

Attachment #1:
*Public Art Policy/
TOR for Arts Advisory Committee*

City of New Westminster – Public Art Policy

Policy Title	Public Art Policy
Effective Date	November 5, 2012
Revised Date	January 31, 2022
Document #	1896806

I. INTRODUCTION

The City of New Westminster adopted its first Public Art Policy in 2012. The need for a Policy was first identified through interviews with members of New Westminster's arts community in preparation for drafting the City's 2008 Arts Strategy. In 2010, the Arts Commission appointed a Public Art Sub-Committee to explore the development of a public art "road map" to achieve the objectives of the Arts Strategy. Recommendations from the Public Art Sub-Committee resulted in the development of a Terms of Reference for a Public Art Advisory Committee. In 2011, City Council appointed the City's first Public Art Advisory Committee who were then engaged to draft the City's first Public Art Policy. Since its adoption in 2012, New Westminster's Public Art Policy has been a significant tool for promoting the cultural growth of the community, encouraging economic development, and creating a sense of enhanced civic pride.

In 2021, with guidance from the Public Art Advisory Committee, staff initiated a review of the Policy to ensure that it is informed by current leading practices in public art and is aligned with key City policies and priorities. The revised Policy provides a clear foundation to create a more responsive, diverse, equitable and sustainable program. Further, with the implementation of a new Arts Advisory Committee in 2022 to replace the Arts Commission and Public Art Advisory Committee, the review was also an opportunity to provide renewed clarity regarding roles and responsibilities.

II. PURPOSE

The primary purpose of the Public Art Policy is to provide a structure through which the City of New Westminster acquires and integrates public art. The Policy guides staff in the development, management and stewardship of public art throughout the city by:

- Establishing Guiding Principles to direct policy implementation;
- Articulating clear funding mechanisms;
- Ensuring the development of a clear Administrative Procedures Manual with consistent guidelines, processes, roles and responsibilities;
- Supporting responsible stewardship of all public art assets owned by the City of New Westminster.

III. GUIDING PRINCIPLES

The Guiding Principles reflect the goals of the New Westminster Arts Strategy and align with priorities around Reconciliation, social justice and equity.

Value	The Public Art Policy and supporting processes value the role of artists and public art in civic life. Artists should be trusted and supported to ask questions and take risks. Public art engages history and place and has the capacity to create dialogue and inspire social progress.
Respect	The Public Art Policy and supporting processes ensure respectful practices for artists and their rights, for the land and environment and for everyone involved.
Reconciliation	The Public Art Policy and its supporting processes reflect a commitment to Reconciliation and recognize the rights of Indigenous peoples. Public art is planned, developed and executed on the unceded territory of the Halkomelem speaking peoples and has a responsibility to decolonize its practices and ensure the voices, traditions and knowledge of the Halkomelem speaking peoples are respected and represented on their lands.
Equity	The Public Art Policy and supporting processes commit to anti-oppressive, anti-racist and anti-assimilation approaches and strive to ensure that all artists and community members are represented and have opportunities to participate, access and experience public art.
Capacity Building	The Public Art Policy and supporting processes commit to developing artists through programs, projects and educational opportunities that foster learning and build capacity.
Innovation	The Public Art Policy and supporting processes encourage and foster brave, experimental and innovative ideas and approaches.
Stewardship	The Public Art Policy and supporting processes promote responsible management and stewardship of the funding for the development and implementation of public art projects as well as the maintenance and conservation of artworks in the Public Art Collection and the ongoing engagement with public art.

IV. ROLES AND RESPONSIBILITIES

Mayor and Council

The role of Mayor and Council is to govern the City of New Westminster in its delivery of civic services to citizens. All are elected by and accountable to the citizens of New Westminster. The role of City Council is to:

- Approve the Public Art Policy and any changes to the Policy when required;
- Authorize expenditures for Public Art through the budget & quarterly adjustment process;
- Authorize and approve recommendations on major projects and commissions in alignment with the City's Procurement Policy;
- Appoint members of the Arts Advisory Committee through the Committee selection process;
- Appoint a member of Council to the Arts Advisory Committee;
- Approve recommendations and provide direction regarding emerging issues such as the decommissioning and deaccessioning of public artworks under the control of the City.

Public Art Program

The Public Art Program is administered by the City's Art Services staff, reporting to the Chief Administrative Officer. Art Services staff provide leadership in the planning, coordination and implementation of public art for the City in alignment with the Public Art Policy. Key responsibilities include:

- Management and administration of public art projects, programs and the Public Art Collection;
- Develop, deliver and finalize annual public art budgets in alignment with the City's financial processes for Council approval;
- Commissioning and acquiring public art;
- Planning and overseeing the design, fabrication, installation of public art;
- Engagement, communication, programming and educational initiatives;
- Maintenance and conservation of the Public Art Collection;
- Deaccessioning, removal or disposal of public art;
- Developing policies, plans, procedures and guidelines;
- Partnerships and collaboration with City departments, external organizations and community groups;
- Consultation on public art matters.

Arts Advisory Committee

Appointed by Council, the Arts Advisory Committee (AAC) is comprised of a City Council representative, community members, arts professionals and artists who provide citizen oversight and expert community input on arts-related civic programs and civic art matters including public art. The AAC supports and strengthens the arts to benefit everyone in the city, strives to remove barriers to participation and ensures representation of BIPOC (Black, Indigenous and people of color) and equity seeking communities in civic art processes.

City of New Westminster – Public Art Policy

The AAC's role is to provide expert community input on public art, and to:

- Promote awareness and encourage dialogue around public art;
- Recommend and advise on public art policies, guidelines, plans and issues;
- Review public art project plans and allocations to ensure alignment with the Policy and guiding principles;
- Act as a resource to City Council and staff;
- Advise the City on public art issues and current topics relevant to public art;
- Advise and consult on specific issues, such as donations or deaccessioning of public art;
- Nominate one of their members to serve on the selection panel for specific art projects as a non-voting representative;
- Support Public Art staff in carrying out the purpose of the Public Art Policy.

Selection Panels

Selection panels (or juries) are typically made up of artists, arts and design professionals and community members convened for specific projects and opportunities. Each selection panel is composed to reflect the needs and goals of individual projects. The size of each panel vary between three (3) to five (5) people depending on the scope and needs of the project. The composition of each panel will ensure representation of diverse perspectives and worldviews from disenfranchised and equity seeking communities. Selection panel members are paid an honorarium for their time and expertise. City staff, technical and other advisors often participate and only as non-voting members to offer guidance and assistance in the process.

Additional Advisors and Advisory Bodies

Additional advisors such as curators, public art consultants, Elders or Knowledge Keepers or ad-hoc, formal and existing advisory bodies representing various community stakeholders may be formed and/or engaged as needed to inform processes, guidelines and procedures.

V. FUNDING

The Public Art Policy provides funding mechanisms for the acquisition, administration, management and programming of public art for the City of New Westminster.

Funding supports costs associated with:

- Commissioning and purchasing public art;
- Planning, design, fabrication, installation of public art;
- Engagement, communication, programming and educational initiatives;
- Management and administration of public art projects, programs and the Public Art Collection;
- Maintenance and conservation of the Public Art Collection;
- Deaccessioning, decommissioning, removal or disposal of public art.

City of New Westminster – Public Art Policy

Percent for Art

The City will provide a 'percent for public art' funding strategy for the acquisition, administration and management of public art in New Westminster. The 'percent for public art' will be calculated at 1% of total capital project costs for eligible capital projects with budgets over \$1 million and at 0.5% for projects in the \$500,000 to \$1 million range. Eligible capital projects include all upgrade and growth budget items \$500,000 or more. Land purchase, movable equipment, maintenance and service budgets are not included in this policy.

Pooling Percent for Art

Generally, public art allocations from capital projects reside with the initiating department as part of the overall capital project for development of public art on the site. The Public Art Policy allows for pooling of public art allocations from capital projects to support strategic investment and to achieve the greatest maximum community benefit from the investment. Pooling will consider the maximum eligible funding per capital program and may draw from multiple capital projects. Pooling processes will be in compliance with the City's Financial Policies and approved and reported through the City's budget processes. Where possible pooled funding will not be tied to specific capital project timelines to allow for long-term planning, integration of public art across the city and to ensure equity.

Municipal Annual Contribution

The City will provide an annual contribution to the Public Art Reserve equal to \$2.00 per citizen from property taxes to be used for public art.

Public Art Reserve

The Public Art Reserve is a resource, distinct from the capital budget, which allows for the accumulation of funding to support, develop and sustain the Public Art Program long-term. Funding from eligible sources, namely the operating budget and or third party contributions can be pooled into the Public Art Reserve to be used to plan, implement and support a diversity of public art opportunities outside of capital projects, support costs related to the implementation, management, administration and programming of public art and the ongoing care of the Public Art Collection.

Private Development Contributions

Support for community amenities is generally provided to the City by a developer when they are going through a rezoning process for private development. These contributions can be actual amenities, or cash towards amenities, and are intended to help provide the capital investments needed to accommodate the growing community. Amenities that have previously been provided through this process include affordable housing, child care, public art, park space, and alternative transportation. Public art projects provided through private development are subject to the processes and guidelines outlined in the Public Art Policy and the Administrative Procedures Manual. Public art staff can work with applicants as part of the development review process to ensure their public art proposals are consistent with best practice and City policy.

City of New Westminster – Public Art Policy

Private Financial Donations

Private individuals, businesses or organizations may donate funding to support public art. Donations should be free and clear of conditions and restrictions regarding the use of these funds for the City of New Westminster's Public Art Program. Financial donations directed for specific commissions will be subject to appropriate guidelines as set out in the Public Art Policy or Administrative Procedures Manual. In accordance with the criteria established in the Income Tax Act (Canada), the City of New Westminster may issue a tax receipt to the donor for cash donations.

VI. ACQUIRING PUBLIC ART

Public art can be commissioned, purchased, donated or gifted to the City of New Westminster.

Commissioned artwork engages artists to create new original artwork in response to an opportunity and often with a specific site or community as context.

When commissioning public art, artists are selected through one (1) of the following three (3) ways and in compliance with the City's Procurement Policy:

1. **Open Call:** An open competition that is widely distributed often in the form of a Call to Artists to submit materials for consideration.
2. **Invitational:** In an invitational approach, a select number of artists are recommended by a curator, public art consultant, Elders or Knowledge Keepers, advisory panel or program staff to submit materials for consideration. An invitational approach may be needed to address systemic inequities and facilitate decolonial practices.
3. **Direct Award:** The commission of an artist or the purchase of an existing work of art that has been recommended by a curator, public art consultant, Elders or Knowledge Keepers, advisory panel or program staff. A direct award may be needed when there is a single clear choice in terms of the artistic opportunity or to address systemic inequities and facilitate decolonial practices.

Alternative ways of selecting or engaging artists may be considered based on desired outcomes. The appropriate selection process will be determined for each project in consultation with the AAC, approved as required and guided by the Public Art Administrative Procedures Manual.

Purchased art is existing artwork that is bought by the City from an artist, agent, or gallery or through another direct method.

A Gift or Donation is existing art that is transferred to the City of New Westminster from an individual or entity. When public art is acquired through donation, in accordance with the criteria established in the Income Tax Act (Canada), the City of

City of New Westminster – Public Art Policy

New Westminster may issue a tax receipt to the donor. Tax receipts are not issued for gifts.

VII. ADMINISTRATIVE PROCESSES

- The Public Art Policy is administered by the Public Art Program;
- The Public Art Program works collaboratively with the City's appointed AAC to advise and bring recommendations to Council to authorize expenditures, policy changes, plans and projects as per the Policy;
- Implementation of the Public Art Policy is guided by the supporting Administrative Procedures Manual that is a living, continually responsive document.

VIII. DEFINITIONS

Accession -The act of coming into the possession of title; to make a record of an artwork in the chronological order of acquisition; to acquire an artwork for a permanent collection.

Acquisition - The acquiring of public art through commission, purchase, donation or gift.

Deaccession - The formal process to permanently remove an object from the Public Art Collection.

Decommission – The process to remove an object from display permanently.

Public Art - Public art is an original work of art created with the intention of being sited or staged in publicly accessible spaces. It can be in any media and can take a wide range of forms, approaches, be temporary or permanent, object-based, electronic, digital or experiential. Public art can include murals, sculptures, monuments, memorials, community art, socially-engaged art, new media, land art or earthworks, incorporate design, architecture or landscape architecture, be functional, performative, event-based or participatory. Regardless of the form, it is created by a person who identifies as an artist or its creation is directed by an artist. It often considers the physical site as well as the context of a place or community whether social, political or historical. Artists are sometimes immersed or embedded in a department, organization or community through artist residencies or as part of the artist's practice and approach. These projects can take time to unfold, develop and complete.

Public Art Collection - All public art accessioned and owned by the City of New Westminster.

IX. APPENDICES

A. ARTS ADVISORY COMMITTEE TERMS OF REFERENCE

Arts Advisory Committee

Terms of Reference

Committee Name	Arts Advisory Committee
Vision/Goal Statement	<p>The Arts Advisory Committee (AAC) is a conduit for communication and engagement, providing advice and recommendations to staff, the Culture and Economic Development Task Force and Council on arts-related civic programs and civic art matters including Public Art.</p> <p>The AAC will work to support and strengthen the arts in New Westminster for the benefit all citizens, recognizing those community members that have historically been disadvantaged and excluded from civic processes including BIPOC (Black, Indigenous and people of color), persons with developmental, physical and acquired disabilities and members of the 2SLGBTQIA+ communities.</p>
Mandate	<p>The AAC will:</p> <ul style="list-style-type: none"> • Provide advice and support regarding the implementation of the Arts Strategy, Theatre Strategy, Public Art Policy, Public Art Plan and other related Council adopted Strategic Plans; • Advise on strategies for ongoing and meaningful inclusion, ensuring representation of diverse voices and equity in all arts-related plans, policies and opportunities; • Be a voice for the broad needs of the arts community to inform the City's strategic policies and land use initiatives as required; • Provide advice and support to staff in regards to engagement and audience development initiatives; • Serve as a public engagement platform for the Culture and Economic Development Task Force.
Voting Members	The Committee shall consist of fifteen (15) members as follows:

	<ul style="list-style-type: none"> • Member of Council (1) • Arts Council of New Westminster representative (1) • Education Sector representative (1) • Local NFP Arts Sector representative (2) • Artists – New Westminster-based (3) • Artists – Other (1) • Arts Professional (1) • Urban designers, architects, landscape architects (2) • Community representatives including youth (3) with broad representation of the City’s demographics, including the Indigenous community. <p>Through its membership the AAC will strive to:</p> <ul style="list-style-type: none"> • Remove barriers to participation • Ensure diverse representation for BIPOC and equity-seeking* community members and artists; • Reflect a diversity of lived experience; • Include youth voices and perspectives; and, • Ensure a balance of expertise that aligns with the Committee function. <p>*The term “equity-seeking” refers to those in the community that face entrenched marginalization due to attitudinal, historic, social and environmental barriers including age, ethnicity, disability, economic status, gender, nationality, race, sexual orientation or transgender status.</p>
Advisors	<p>The primary staff advisors to the Committee are:</p> <ul style="list-style-type: none"> • Manager, Community Arts and Theatre • Public and Community Art Coordinator <p>Additional staff advisors from the following departments will attend committee meetings on an as-needed basis:</p> <ul style="list-style-type: none"> • New Media Gallery • New Westminster Library
Term of Service	<p>In 2022</p> <ol style="list-style-type: none"> a. 7 members will be appointed for a one year term (February 1, 2022- January 31, 2023) b. 8 members will be appointed for a two year term (February 1, 2022- January 31, 2024)

	<p>In 2022 and in all even numbered years thereafter, 8 members will be appointed for two year terms.</p> <p>In 2023 and in all odd numbered years thereafter, 7 members will be appointed for two year terms..</p> <p>Council may cancel the Committee at any time.</p> <p>In the year of a civic election, the Arts Advisory Committee Mandate will continue under the new Council unless the new Council decides not to continue the Arts Advisory Committee.</p>
Chair	The member of City Council shall be designated Chair. At the first meeting of the year, voting members shall elect an acting chair from its membership to preside over meetings when the Chair is absent.
Quorum	<p>A quorum shall consist of a majority of its appointed members.</p> <p>If a quorum is not present within 30 minutes following the time at which the meeting was to commence, the Recording Secretary shall record the names of the members present at the meeting, and the meeting shall stand adjourned.</p>
Attendance	<ul style="list-style-type: none"> • Members shall advise the Committee Clerk of their intent to attend or to be absent from a meeting. • Any member who is absent from three consecutive meetings of the Committee, or in excess of one-third of all meetings over any six month period without leave of absence from the Committee, or a reason satisfactory to the Committee, shall by Committee resolution, cease to be a member of the Committee. • Section 144 of the <i>Community Charter</i> gives Council the power to rescind an appointment at any time.
Meeting Frequency	<p>The Committee shall meet every second month.</p> <p>The Committee may in extraordinary circumstances, with the permission of the Mayor/City Clerk, meet more frequently.</p>
Governance	<ul style="list-style-type: none"> • Community Charter Section 142 • City of New Westminster Advisory Committee Policy (adopted September 9, 2019 and attached here)

Rules of Procedure	<p>Committee procedures are governed by:</p> <ol style="list-style-type: none"> 1. New Westminster Council Procedure By-law No. 6910, 2004.* 2. "Rules of Conduct: Standing Committees and Advisory Bodies" provided to members and available on the City's website.* <p>*Most recent versions</p>

Advisory Committee Policy

1. PURPOSE OF THIS POLICY

This policy guides the creation and management of all Advisory Committees created by the City of New Westminster under Section 142 of the Community Charter (Select Committees of Council).

2. PURPOSE OF ADVISORY COMMITTEES

Advisory Committees exist in the City of New Westminster to provide Council access to external expertise and lived experience on issues of strategic importance.

Advisory Committees should normally exist only where they:

- Are directly relevant to the City's strategic priorities, as defined by Council
- Have clear mandates, objectives and outcomes that add value to City governance
- Are the most appropriate process to achieve the desired outcomes compared to alternate forms of stakeholder and resident engagement

Benefits to the City achieved through Advisory Committees may include:

- Providing access to lived experience or technical expertise missing from Council and/or staff
- Achieving the City's strategic priorities more quickly by working in partnership with community champions and organizations to achieve shared goals
- Improving the City's ability to hear from and respond to issues raised by equity-seeking populations
- Increasing the effectiveness of the City's stakeholder and resident engagement through leveraging the networks and advice of Committee Members.

Advisory Committees are not appropriate mechanisms to seek community input on matters related to City management (rather than governance) or on issues that are not strategically important to the City. In such cases, City staff may choose to engage residents and stakeholders using other processes, or to convene staff-led advisory groups that are not subject to this policy.

3. CREATION AND RENEWAL

When establishing a new Advisory Committee, Council must approve a Terms of Reference that includes:

- Mandate, with reference to the City's strategic priorities
- Member composition and quorum
- Length of appointment terms for Members and Chairs (if different than default term length)
- Start and end dates for Advisory Committee annual terms (if different than default start/end dates)

4. GOVERNANCE AND EVALUATION

Annual Work Plans:

Unless otherwise stated in an Advisory Committee's Terms of Reference, the Annual Term for all Advisory Committees will begin on February 1 and end on January 31.

Prior to the start of each new Annual Term, Council must approve an Annual Work Plan for each Advisory Committee that identifies:

- The name of the Council Member who will serve as Committee Chair
- The name of the Staff liaison(s)
- Desired outcomes/outputs for the work year in relation to Council's strategic priorities

Reporting and Evaluation:

On an annual basis, the Staff Liaison for each Advisory Committee should submit an Annual Report to Council that summarizes the Advisory Committee's activities over the past year, describes how these activities contributed to Council's strategic priorities and provides a breakdown of all expenses incurred. The Annual Report should also include the results of a formal evaluation completed by Committee Members to support ongoing improvement and provide suggestions for the next year's work plan.

Reporting to Council:

When responding on an issue referred by Council, Advisory Committees, with the assistance of the Staff Liaison(s) and the Committee Clerk, will submit reports to Council in accordance with the Advisory Committee Policy and Council Procedure Bylaw.

5. MEMBER SELECTION/RENEWAL

Advisory Committees Members must be appointed by Council and may include Committee Members who are residents or property owners in the City, or representatives from organizations that Council has invited to participate (Organizational Representatives).

Application and Appointment:

1. Appointments to committees should be made in advance of each annual term, or as vacancies arise.
2. Opportunities to serve as a Committee Member must be widely advertised so that all interested residents can apply.
3. Staff will submit recommendations for Advisory Committee membership to Council for amendment or approval, including Committee Members and Organization Members.
4. Where Organizations are invited to nominate an Organizational Representative to an Advisory Committee but fail to do so, Council may fill the vacancy with a community Committee Member instead.
5. Committee members will serve without pay, unless otherwise specified.
6. Committee Members must be New Westminster residents and may not be employees of the City, except by special waiver from the Mayor.

In developing their recommendations for Advisory Committee Membership to Council, staff should consider such criteria as: the skills and expertise of potential members, including lived experience; the resources and networks provided by potential members to help achieve City objectives; the degree to which Advisory Committees reflect the diversity of the City; and the City's commitment to ensure representation from equity-seeking and under-served communities.

Term Length and Renewal:

1. The term of appointment for Advisory Committee Members is two years unless otherwise stated in the Advisory Committee Terms of Reference.

2. Appointment terms should generally be staggered so that half the members for each Advisory Committee will be replaced or renewed each year.
3. A Committee Member can serve a maximum of two consecutive 2-year terms on any one committee, except by special waiver from the Mayor.
4. Advisory Committee Members cannot simultaneously serve on more than one committee, except by special waiver from the Mayor, unless the Committee Member sits on a second committee as the representative of the first committee (e.g. an Arts Commission representative sits on the Public Art Advisory Committee).

Equity, Diversity and Inclusion:

Committee Members should reflect the diversity of their community and include representation by under-heard voices and equity-seeking communities. The City will collect data to measure and evaluate its progress on equity, diversity and inclusion, and will provide appropriate supports to reduce barriers for equity-seeking communities.