety
- The art is too costly to insure or maintain
- The site is no longer accessible to the public and an alternative location cannot be found
- The art is discovered to have been stolen, or was offered to the town using fraudulent means

In the event of sale, all funds received from the sale of artworks will be placed in the Public Art Reserve Fund for future acquisitions or conservation projects only.

Deaccessioned art may be moved, sold, or destroyed. Where possible, the artist or donor will be notified regarding Sussex's decisions regarding deaccessioning and given the option to reclaim the artwork at their own expense.

5.5 Insurance

Sussex will provide insurance coverage for Public Art owned by the town of Sussex, per the guidance of the town's insurer. The insurance Policy must insure against all risks of direct physical loss or damage, while in transit or in storage or on display at any locations owned or leased or controlled by the town of Sussex. Sussex will also provide an insurance Policy to insure against potential liability that may result from public injury as it relates to Public Artworks. The Artist must supply proof of insurance to insure coverage against all risks of direct physical loss or damage to the artwork until final installation. The Public Art Committee will be covered by the town's liability insurance Policy.

5.6 Storage

Sussex shall ensure appropriate short-term and long-term storage as needed, for all artworks within its Public Art Inventory. This does not include space for artworks being created by an artist. (i.e. the town of Sussex is not responsible for providing studio, workspace or fabrication space for artists).

5.7 Agreements

The artist will enter into a written agreement with the town of Sussex following the approval for the acquisition of the Public Artwork as selected by the Public Art Selection Jury and by the recommendation by the Public Art Committee. All agreements will be in a form satisfactory to

the town's Solicitor and will be approved by Council and signed by the Clerk and Mayor. This agreement will address the artist's obligations, which will include, but are not limited to:

- Materials
- Drawings/plans
- Ownership
- Timelines
- Installation
- Maintenance and conservation plans
- Warranty
- Copyright
- Payments to subcontractors
- Insurance

5.8 Installation

The artist(s) is generally responsible for the installation of artwork(s) that the town of Sussex has acquired. The town shall, however, and when feasible, assist and accommodate installations. All acquired works will be condition-reported upon receipt and any problems found will be referred to the artist/lender for resolution.

The installation of Public Art should:

- Consider the technical requirements of the work and site (i.e. hardware, structural issues, supports)
- Involve consultation with appropriate town departments
- Analyze all associated cost factors (e.g. road closures, sidewalk closure)
- Installations costs will be factored into the artist(s) contracts and proposed budgets

6.0 Funding

The funding necessary to support the design and commission, acquisition, site preparation and installation of Public Art under this Policy shall be subject to Town Council approval annually as part of the annual budget process.

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7.0 Communications and Engagement

7.1 Marketing and Public Relations

Sussex will be responsible for ensuring that the community is aware of any Public Art initiatives and developing any educational and promotional initiatives which help the public to understand, appreciate and celebrate Public Art.

7.2 Private Properties

Private landowners are encouraged to participate in the Public Art process and to incorporate Public Art in the development of their property. Town staff will endeavor to work with external partners and property owners to include the integration of Public Artworks on their properties.

7.3 Community Engagement

Where possible, efforts will be made to include community involvement in all aspects of the implementation of this Policy. Community input, surveys, feedback sessions and other means can be utilized to implement, monitor and evaluate the success of the Policy.

7.4 Mentoring/Apprenticeships

Mentoring opportunities may be developed and implemented for artists, post-secondary students, and other interested parties. Public art mentorship opportunities for artists will be advertised through open calls and selected through peer assessment. All emerging artists chosen as apprentices will be remunerated according to the current CARFAC fee schedules.

8.0 Monitoring & Evaluation

Community Services will regularly monitor and evaluate the effectiveness of the Public Art Policy. A full review by staff will be filed with Council every five years.