

# Blue Mountains City Council City Art Committee (Section 355 Committee)

## Terms of Reference

HPE RM (TRIM) reference: 20/208738

Committee established:	September 2020 (formerly known as the Blue Mountains Cultural Centre Advisory Committee established January 2012)
Terms of reference endorsed by Committee:	
Terms of reference endorsed by the Council:	

### 1. Purpose and Role

The purpose of the Blue Mountains City Council City Art Committee (the City Art Committee) is to manage the art collections of the Blue Mountains City Council in line with the City Art Policy and the Blue Mountains Cultural Centre Fine Art Collection Policy. This includes:

#### a) Blue Mountains City Art Collections (including Sister City Collection)

- Assessing, accepting or declining offers of gifts, bequests and donations to the City Art Collections;
- Authorising the acquisition of artworks up to the value of \$150,000 for the Blue Mountains City Council City Art Collections – *note; no dedicated fund is available for this expenditure and any funds must be drawn from project allocations;*
- Authorising de-accessions of artworks from the holdings of Blue Mountains City Council City Art Collections;
- Maintaining the integrity of City Art Collections;
- Ensuring all activities, decisions and processes undertaken in relation to the management of City Art adhere to the City Art Policy.

#### b) Blue Mountains Cultural Centre

- To assist in the development of sound and effective business strategies that provides a foundation for the ongoing viability and growth of the Blue Mountains Cultural Centre.
- Provide advice and assistance in the development of the Blue Mountains Cultural Centre;
- Assist the Manager Arts & Cultural Services in developing and maintaining policies and procedures for the sustainable operations of the Blue Mountains Cultural Centre;
- Endorse, support and promote the annual program of exhibitions and activities developed;
- Endorse acquisitions for the Blue Mountains Cultural Centre permanent collection through the Cultural Gifts Program, donation or expenditure from the Blue Mountains Cultural Centre Collection Acquisition Fund;
- Provide input to the maintenance of the Business and Strategic plan and related policies;
- Support the development of relevant plans, policies and procedures necessary to initiate and sustain operations that meet the objectives of the Blue Mountains Cultural Centre, State and Federal legislation and provide a firm basis for growth;
- To actively advocate the activities of the Blue Mountains Cultural Centre, its worth, value and importance to the future health and prosperity of the wider Blue Mountains Community; and
- Carry out any other matters required for the Blue Mountains Cultural Centre.

### 2. Establishment and dissolution of the Committee

The Council may, through resolution of the Council, establish committees for the purposes it sees fit. The Council retains the right to dissolve a committee at any time by resolution of the Council.

### **3. Term of Committee**

The City Art Committee will be operational for an ongoing period. The Committee will meet on a bi-monthly or quarterly schedule in accordance with project requirements. The terms of appointment for its members will be two (2) years.

### **4. Conduct and governance**

Councillors, Council officers and all Committee members must comply with the Council's Code of Conduct. Committee members will be issued with a copy of the Council's Code of Conduct on endorsement to the Committee's membership by the Council and at such times as the Code of Conduct is reviewed.

Members of the City Art Committee may not be in receipt of Council funding. Committee members cannot nominate works of art for acquisition or de-accessioning to Council Collections where there is potential financial benefit for a Committee member. Committee members with such conflicts of interest must declare the conflict of interest and be absent from voting and not take part in the decision making process.

The Committee's governance processes are set out in these terms of reference.

### **5. Membership**

The membership of the City Art Committee comprises:

- Chair –Blue Mountains City Council Councillor nominated by Council;
- The Director of Cultural & Community Services.
- The Manager – Arts & Cultural Services; and
- Six (6) ordinary members selected for their specialist skills and experience in Arts, public collections and business management who have a dedication and commitment to the development of the Arts in the Blue Mountains, each of whom is approved by the Blue Mountains City Council.

Any member may resign from the City Art Committee by writing to the Manager, Arts & Cultural Services.

Committee membership is reported to Council at the commencement of a new term of the Council. Any changes in the community representative membership during the term, are to be voted upon by the Committee and endorsed by Council resolution. Membership is terminated by resignation or automatically following non-attendance for two consecutive meetings without prior leave of absence. Membership may also be terminated due to a breach of the Code of Conduct, if so recommended as a result of a Code of Conduct review.

In addition, the City Art Committee will be supported by a Council staff member who is not a member of the Committee. The role of the Council staff member is to document the meeting outcomes. The Council staff member is not considered a committee member and is not entitled to vote.

#### **5.1 Register of committee members**

Council will maintain a register of members. The register of members will contain the following information for each committee member:

- Name and contact details (contact details for committee purposes only and not for public release); and
- Dates of commencing and vacating membership.

### **5.2 Formal nomination process and criteria**

A member of the public who is interested in becoming a committee member may register their interest in writing to the Council. Committee vacancies are to be notified to the public via Council's website and advertisements in electronic and print media.

Applicants will be required to provide a CV and a cover letter of up to 3 paragraphs stating their skills, expertise and experience relevant to the purpose/role of the Committee.

Should there be more applicants than positions, a selection process will be undertaken by the Chair and the Manager Arts & Cultural Services.

Should a committee member relinquish their position prior to the expiry of their term, or if the member has completed their term, a call for membership will be advertised through Council's website and advertisements in electronic and print media. Members may re-apply if so desired. The existing membership of the Committee will select the appropriate candidate and make recommendation to the Blue Mountains City Council for their appointment.

Ordinary members will be appointed on the basis of their skills and expertise relevant to fulfilling the roles and responsibilities of the committee.

### **5.3 Conduct conditions**

The Committee will undergo an annual self-assessment process to ensure the Committee remains functional and relevant to the needs of the Council.

Committee members will be required to acknowledge and strictly adhere to the Blue Mountains City Council's Code of Conduct.

All meetings will be held under Chatham House Rule.

Committee members will not have the authority to act independently on behalf of Blue Mountains City Council, its management or staff.

### **5.3 Leave of absence**

Committee members may apply for a leave of absence to the committee Chair. This leave of absence will be recorded in the minutes of the meeting. Committee members will continue to receive communications relating to the committee during a leave of absence unless they express otherwise.

### **5.5 Attendance of non-members**

There is an open invitation to all elected Councillors, who are not members of the committee, to attend and to speak at a meeting of the committee. Other community representatives or guests may be invited to attend meetings from time to time when a specific purpose is nominated.

However, a Councillor or invited guest who is not a member of the Committee is not entitled to:

- a) Give notice of business for inclusion in the agenda for the meeting;
- b) Move or second a motion at the meeting; or
- c) Vote at the meeting.

## **6. Committee Structure and Duties**

Office bearer positions of Chair and Deputy Chair will be reviewed by the Council every four (4) years to coincide with the general local government election.

The following positions are considered standing committee positions:

### **6.1 Chair**

The role of the Chair is to manage meetings of the City Art Committee by:

- Directing debates;
- Ensuring that members are afforded to the opportunity to address the meeting equally;
- Ensuring that resolutions are understood by the members;
- Ensuring that the terms of reference are maintained and followed; and
- Calling special meetings when required to address time critical matters.

### **6.2 Deputy Chair**

The Chair may nominate a Councillor as Deputy Chair to act as Chair when required.

The role of the Deputy Chair is to support the Chair in their functions and to act as Chair during periods of absence. It is expected that the Deputy Chair will have a sound understanding of the functions of the Committee and the role of Chair.

### **6.3 Council Support Officer**

The Council Support Officer is an employee of the Council, who provides administrative support to the committee. The Council Support Officer will support the Committee to meet its administrative requirements.

Furthermore, the Council Support Officer in consultation with the Manager Arts & Cultural Services, will provide advice and support to the Committee to comply with the Council's policy and procedures.

In particular, the Council Support Officer consultation with the Manager Arts & Cultural Services, will act as the Committee secretary, to ensure:

- Meeting agendas are prepared and distributed via email;
- Meeting minutes are taken and distributed;
- Reporting obligations are met, including the preparation of reports to Council;
- Committee minutes, documentation, correspondence and reports are saved to the Council record;
- The register of members is maintained; and
- Committee and public access to information is actioned, in consultation with the Council Information Officer, as required under the *Government Information Public Access Act 2009* (NSW).

The Council Support Officer may be substituted from time to time with an alternative Council staff member, as required.

No funding or resourcing is available for the Council Support Officer to undertake projects on behalf of the City Art Committee and any projects would have to be considered separately by Council.

## **7. Committee Meetings**

The Committee will meet on a bi-monthly or quarterly schedule in accordance with project requirements. The meetings will be structured around the annual reporting requirements. Meetings will be conducted in accordance with these Terms of Reference, or otherwise in

accordance with the Council’s Code of Conduct if a matter is not covered in these Terms of Reference.

As considered best practice, at the commencement of each meeting the Committee Chair shall ask for declarations of interest. Declarations will form part of the meeting minutes.

**7.1 Attendance and quorum for meetings**

Meeting quorum will be half the committee members plus one. The Council Support Officer is not a voting member for the purposes of the committee and will not be counted in quorum.

Committee members are expected to advise of their apology to the Council Support Officer to ensure that there is likely to be a quorum at the meeting, and should also seek a leave of absence. If there will not be quorum at the meeting, the meeting will be cancelled. The Council Support Officer will contact all members to notify them of the cancellation.

**7.2 Agenda**

The Council Support Officer will distribute a meeting agenda by email at least five (5) working days prior to each meeting. Committee members may request the Council Support Officer include additional items on the agenda.

The meeting agenda will commence with standing items for attendance, apologies, confirmation of previous meeting minutes and declarations of interest. Following this, the committee will address items for action and finally, items for noting will be allocated time on the agenda.

**7.3 Minutes**

The Council Support Officer or specified Committee member will take minutes at Committee meetings and distribute the draft minutes to Committee members and other persons who attended the meeting. Minutes will be limited to actions and key outcomes.

Corrections or additions may be suggested by any person who attended the meeting. Revised minutes will be distributed to all Committee members with the agenda and will be ratified as true and correct on or before the subsequent meeting.

Minutes of the Committee will be reported to the Council and made publicly available on the Council website.

**7.4 Meeting venue**

Meetings will usually be held at Blue Mountains Cultural Centre, 30 Parke Street, KATOOMBA NSW 2780, however other locations may be used from time to time. Meetings may also be held wholly or in part by videoconference.

**7.5 Special Meetings**

Additional meetings may be added the meeting schedule when required to ensure that time-critical decisions can be properly considered. A quorum of attendees must be established prior to the meeting being held. Notice to members of no less than five (5) working days is required.

**8. Reports to Council**

Based on the recommendations of the Committee, the Council Support Officer will prepare reports to be presented for endorsement by the Council.

There is one report that the Manager – Arts & Cultural Services will present on behalf of the Committee to the Council for endorsement annually, being:

Deliverable	Description & content	Timing
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Annual report of activities	Report of activities conducted in the previous financial year. The report will include a summary of achievements in alignment to the previous activities.	To be presented to Council within 3 months from the end of the financial year
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The Committee may also make other recommendations from time to time to be reported to the Council for resolution. Ideally, these recommendations will coincide with the annual reports to streamline reporting to Council.

### **9. Media and committee public relations**

The Committee is bound by the provisions of Council's media policies. All media representation, press contact and publications shall be directed through the Council's Communications Officer via the Council Support Officer. Wherever feasible, the Committee will have discussed the content and reason for media representation prior to the event.

### **10. Amendment of terms of reference**

These terms of reference are to be reviewed every four (4) years. The next review will be due on Friday, 1 November 2024. The terms of reference are expected to provide a full overview of the management of all aspects of the Committee administration and other functions. Any member of the Committee can request an amendment to these terms of reference, however such a request should be tabled as a Committee agenda item and any agreed changes recorded in the meeting minutes. To become effective, any amendment to the terms of reference must be endorsed by the Council.