

PROCEDURE

Title: Municipal Art Collection Public Art
Division: Parks, Culture & Community Services
Procedure Number: 0184
File Number: 0282-20-0184

1. Governing Policy

- 1.1. This procedure is associated with Municipal Art Collection Policy 0081.

2. Scope/Application

- 2.1. This procedure guides staff in collection development and care of the Municipal Public Art Collection. The Municipal Public Art Collection encompasses works of public art owned by the District of West Vancouver (District) that are not in the collection of the West Vancouver Art Museum but part of the Municipal Art Collection.
- 2.2. The Municipal Public Art Collection strives to:
- (a) Encourage community participation in creating public spaces and take pride in public cultural expression;
 - (b) Encourage public dialogue about art and issues of interest to residents;
 - (c) Increase public awareness, understanding and enjoyment of the arts in everyday life;
 - (d) Create opportunities for the community and artists to participate in the design of the public realm;
 - (e) Select art through a process that incorporates professional and community input that ensures the quality of art and its relevance to the community and site;
 - (f) Develop programs and procedures that include permanent, temporary and community public art as well as murals to create opportunities for community engagement. Programs are developed from time to time to address emerging trends and community needs to advance the Program. Programs may be funded from the Public Art Reserve Fund, community partnerships, grants, sponsorships, or donations; and
 - (g) Integrate public art into the concept and planning stage of all significant District of West Vancouver capital and landscape planning processes.

3. Procedure

3.1. Advisory Panel

- 3.1.1.** A Public Art Advisory Panel (advisory panel) will be formed and may be composed of representatives of Council committees, professional artists, architects, designers, landscape architects, engineers, and other interested individuals in the community.
- 3.1.2.** The advisory panel will convene as needed to support the process of selection, assessment, purchase, placement, and maintenance of works of art offered as a donation or acquired through the public art program.
- 3.1.3.** Different groups may be convened for different tasks but will include a member of the Public Art Advisory Panel.

Permanent Public Art

3.2. Enrolment of Public Art

- 3.2.1.** Enrolment to the Municipal Public Art Collection will be considered by the advisory panel based on Section 3.3 at the call of Cultural Services staff.
- 3.2.2.** Professional standards of collection, cataloguing, care, and preservation will be applied through the enrolment process to the Municipal Public Art Collection.
- 3.2.3.** Artwork approved for enrolment into the public art inventory will be added to the Municipal Art Collections Database. Documentation related to the artwork including photographs, insurance appraisals, condition, and signed deeds or gift documents will be stored by District staff electronically and/or at the offices of Parks, Culture & Community Services Division of the District.

3.3. Quality

The District will enrol a work of art into the Municipal Public Art Collection if it meets the following criteria:

3.3.1. Quality Assessment

- (a) The work has a strong inherent aesthetic quality as assessed by two independent art curators/consultants or a convened jury of art experts.
- (b) The District reserves the right to pass judgement on whether the theme or content of the work is acceptable to the community.

3.3.2. Relevance

- (a) The work of art should have relevance to the residents of West Vancouver through natural history, heritage, culture, or cultural diversity.
- (b) Preference may be given to a work by a West Vancouver artist defined by birth, residency, or prolonged commitment in the municipality.

3.3.3. Value Assessment

- (a) The value of the work is assessed by one independent art curator/consultant or the number required by the Canada Revenue

District of West Vancouver

PROCEDURE

Agency or the District's finance policies, for the provision of a charitable donation receipt. This may be at the cost to the donor if the work is donated.

- (b) The value of the work may be assessed through the purchase price where a receipt can be presented and the work can be shown to be within the typical values of the artist.
- (c) The work must be in good repair and in a stable condition.
- (d) The work does not become a financial liability or burden for future generations.

3.3.4. Rights and Responsibilities

- (a) The work becomes the sole property of the District.
- (b) The "exhibition" rights for the work must be provided to the District by the artist and/or donor.
- (c) The District has the rights to lend or store the work.
- (d) The work will be accompanied where appropriate by an information plaque. The plaque will include the name of the artist, the donor if appropriate, date of the execution, media employed, and title of the work if titled.
- (e) Release of the copyright for reproducing the work must be granted to the District. This will allow the District to use the image for municipal publications, for purposes of promotion or representing the municipality as long as no direct financial benefit issues to the District.

3.3.5. Additional Requirements for Public Art Whether Donated, Purchased, or Commissioned

- (a) Site and Display of Public Art
 - A public location suitable to the District must be available with which the work will be visually compatible. The aim is to assure that the work is in scale and integrated into the environment or setting.
 - The theme of the work and how this theme fits the proposed location will be taken into consideration.
 - Density of other works and/or memorials in the proposed location will be taken into consideration.
 - Work must be appropriate in the District's opinion in relation to programs and activities occurring in and around the proposed location. The work must take into consideration the people using the area and the security and safety of the work. It must not hinder circulation or flexibility of uses of the site.
- (b) Safety and Maintenance
 - The work must not endanger the public (e.g. solidly mounted).
 - The work shall not require any unreasonable maintenance.

5784401v1

District of West Vancouver

PROCEDURE

- The work must be as much as possible vandal resistant.
- The work can be easily and efficiently protected and preserved.

3.4. Donations of Public Art

3.4.1. Types of Donations

(a) Portable Existing Works of Art

Artworks of a scale appropriate for rotation through public spaces belonging to the District. Works include paintings, prints, and small sculptures. The placement of portable works may not be stipulated as a condition of the donation.

(b) Non-Portable Existing Works of Art

Artworks of a scale larger than would be appropriate for the portable collection and would require a semi-permanent or permanent site.

(c) Commissioned Works of Art

Commissioned gifts to the District that usually require a specific and permanent site.

- 3.4.2.** Prior to a donation being considered, a proposal must be submitted to Cultural Services with the following information: photographs, correctly scaled sketches or other clear representation of the artwork being donated, name of the artist, media, size, date of creation, copyright information, and history if known.
- 3.4.3.** Staff will convene the advisory panel to review the donation within the criteria of the Municipal Public Art Collection. If the proposed donation is a memorial, it must also follow a review process for placing memorials in public spaces.
- 3.4.4.** Upon a positive recommendation by staff and the advisory panel, the value assessment by independent assessor(s) will be requested of the donor if the work exists. If the donation is a commission for the work to be created, the value for income tax receipts will be based on the creation costs of the work.
- 3.4.5.** A maintenance fund may be required of the donor prior to acceptance of the work.
- 3.4.6.** Works outside the Municipal Public Art Collection criteria may be accepted as donations on the understanding that these works may be sold to support the care, exhibition, and maintenance of the Municipal Public Art Collection.
- 3.4.7.** With acceptance of the art, the District will provide an income tax receipt if requested for the value assessed by the independent assessor(s) or from the value of the held receipts for its creation. The District follows current Canada Revenue Agency guidelines and procedures for issuing charitable tax receipts.
- 3.4.8.** Gifts of State may be presented to the District by visiting dignitaries or representative of other countries and governments. The review procedures do not apply to gifts of state.

District of West Vancouver

PROCEDURE

3.5. Commissions of Public Art

- 3.5.1.** Sponsors, whether donors or staff, should work with the advisory panel that will provide skilled assistance on selection procedures, technical and budgetary concerns; and on the uses, appropriateness, quality, and variety of art options for the commission. Relevant divisions of the District including Planning & Development Services, Engineering & Transportation Services, and Parks, Culture & Community Services will also be consulted as appropriate.
- 3.5.2.** The goals of a selection process are to:
- (a) implement the agreed upon goals of the project;
 - (b) ensure quality and integrity in the artwork; and
 - (c) choose an artist or artwork that best responds to the distinctive characteristics of a site or facility.
- 3.5.3.** Commissioned works will go through a two-phase review process:
- (a) The first “in-concept” phase identifies the concept, location, and budget. The District may call upon public input during the “in-concept” phase.
 - (b) The second phase occurs when the design has been developed in detail with construction, installation, and maintenance issues addressed.
- Sponsors of donations are encouraged not to commit to specific designs prior to the approval of the “in-concept” proposal and site.
- 3.5.4.** Once a commissioned work of art is completed, it will either be accepted into the Municipal Public Art Collection or remain as a temporary work in the public domain. Final acceptance into the Municipal Public Art Collection will not be granted prior to establishment of required maintenance provisions.

3.6. Selection Process for Commissioning of Public Art

- 3.6.1.** An artist is:
- (a) a practitioner in the visual arts;
 - (b) generally recognized by critics and peers as a professional of serious intent; and
 - (c) of recognized ability who produces works of art.
- 3.6.2.** Any of the following methods of selecting an artist(s) is possible although they are not exclusive.
- (a) Open Competition
- A request for proposals (RFP) inviting artists to submit resumes, slides and a short concept proposal is widely distributed. When the selection is narrowed to at least two finalists, the artists will be commissioned to produce models or working drawings that specifically address suggested materials, construction, and placement on the site. A final decision is made after review of the models and drawings. The District will pay honorariums to selected finalists for the development of detailed designs, models, and drawings of a selected concept proposal.

5784401v1

District of West Vancouver

PROCEDURE

(b) Limited Competition

A request to participate is sent to a selected list of artists requesting that they submit resumes, slides, and a short proposal for a project. A short list of at least two is selected from the responding artists and the finalists are commissioned to develop their concept through models and working drawings specifically using the materials, process of construction and placement on the site. A final selection is made after review of models and drawings. The District will pay an honorarium to the finalists for the detail development of a concept.

(c) Invitation

An artist (or group of artists) is directly chosen for a specific project and invited to submit a proposal. The artist(s) may be commissioned to produce models or working drawings that specifically address suggested material, construction, and placement on the site.

(d) Direct Purchase

A completed work of art is selected for a site. The artist(s) may be required to provide pictures of the completed work showing it in its proposed site. The District should enter into a written contract with the artist(s) who produced the work.

3.7. Bequests for Public Art

- 3.7.1. Bequests for commissioning a work of art should go through the process outlined above and may require provisions for the administration of the commission as well as the future maintenance of the work of art, as part of the bequest.
- 3.7.2. Bequests may be made to the District's Public Art Reserve Fund for future projects that can vary in scope from being general gifts to unspecified creation or purchase of art or to gifts that are of a specified scope. A stipulation may be acceptable if it falls within the policy criteria, for example, the donor could stipulate that the bequest be used to purchase portable works by Indigenous artists.

3.8. Bequests or Donations for Water Features Including Fountains, or Park Amenities

Definitions:

- (a) Fountains may be fairly simple or large and complex. They are considered as a separate category because of the additional infrastructure required and maintenance implied. (e.g. Eye of the Mountain Bear).
- (b) Park accessories and typical park amenities such as park furniture and street mosaics may fall within the public art definition if they are not prefabricated, and factory manufactured. For unique, one-of-a-kind creations these amenities must be considered for acceptance through an advisory panel in the planning process and may be considered for enrolment to the Municipal Public Art Collection.

District of West Vancouver

PROCEDURE

3.9. Approval Criteria for Bequests or Donations for Water Features Including Fountains, or Park Amenities

- 3.9.1.** Bequests or donations can vary greatly in scope and the impact they have upon a facility, park or public open space. Therefore, the review and process for allowing them to occur must be addressed uniquely and reflect those potential differences.
- 3.9.2.** All bequests or donations that are of a significant size and are referred to the advisory panel for consideration should be judged for appropriateness according to the following criteria. These criteria are intended to serve as guidelines for the reviewing body.
- (a) If an individual or event is being honoured, Council determines if the person or event is deemed significant enough to merit such an honour. The person honoured shall have been deceased for a minimum of two years. The event or organization has community relevance.
 - (b) The bequest represents broad community values.
 - (c) The bequest has timeless qualities and makes a statement of significance to future generations.
 - (d) The location under consideration is an appropriate setting for the bequest; in general, there should be some specific geographic justification for the memorial being located in that spot.
 - (e) The location of the bequest will not interfere with existing and proposed circulation and use patterns of the facility, park or open space.
 - (f) The bequest is compatible with the facility, park or open space character and design intentions.
 - (g) The quality, scale, and character of the bequest are at a level commensurate with the particular setting.
 - (h) The donation contributes to the setting from a functional or design standpoint.
 - (i) Donated funds should pay for the design, installation, manufacture, and maintenance of the bequest. This should be specified in an agreement with the donor.
 - (j) If the bequest also meets the Municipal Art Collection criteria, it will be enrolled.
 - (k) If there is a plaque, the District has final approval over wording and content.

District of West Vancouver

PROCEDURE

3.10. Water Features Including Fountains

Fountains are in a separate category because of the added complexity of utilities necessary for installation and ongoing maintenance. As these proposals are more complex, where the Fountain is a donation, the donor is required to go through a two-phase process: once at a conceptual level and again when the design is developed in detail.

- (a) The intention to install or donate a fountain will be submitted in writing to the District. Projects with initial capital costs of over \$75,000 will follow the District's Framework for Evaluating Community Group Proposals for New, Upgraded or Enhanced Facilities, Infrastructure and Equipment. The proposal should include as much detail as possible, including size, preferred location, time frame, and materials. The donor is required to go through the design review process with schematic designs for the fountain. If the design is conceptually approved, the donor will be required to provide a site plan and detailed design drawings.
- (b) The donor will also research utility hook-up necessary for installation of the fountain and be responsible for permits and hook-up fees. This will be specified in an agreement with the party.
- (c) The Parks Department will review the fountain proposal for concurrence with the location's master plan whether parks staff maintain the grounds. If no current master plan exists, or if there is some reason to question the suggested location in light of circulation or use patterns, the proposal will be delayed until an analysis can be done. Where a master plan exists and the proposed fountain is a variance to the master plan, the proposal will be processed as an amendment to the master plan.
- (d) The Parks Department will review the proposal with the Cultural Services Department. Cultural Services staff will convene an advisory panel to review the criteria for acceptance of the fountain if it includes artwork that is donated to the District. They will also advise the Parks Department as to suggested procedures for commissioning artwork if appropriate and gaining approval from Council.
- (e) The proposal will be reviewed by park operations, and modifications to the proposal will be suggested if necessary. The proposal, with suggested modifications, will be reviewed by the Director of Parks, Culture & Community Services and the Senior Management Team.
- (f) The Parks Department will also review the proposal in consideration of water conservation. Fountains must use a recirculating system for the water.
- (g) If the fountain proposal is accepted, the proposal with suggested modifications will be reviewed with the donor, and a standard form agreement on maintenance should be prepared.
- (h) The proposal will be recommended for approval to Council who will make the final decision.

3.11. Maintenance of Major Bequests

- 3.11.1. In general, it is recommended that any proposed bequest should be backed by an endowment fund and an adequate maintenance schedule by the donor

District of West Vancouver

PROCEDURE

to ensure its care so that the gift will remain in a condition satisfactory to the donor and the District.

3.11.2. The endowment fund should also cover costs of installation and/or removal. If the maintenance cost is in excess of the revenue generated by the endowment the District reserves the right to remove or modify the bequest or a portion of the bequest.

3.11.3. When the District is not able to maintain the bequest at the level agreed or at a level satisfactory to the donor, the donor will have the opportunity to supplement maintenance as required.

3.12. Appeals Process

3.12.1. If the donor's proposal is not acceptable, the donor has the right after the review process is complete to appeal to Council for a reconsideration of the proposal.

3.12.2. The decision of Council shall be final and binding upon the appellant.

3.13. Park Amenities

3.13.1. The District provides opportunities for residents to donate park amenities and each has its own policy and procedure. These include the Tribute Tree program and the Tribute Bench program.

3.13.2. Basic park amenities (such as benches, trees, and park furniture) that meet park standards and are prefabricated or manufactured do not require an extensive review process. Although they may recognize the donor and/or an individual or family, they are not considered memorials nor public art works within this policy criteria.

3.13.3. If the donor requests materials and/or design that are not standard, the donor may be asked to agree to maintenance responsibilities.

3.14. Deaccessioning Process

3.14.1. District staff will evaluate a work's potential for deaccession according to the criteria listed in the Municipal Art Collection Policy 0081. Recommendations for deaccessioning shall be forwarded to the advisory panel and, upon endorsement, to the Director of Parks, Culture & Community Services for final approval, and shall follow the process listed below.

(a) If sale of a work is recommended, final approval for this action rests with Council. Benefit of the sale will be to the Public Art Reserve Fund.

(b) Works that have seriously deteriorated beyond their usefulness may be destroyed or disposed of outright.

(c) Works may not be returned to a donor who has received a tax receipt, although as a courtesy they will be notified of the pending deaccession.

(d) Works stolen or lost shall be recorded as deaccessioned.

3.14.2. District staff will make reasonable effort to notify any living artist whose work is being considered for deaccessioning. The District has no obligation to replace the work.

District of West Vancouver

PROCEDURE

3.15. Repatriation Process

- 3.15.1.** The following procedures provide some basic guidance to staff regarding repatriation requests for Indigenous cultural material. The procedures apply only in the absence of other agreements or memoranda of understanding.
- 3.15.2.** Council or the Municipal Manager may request staff to work with representatives of an Indigenous community to explore the intent and scope of repatriation requests and to carry out repatriation procedures as directed.
- (a) Repatriation requests might come in different forms and will be considered on a case-by-case basis recognizing the need for a collaborative approach based on criteria that follow all applicable provincial, federal, and international legal requirements.
 - (b) The District encourages respect, openness and transparency in relationships between the District and Indigenous peoples regarding its Collections and their associated information.
 - (c) The District is responsible for working with Indigenous peoples to determine the provenance of Indigenous cultural material. This may require contracting Indigenous cultural experts and could include engaging with multiple Indigenous communities. Conflicting claims will be addressed on a case-by-case basis. The resulting information will be provided to the advisory panel.
 - (d) Staff is responsible for keeping an updated inventory of all Indigenous cultural material in the Municipal Public Art Collection and their provenance and ensuring this information is updated on the Municipal Art Collections Database and available upon request by Indigenous peoples.
 - (e) Staff must notify the Municipal Manager of any requests or inquiries related to repatriation and should provide the Municipal Manager with copies of the communication with the requestor, photos of the materials requested as well as any background information about the materials from the Municipal Art Collections Database.
 - (f) When a repatriation request is received from an Indigenous community, members of the advisory panel will work with representatives from the Indigenous community and District staff to make recommendations on the repatriation request.
 - (g) Alternatives to repatriation may be discussed, such as renewable loans, special access to collections, collaboration for the display of collections, custodial agreements, memoranda of understanding or shared stewardship arrangements.
 - (h) The recommendation of the advisory panel shall be documented and saved as District records.
 - (i) Final agreements about repatriation, including lists of materials to be repatriated and arrangements for custody and transfer, will be recorded in legal documents that will be signed by representatives of the District and Indigenous community.

District of West Vancouver

PROCEDURE

- (j) All repatriated material will be documented by District staff prior to transfer to the Indigenous community as agreed upon by the advisory panel. The documentation may consist of updated condition information at the time of transfer and photographs. The agreed upon documentation must be saved as District records.

3.16. Public Art on Private Property

- 3.16.1.** The District's Planning Department determines if public art is appropriate for a private development or redevelopment project based on the location of the development, size, and scale of development. A developer may also propose public art as part of a development or redevelopment proposal.
- 3.16.2.** Public art proposals as part of a development or redevelopment proposal will be reviewed by an advisory panel for input.
- 3.16.3.** Public art on private property is not enrolled in the Municipal Public Art Collection inventory as they are not owned by the District.
- 3.16.4.** Public art on private property is not the responsibility of the District for ongoing maintenance, repair or decommissioning.
- 3.16.5.** The District may wish to include public art on all public and private property in marketing materials to highlight public art locations in the District.

Community Public Art

3.17. Public Art Programs

- 3.17.1.** The District may develop programs that include temporary and community public art as well as art murals to create opportunities for community engagement.
- 3.17.2.** Goals:
 - (a) Create programs and processes for supporting community initiatives related to temporary works of public art and street murals.
 - (b) Provide programs that enable community groups to receive support for projects through the District's Public Art Reserve Fund.
 - (c) An amount of up to \$25,000 will be transferred annually from the Public Art Reserve Fund to a Community Public Art & Murals Program operating fund for District staff and the advisory panel to oversee projects.
 - (d) Annually, there will be a Call for Submissions from community groups for Community Public Art projects that are temporary in nature. Proposals will be reviewed by District staff and an advisory panel.

3.18. Temporary Public Art

- 3.18.1.** The Temporary Public Art Program seeks to support community participation in the animation of public spaces. The Temporary Public Art Program supports art projects between community groups and an artist or artists which engages community members in the creation of a temporary work. Temporary works of art can explore issues, ideas, voice community identity, express historical and cultural spirit and create dialogue through art.

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District of West Vancouver PROCEDURE

- 3.18.2.** An exhibition lasting fewer than 12 months, which may consist of one or more works of art which are not for sale, is considered a temporary installation.
- (a) Temporary works of art may be produced by a professional artist or a community initiative involving a professional artist or facilitator.
 - (b) Temporary works of art should be accessible to the public and located on public property such as District-owned or controlled parks, streets and buildings. Sites owned by the federal or provincial governments can also be considered.
 - (c) For public spaces such as parks, temporary art installations will require approval from the District's Parks Department through the Cultural Services Department before being considered by the advisory panel. Projects may be restricted or limited based on available public space due to public use.
 - (d) Projects will be proposed through an application process using a standard form made available through Cultural Services. Applications must be received from an organization or a group, individuals are not eligible to apply.
 - (e) The District may initiate proposals to install temporary art installations on District property for review by the advisory panel.
 - (f) Completed application forms outline the time frame for the work to be in place, location, installation process and guidelines, artist involvement, insurance coverage, maintenance requirements and responsibilities assigned for the dismantling and removal of the installation. Project budgets will also be included in the application process identifying sources of revenues other than the District and all project costs.
 - (g) Proposals for temporary works of art are reviewed by Cultural Services staff and the advisory panel.
 - (h) The District's Public Art Reserve Fund may or may not support temporary works of art with funding. If District funding is requested, staff and the advisory panel will review proposals and determine if funding is warranted. Funding would generally be between \$1,000 to \$5,000 CAD depending on size and duration of project, artist fees, cost of supplies, project coordination. A maximum amount for any one project would be \$10,000 CAD.
 - (i) To be eligible for funding support from the District, projects must either be led by a local community organization, involve local artists and/or have involvement from the local community in the case of a community public art project.
 - (j) Community partners are encouraged to provide matching funds where possible or contribute through an equivalent amount of contributions in-kind.
 - (k) Temporary artworks do not require Council approval.

District of West Vancouver

PROCEDURE

3.19. Public Art Murals

- 3.19.1. A mural is either a painting on a wall surface, a digitally produced image printed on a substrate, a mosaic or a bas relief that is applied directly to a wall and that is visible from the public right-of-way. Murals can add vibrancy to highly visible public spaces, foster community identity and civic pride, engage youth and deter graffiti.
- 3.19.2. The lifespan of a mural is typically between three to five years. After this, the mural may be removed or decommissioned. If maintenance or repair is required within the lifespan of the mural, this work should be carried out by the original artist if possible. Budgets for repairs will be allocated from the annual Public Art Maintenance budget and is dependent on available funds.
- 3.19.3. Murals are not considered a sign or incorporate anything that is a sign, as regulated by Sign Bylaw No. 4499, 2007.
- 3.19.4. Murals shall not promote goods and services of any business and shall not violate any federal, provincial, or local laws. The artwork shall not convey partisan politics, negative imagery, religious and/or sexual content.
- 3.19.5. Proposals to produce a mural on District-owned public buildings or infrastructure must make an application using a standardized form reviewed by Cultural Services and the advisory panel. Proposals must be received from an organization or a group, individuals are not eligible to apply.
- 3.19.6. The District may initiate proposals to produce art murals on District property for review by the advisory panel.
- 3.19.7. The District's Public Art Reserve Fund may or may not support a mural project with funding support depending on location and building ownership. If District funding is requested, staff and the advisory panel will review proposals and determine if funding support is warranted. Funding would generally be between \$5,000 to \$20,000 CAD for artist fees, cost of supplies, insurance, project coordination. The project applicant may also fundraise, or finance privately additional costs required for a mural.

4. Delegation of Authority

- 4.1. Community Public Art Projects that are temporary are reviewed and recommended by staff with the advisory panel with final approval by the Director of Parks, Culture & Community Services.
- 4.2. Art murals are reviewed and recommended by staff with the advisory panel with final approval from:
 - (a) Director, Parks, Culture & Community Services;
 - (b) Director, Community Relations & Communications; and
 - (c) Director, Engineering & Transportation Services.
- 4.3. Sculpture and other permanent works as memorials including fountains require review and pre-approval by staff and an advisory panel. Recommendations are

District of West Vancouver PROCEDURE

reviewed by the Arts & Culture Advisory Committee and forwarded to Council for final consideration and approval.

5. Approval

Approved by	<input type="checkbox"/> Municipal Manager	<input checked="" type="checkbox"/> Mayor and Council
Approval date	2025/01/27	
Council minutes eDocs # (Council Procedures only)	5796554	
Council report eDocs # (Council Procedures only)	5784320	
Signature	<u><i>[Original signed by Mayor]</i></u> Mayor	

6. Additional Information

Category	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Administrative
Date of last review	2025	