

Terms of Reference



PUBLIC ART COMMITTEE

INTRODUCTION

Council has established a Public Art Reserve Fund to acquire art for public display, and deems it appropriate to seek professional and community advice on the disbursement of these funds through the establishment of a Public Art Committee. Council recognizes that the aesthetic nature and charm of the community can be enhanced through the provision of works of art in public places and that increased public awareness and appreciation of the arts will help to stimulate the growth of the arts and arts-related businesses within Kelowna.

The Public Art Committee is an **Advisory Committee** of Council.

OBJECTIVES

The objectives of the Committee are to work with the community to humanize and animate the urban environment, increase the livability and artistic richness of the community, and stimulate the growth of arts and arts-related businesses through the provision of public art.

SCOPE OF WORK

To achieve this objective, the Public Art Committee will undertake the following activities:

- Make recommendations on suitable publicly accessible areas and public buildings for public art installations, with priority given to the Urban Town Centers as defined in the Official Community Plan
- Hold competitions, at the Committee's discretion, for the commissioning of public art works and to make recommendations to Council concerning the awarding of commissions of public art works
- Make recommendations to Council concerning the acceptance of gifts or donations of art, of a permanent or temporary nature, having regard to artistic merit, site suitability, City liability, and maintenance.
- Select artists to be invited to compete for limited competitions, and to determine the amount of compensation to be provided to competing artists for open and limited competitions
- Seek advice from the general public when deemed appropriate by the Committee or Council
- Consider and recommend to Council any jointly funded installation of public art within a publicly accessible area or public building
- Maintain a record of all works of art acquired using the Public Art Reserve Fund

Public Art means visual works of aesthetic merit which include, but are not limited to:

- (a) Sculpture, in any material or combination of materials, whether in the round, bas relief, high relief, mobile, fountain, kinetic, or electronic.
- (b) Murals, mosaics, fibre works, glass works, photography, paintings, or other art forms in any material or combination of materials.
- (c) Tableaux or creative displays of an artistic/informational nature which interpret the heritage significance of a building or site.
- (d) Architectural embellishments such as ornamental surface treatments, street inlays, or landscaping features with artistic intent.

This does not include reproductions or unlimited editions of original works, mass produced art objects, or architectural restoration or rehabilitation.

Publicly accessed areas are those spaces frequented by the public, or within public view, and accessible to or visible by the public during normal business hours or longer. Such areas may be in the public or private domain. Typical examples include parks, boulevards, streets, sidewalks, bridges, foyers, conference rooms, auditoria, courtyards and concourses, the exteriors of buildings including arenas, community centres, theatres, museums, parking arcades, schools, hospitals, retail and commercial buildings.

Public Building means any building available for the unrestricted access of the general public during normal business hours or longer. Examples include City Hall, libraries and administration buildings, sporting facilities, transit customer facilities, police stations and pedways.

When making a recommendation regarding the selection of art works, the Committee shall have regard to the following criteria:

- Style and nature - art works which are appropriate as art in public places and compatible in scale, material, form and content with their surroundings
- Quality - the quality of the work itself shall be considered to be of the highest priority
- Media - all visual or tactile art forms may be considered, and works may be either portable or permanently affixed
- Elements and Design - art in public places may function as art standing alone, focal points, modifiers of specific spaces, or establishers of identity
- Permanence - due consideration shall be given to structural and surface soundness and to permanence in terms of relative proof against age, theft, vandalism, weathering, and excessive maintenance or repair costs
- Diversity - reasonable diversity shall be attained in style, scale, media, and materials
- Acquisition - new works may be commissioned or existing works may be acquired

Once a project has been proposed, the following methods of selection may be employed by the Committee:

- Direct Selection - after reviewing proposals or resumes, the Committee may select an artist or a completed work
- Limited Competition - after a review of proposals or resumes, the Committee may invite a limited number of artists to enter a competition
- Open Competition - any artist, subject to any limitations established by the Committee shall be eligible to enter

MEMBERSHIP

In order to provide for broad representation from the community, the membership of the Public Art Committee is to be composed of a diverse group of individuals with a variety of backgrounds, all with interest in the arts and public art in particular.

The membership of the Committee shall be as follows:

- Eleven individuals, who reside, are employed or own property in the City. A majority of the members shall live within the City of Kelowna.

The role of the Public Art Committee is to make recommendations to Council on public art issues affecting the city and therefore members have a responsibility to make decisions based on the best interests of the city-at-large.

APPOINTMENT AND TERM

Members shall be appointed by Council for a three-year term, to run concurrent with the Council term.

Council may, at any time, remove any member of the Committee and any member of the Committee may resign at any time upon sending written notice to the Chairperson of the Committee.

Committee members who are absent for three consecutive meetings shall forfeit their appointment, unless such absence is authorized by motion of the Committee.

Committee members may stand for re-appointment at the conclusion of their term.

Members of the Committee shall serve without remuneration.

In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

The Committee may appoint sub-committees to deal with any special matters coming within the scope and jurisdiction of the Committee. Any sub-committee so created will report to the Committee.

CHAIR

The Committee members shall elect a Chairperson and a Vice-Chairperson at the first meeting of each year. The Chairperson and Vice Chairperson shall be the executive of the Committee.

The Chair and Vice Chair shall be provided a training session by the City on procedures for Committees of Council.

MEETING PROCEDURES

The Committee shall meet on the third Wednesday of each month, as required, in order to deal with the business of the Committee.

The Committee will recognize that each meeting can require a significant commitment of staff resources and meetings should therefore be held when there are clear items of business to address in accordance with the scope of work.

A special meeting may be called by the Chairperson or at the request of any three members of the Committee. Notice of the day, hour, and place of special meeting shall be given at least three days prior to the meeting by leaving a copy of the notice for each member of the Committee at the place to which the member has directed such notices be sent, and by delivering a copy of the notice to the Office of the City Clerk for posting.

Unless otherwise authorized by the *Community Charter* or City of Kelowna Council Procedure Bylaw No. 9200 all meetings will be held in open session and in a location accessible to all members of the public.

Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.

A majority of the Committee shall represent a quorum. A meeting shall not proceed if a quorum cannot be achieved. Members must notify the City at least two (2) working days before the meeting if they are unable to attend.

The order of business is to be as set out in an agenda package to be provided to the Committee members in advance of the meeting date. Items for the agenda, including presentation materials, will be forwarded electronically to the Office of the City Clerk at least three complete working days prior to the meeting date to be posted for the public. Minutes of the meetings will be prepared by the Council (Committee) Recording Secretary and then signed by the Committee Chair. Originals of the minutes will be forwarded to the Office of the City Clerk for safekeeping.

Conflict of Interest

Committee members must abide by the conflict of interest provisions of the *Community Charter* and City of Kelowna Council Procedure Bylaw No. 9200. Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

Voting

All members of a committee, including the Chair, vote on every question unless they have declared a conflict and left the meeting

Members who do not indicate how they vote, or have left the meeting without declaring a conflict, are counted as having voted for the question

If the votes are equal for and against, the question is defeated:

Comments in Public or to the Media

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member, a representative of another agency or community group, or as an individual. Committee members need to convey the public interest and remember that they represent the Corporation of the City of Kelowna. This means they must be consistent with the City's position on specific issues.

REPORTING TO COUNCIL

Recommendations of the Committee must be adopted by Committee motion prior to presentation to Council.

The Committee shall submit annual reports to Council and shall provide other reports as requested from time to time.

The Committee will provide a status report to Council annually. This report should include a record of work conducted and an indication of the associated costs attached to the Committee's work including staff time.

The Chair or Vice Chair, or a Committee member appointed by the Committee, will, accompanied by the staff liaison, report to Council on behalf of the Committee.

The Office of the City Clerk will ensure Committee Agendas and Minutes are forwarded electronically for circulation to all Council members.

Neither the Committee nor any member of the Committee shall have the power to pledge the credit of the City in connection with any matter or to authorize any expenditure to be charged against the City of Kelowna.

BUDGET

The routine operations and any special initiatives of the Committee will be funded by allocations within the Recreation and Cultural Services Department budget.

STAFF SUPPORT

Staff shall be assigned by the City Manager to serve as administrative liaison to the Committee.

The **Infrastructure Planning Department** shall provide support for the Committee to undertake work assigned by Council within the Committee's scope of work. Support functions may include the following:

- Organizing and preparing the meeting agendas, in conjunction with the Committee Chair & staff liaison
- Distributing the agenda packages to Committee members
- Receiving all correspondence, and preparing correspondence and reports on behalf of the Committee
- Reviewing the draft minutes and returning them to the Office of the City Clerk to finalize prior to adoption by the Committee
- Managing the files of the Committee
- Maintaining a list of outstanding issues for committee action in accordance with the Committee's scope of work and Council's direction
- Maintaining an inventory of public art works
- Maintaining the inventory of public art in good condition including overseeing extraordinary repairs due to vandalism, etc.
- Administering contracts with artists including coordination with other staff and external consultants and agents
- Overseeing any related public consultation
- Providing input and advising on media relations
- Overseeing promotion of the public art inventory and the public art program
- Advising the Public Art Committee on procedural matters and adherence to its Terms of Reference

The staff liaison shall initiate recommendations to Council for committee appointments and maintain an updated list of appointees, the date they were appointed whenever changes occur, and provide a copy of the updated list to the Office of the City Clerk.

The **Office of the City Clerk** shall provide secretarial support for the Committee. Support functions include the following:

- Taking and preparing draft minutes, and providing the final minutes to the Office of the City Clerk and Committee members
- Maintaining the records of the Committee, including posting and filing of minutes for the public record

Other support functions may include the following:

- Organizing and preparing the meeting agendas, in conjunction with the Committee Chair & staff liaison
- Receiving and organizing all related presentation materials and/or correspondence prior to the meeting date to ensure inclusion with the committee member's agenda package, and for the public record
- Distributing the agenda packages to committee members

Endorsed by Council: December 18, 2000

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