Recommendation

It is recommended that the London Public Library Board receive this report.

Purpose of this Report

The purpose of this report is to provide:

- a summary of decision of the Library Board in 2007 on the matter of the art collection;
- a status report on work undertaken by the library and the museum as directed by the Board since 2007; and
- background documents on the history of the art collection and the relationship between the London public Library and Museum London


In December 2007, the Board of the London Regional Art and Historical Museums (Museum London), through its Executive Director, Brian Meehan requested that the Library Board

- Review the agreement of 1981 regarding the ownership of the art collection, housed and maintained at the Museum London since the time of the separation of the London Public Library and the Art Gallery;
- Transfer the ownership of the works referred to in the Agreement of 1981 (the Art Works) to the Museum London; and
- Review the need for an appointment from the Library Board to the Museum London Board as per the establishing legislation.
At that time, Library Board members discussed the current agreement between the Library Board and Museum London and agreed that the direction of the Board would be to leave the current agreement in place with no changes. It was moved that the request from Museum London to transfer ownership of works of art referred to in the agreement dated June 2, 1981 be declined with thanks (Library Board motion L07/64.1).

In May 2008, Mr. Brian Meehan, Executive Director, and Mr. Jim MacNeill, Board Chair, made a delegation to the Library Board to answer questions regarding de-accessioning and sale of works previously raised by the Library Board in its deliberations regarding the transfer of the ownership of the art. Mr. Meehan clarified that Museum London has policies and procedures in place to care for these works of art and that if any artwork was sold, the money would have to be put back into the collection.

It was agreed that while the Library Board had declined a change in ownership in 2007, the Board was interested in additional information to determine if there would be value in opening up a dialogue with Museum London on this matter. Next steps were identified and included the following:

- Review of the valuation of the Library’s art collection;
- Developing a working relationship between Museum London and the London Public Library Board; and
- Changing the current legislation that pertains to Museum London. (Library Board motion L08/26)


A status report on the work undertaken on these steps follows.

Valuation of Art Collection

An itemized valuation inventory of the LPL collection, containing 1,476 works, has been provided to Library Administration by Mr. Meehan. The inventory was created in 2004 and includes updated 2005 or 2008 appraisal values for selected works.

Works of art are not recognized as tangible capital assets and therefore will not show on the LPL’s financial statements. However, a note to the financial statements will read: “Works of art and cultural and historic assets. Works of art and cultural and historic assets are not recorded as assets in these financial statements.”

Working Relationship

In 2009, several members of the Library Board and Administration toured Museum London to gain a greater understanding of the scope of the collection and the measures in place to store, preserve, conserve, access and exhibit the collection and works of art within the collection. Art Galleries, museums and archives require special design consideration for a number of reasons, most notably is the uniqueness and value of the contents. Mr. Meehan
described the facility design standards and specialized equipment that must be in place for temperature, relative humidity, lighting/UV radiation, air quality, security and fire protection. He also showed the archival quality materials/supplies required to house specific types of items such as prints. All capital and operating costs for the collection are paid for by Museum London.

Current Legislation pertaining to Museum London

Currently Museum London is incorporated under the Museum London Pr 16 (1989). See Appendix C. Changes by the provincial government to the Municipal Act have allowed the possibility of Museum London to be incorporated under a City of London by-law rather than provincial legislation. The Museum London Board has been exploring this option with the City's Legal Department and City Administration and, if possible, a by-law could be enacted in 2010. Museum London ED Brian Meehan has been directed by the Museum Board to investigate this possibility.

3. Background Documents

Background documents are found in Appendix A through C.

Appendix A: London Public Library Board, Minutes, 2007 (L07.64.1)

Appendix B: Report to the London Public Library Board, December 2007
London Regional Art and Historical Museums (Museum London): Transfer of Works Referred to in the Agreement of 1981 (Art Works), including:
- Chronology of Relationship of Library, Art Gallery and Historical Museums

Appendix C: Bill Pr 16: an Act respecting London Regional Art and Historical Museums (Chapter Pr24 Statutes of Ontario, 1989)

4. Next Steps

Library administration will:

- monitor the development of the by-law;
- work with Museum London and the City to ensure that the interests of the LPL in the by-law are met;
- report to the Library Board on the impact of the by-law with respect to the transfer of the art works.
Appendix A

From London Public Library Minutes December 12, 2007

L07/64.1  London Regional Art and Historical Museums (Museum London): Transfer of Works Referred to in Agreement of 1981 (Art Works)

The Board of Museum London has requested that the Library Board review the agreement of 1981 regarding the ownership of the Library art collection, transfer of the ownership of the works and the need for an appointment from the Library Board.

Board members discussed the current agreement between the Library Board and Museum London and agreed that the current agreement will stay in place with no changes. Museum London will continue to manage the art collection for the Library Board.

It was MOVED by Councillor Winninger and seconded by Ms. Lubell that the request from Museum London to transfer ownership of works of art referred to in the agreement dated June 2, 1981 be declined with thanks.

CARRIED
APPENDIX B

REPORT TO THE LIBRARY BOARD
MEETING DATE: December 12, 2007

<table>
<thead>
<tr>
<th>Session:</th>
<th>Public Session</th>
</tr>
</thead>
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<tr>
<td>Subject:</td>
<td>London Regional Art and Historical Museums (Museum London): Transfer of Works Referred to in the Agreement of 1981 (Art Works)</td>
</tr>
<tr>
<td>Prepared By:</td>
<td>Margaret Mitchell</td>
</tr>
<tr>
<td>Presented By:</td>
<td>Anne Becker, Margaret Mitchell</td>
</tr>
<tr>
<td>Purpose of Report:</td>
<td>For Decision:</td>
</tr>
<tr>
<td></td>
<td>Approval ✓</td>
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</tbody>
</table>

Recommendation

It is recommended that the London Public Library Board

- Approve the recommendations regarding the terms and conditions of the transfer of ownership of the Works referred to in the Agreement of 1981 (dated June 2, 1981) between the London Public Library Board and the London Regional Art Gallery, and its subsequent amendments, as outlined in Appendix A
- Receive this report.

Issue / Opportunity

The Board of the London Regional Art and Historical Museums (Museum London), through its Executive Director, Brian Meehan has requested that the Library Board

- Review the agreement of 1981 regarding the ownership of the art collection, housed and maintained at the Museum London since the time of the separation of the London Public Library and the Art Gallery;
- Transfer the ownership of the Works referred to in the Agreement of 1981 (the Art Works) to the Museum London; and
- Review the need for an appointment from the Library Board to the Museum London Board as per the establishing legislation.
Upon review of records regarding the events and decisions of 1978 to 1984, when the original agreements were signed, the areas of requested review are reasonable for consideration by the Library Board. It appears to be a matter of clearing up previous business between two Boards, now both with specific and distinct mandates, demonstrated commitment to the interests of London and recognized expertise in staff and administration in their areas of responsibility.

**Background & Review**

The London Art Gallery was under the governance of the Library Board from approximately 1939 and was housed in the Elsie Perrin Williams Library and Art Gallery on Queens Ave. The London Regional Art Gallery (LRAG) became an independent Board in 1973. The London Public Library Board was also responsible for the Historical Museums from 1963 to 1988, when it ratified the merging of the London Regional Art Gallery (LRAG) and the Museums into the present day London Regional Art and Historical Museums or Museum London (enacted January 1, 1989). Appendix B includes brief chronology.

**Ownership of the Works referred to in the Agreement of 1981**

In 1978, the Library Board approved the following resolution:

> It is the intention of the London Public Library Board to make available by loan or transfer of ownership, subject to legal authority to affect the same, the majority of its collection of art for use by the London Regional Art Gallery. The methods by which the works are made available will depend on a written agreement between the two Boards. (L78/54)

Under the terms of the City of London Act of 1979, the London Public Library Board was given permission to convey the Art Works to LRAG.

The intention had been to transfer ownership of the Art Works from the Library to the LRAG once it had severed its ties with the Library. Because of an alleged comment, which was later denied, regarding the possibility of selling the collections to generate operating funds for the Gallery, the Library Board of the time, decided to retain ownership of the Art Works until 2030.

The initial transfer of the Art Works began in 1980. In 1981 and 1984, subsequent agreements were put in place (Appendix C) to maintain ownership of the collection by the Library while the custodial and display responsibilities were transferred to the LRAG.

The Art Works were comprised of purchased and donated items. The inventory included 1500 items, Canadian artists including Group of Seven, Inuit sculptures and many well-known local artists. The collections had been donated by a variety of local groups (such as the Women’s Committee, the Junior Women’s Committee, the Art Gallery Association, Western Art League, and individual estates).

Since 1980, the Museum London has grown into a world-recognized gallery with excellent display and storage facilities. Museum London’s priorities in its collection policy include “Canadian visual art, with an emphasis on the London region”. Its Collection Policy is contained in Appendix D.

**Membership on the LRAG Board**

---

The London Regional Art Gallery has been independent of the Library Board since 1973. At that time, it was agreed that a Library Board member sit on the LRAG’s Board of Directors as liaison during the transition. Membership of the Library on the LRAG was confirmed in the provincial legislation to establish LRAG (1984) and again in 1989 with the merging of the Art Gallery and Historical Museums (Museum London) (1989). Membership includes “one person appointed by and from the London Public Library Board for a term of office not exceeding three years as the Library Board shall decide.” The Library Board appointed a member to the Museum London Board until 1993.

In 1993, the Library Board advised Museum London that it take appropriate steps to amend the existing legislation regarding the appointment to the Museum London Board, by either enabling the Library Board to appoint a representative not necessarily a board member, or deleting the Library Board (L93/94). Neither Board appears to have followed up on this matter.

Analysis and Recommendation

Administration has reviewed this request from a number of different viewpoints, some of which were highlighted in the original discussions:

Mandates of the Organizations

Both the Museum London and LPL are committed to serving the community of London.

The mission of the Museum London is “to enrich public knowledge and enjoyment of the art and history of the London region and Canada.” Museum London has brought many significant exhibitions to the City and it provides programs and events for people of all ages interested in art in its many forms. It offers workshops and learning experiences to encourage an interest in all art.

The mission of the LPL is to “make a difference in our community, one person at a time, by enriching lives and empowering people through relevant, accessible, high quality library services” and “to be a Community Hub that strengthens individuals, families and neighbourhoods by connecting them to people and to relevant information, collections, programs and resources.”

Conclusion: The Museum London is focused on the celebration and preservation of London’s rich artistic heritage and is recognized in the community as the focus of art collections for the community. It is well-positioned to own and manage the Permanent Collection.

Protection of the Art Works

The Museum London has a Collection Policy that identifies priorities which are consistent with the Art Works. The Museum London follows the standards set by the Canadian Art Museums Directors’ Organization regarding collection management. It is reasonable to assume that the collection will be protected as well as possible, under the guidance of the Museum London policies and recognized staff expertise in the area of art exhibition and preservation. It also specifies how and when items can be de-accessioned from the collection.
As a further precaution, given the concerns raised by the Board in 1980, consideration should be given to a monetary penalty if items from the Art Works identified in this document are sold in order to support the operating budget of Museum London.

**Conclusion:** Museum London has policies, procedures and expertise in place to manage the permanent collection in a professional manner. A monetary penalty against items being sold to support the operating budget will be a condition of transfer of ownership.

**Contract Requirements**

The Library would be required to deal with this issue in 2030 when the agreement ends. The Library does not have now nor is expected to have the physical capacity, appropriate storage or display, or staff expertise to deal with an art collection of this size and scope.

**Conclusion:** There does not appear to be any reason to delay action on the request from Museum London. It will foster good relations between the organizations.

**Access to Art**

LPL continues to play an important role in the development and showing of local art. Meeting rooms in most branches are designated as display space and are rented almost continuously by artists for showings. In addition, the Library is requesting ongoing reasonable access for the purposes of display of some items from the Permanent Collection.

**Conclusion:** LPL will continue to have some role in access to local art as part of our overall mandate to individuals and local communities.

**Liaison between the Library and Museum London**

The original intent of having an LPL Board member on the Museum London Board was to provide liaison during the transition period. Given the frequency of Board meetings of both organizations, the task proved onerous and not worthwhile eventually as the roles diverged. Staff liaison for administrative and possible co-sponsored service ventures are strong and maintain our abilities to work effectively together for the community.

**Conclusion:** Liaison between the LPL and Museum London will continue positively as required without Board to Board involvement.

**Next Steps**

Upon approval of the recommendation, the Museum London and LPL administrative staff will meet with the City of London Legal Department to discuss the process at the municipal level.
APPENDIX A

Recommendation

It is recommended that the London Public Library Board

1) approve the transfer of ownership, subject to legal authority to affect the same, its collection of art identified as that currently held by the London Regional Art and Historical Museums as custodians under the terms of the agreement made June 2, 1981 and 1984, between the London Public Library and the London Regional Art Gallery and the Corporation of the City of London, subject to the following conditions;

   a. that Museum London initiate and complete all legal requirements to complete, with the full involvement and approval of London Public Library administrative staff, the transfer, including municipal requirements as outlined in the agreement of 1981 and provincial legislative requirements, by June 2008;

   b. that Museum London reimburse all costs incurred by the London Public Library, including any legal costs, in the preparation of the documents and processes undertaken to complete the transfer;

   c. that should the Museum London de-accession Art Works referred to in the Agreement of 1981 through sale, for purposes of supporting the operating budget of the Museum, that Museum London notify the Library of such de-accessions and convey to the London Public Library, 50% of the gross revenue generated by the sale of the item(s), within 60 days of the de-accession;

   d. that the Museum London’s Collection Policy be amended to reflect this requirement;

   e. that the Art Works referred to in the Agreement of 1981, when appropriate, be made available to the London Public Library, from time to time for display on Library property, without fees or charges, as requested by the Library.

2) advise Museum London to take appropriate steps to amend the existing legislation to delete the requirement of the London Public Library Board to appoint a person to sit on the Museum London’s Board of Directors.
## APPENDIX B

### Chronology of Relationship of Library, Art Gallery and Historical Museums

<table>
<thead>
<tr>
<th>Date</th>
<th>Milestone</th>
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</table>
| 1939 | - Elsie Perrin Williams Building opened housing the London Public Library and Art Museum  
- Library Board responsible for Art Gallery operations with Art Advisory Committee of the Board |
| 1952 | - Expansion of Elsie Perrin Williams to add three new galleries |
| 1963 | - City transfers operational responsibility for Historical Museums to the London Public Library with Historical Museums Committee of the Board |
| 1968 | - Expansion of Elsie Perrin Williams to approx. 97,000 sq. ft |
| 1969 | - Centennial Museum building on Queens Ave on opens |
| 1973 | - London Regional Art Gallery established as separate Board; gains autonomy from the Library Board; still occupies 2nd floor of Elsie Perrin Williams |
| 1978 | - **Library resolution to transfer or loan Works referred to in the Agreement of 1981 to Regional Art Gallery** |
| 1980 | - New Art Gallery Opens at the Forks of the Thames  
- **Transfer of works referred to in the Agreement of 1981 (Lots 1 through 10) from Library to Gallery**  
- Expansion of Library to second floor of Elsie Perrin Williams  
- New Museums Committee of the Board struck; consideration of independent Museum Board |
| 1981 | - **Transfer of custodial responsibilities of Works referred to in the Agreement of 1981 (Lots 11 through 18) from Library to Gallery** |
| 1984 | - **Transfer of custodial responsibilities of Works referred to in the Agreement of 1981 (remaining items) from Library to Gallery** |
| 1984-1988 | - Consideration of amalgamation of Art Gallery & Museums; including trial joint operations period in 1988 |
| 1987 | - The London Public Library Board and the London Regional Art Gallery Board entered into a two-year trial period of cooperatively managing museum services. |
| 1989 | - London Regional Art and Historical Museums open |
| 1993 | - Library Board requests deletion of membership on MUSEUM LONDON’s Board |
THIS AGREEMENT made this 2nd day of June, 1981,

BETWEEN:

THE LONDON PUBLIC LIBRARY BOARD,
a corporation established under the provisions of The Public Libraries Act,
hereinafter called the "LIBRARY"

OF THE FIRST PART

AND

LONDON REGIONAL ART GALLERY,
a corporation established by Special Act of the Province of Ontario,
hereinafter called the "ART GALLERY"

OF THE SECOND PART

AND

THE CORPORATION OF THE CITY OF LONDON,
hereinafter called the "CITY"

OF THE THIRD PART

WHEREAS the Library is the owner of certain works of art set forth in Schedule "A" hereof and which are hereinafter collectively referred to as the "works of art" and individually as a "work of art".

AND WHEREAS the parties hereto acknowledge and agree that the works of art are for the benefit of the citizens of the London and regional community.
AND WHEREAS the parties hereto have agreed that the Art Gallery shall act as custodian of the works of art on the terms and conditions more particularly set forth in this agreement.

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1) Appointment

The Library hereby appoints the Art Gallery to act as custodian of the works of art on behalf of the Library and the Art Gallery hereby agrees to act as such custodian without remuneration.

2) Location

The parties hereto agree that the works of art shall be kept at the Art Gallery, 421 Ridout Street North, London, Ontario, N6A 5H4, provided, however, that the Library hereby grants to the Art Gallery permission to lend from time to time some of the works of art for exhibition and/or display purposes to recognized galleries, museums and public institutions.

3) Acknowledgment

The Art Gallery acknowledges that all right, title the
and interest in the works of art remain vested in the Library and that the Art Gallery will relinquish its custodianship of the works of art on the termination of this agreement.

4) Term of Agreement

The parties hereto agree that this agreement shall conclude and be ended on the 31st day of December, 2030; provided, however, that this agreement may be terminated at any time:

(a) upon the Art Gallery giving to the Library not less than one hundred and twenty (120) days' written notice of termination, or

(b) upon the Library giving to the Art Gallery not less than one hundred and twenty (120) days' written notice of termination,

provided, however, that no termination pursuant to the provisions of this paragraph 4 shall be effective without the approval of the Council of the City.

5) Indemnity

The Art Gallery covenants and agrees with the
Library that the Art Gallery will at all times take all reasonable and appropriate care to protect the works of art from any damage, loss or theft and hereby specifically covenants and agrees to indemnify the Library and save it harmless from any and all loss resulting from any such damage, loss or theft.

6) **Insurance**

The Art Gallery agrees to maintain such policies of insurance on the works of art in amount and with coverage as may be satisfactory and acceptable to the Library and to pay all premiums in respect thereof on or before the same become due and payable. Such policies of insurance shall note the interest of the Library as the owner of the works of art and the Art Gallery agrees to provide to the Library the original copy of all such policies.

7) **Restoration and Repair**

The Library hereby grants to the Art Gallery permission to restore and/or repair paintings included within the works of art and such restoration or repair is to be at the sole expense of the Art Gallery.

8) **Return to Library**

The Library may at any time and from time to time by
notice in writing to the Art Gallery request any one or more works of art to be returned to the Library and the Art Gallery covenants and agrees to forthwith comply with all such requests without any costs or charge to the Library. If a work of art is currently in an exhibition and/or on display pursuant to the provisions of paragraph 2 hereof, such work will not be returned to the Library until it is returned from the exhibition or display to the Art Gallery. In addition, the Art Gallery shall at all times make available to the Library a suitable selection of paintings for display within the various premises of the Library and such paintings shall be provided without any cost or charge to the Library. Works of art returned to the Library pursuant to the provisions of this paragraph may at the discretion of the Library be subsequently returned to the Art Gallery and as and from the date of such return shall be subject to all of the provisions of this agreement. All costs of transfer of works of art from the Art Gallery to the Library or the return thereof from the Library to the Art Gallery pursuant to the provisions of this paragraph 8 shall be the responsibility of the Library.

9) Additional Schedule(s)

The parties hereto, by one or more additional schedules referring specifically to this agreement and signed by the Library and by the Art Gallery may set forth additional works of art which shall thereupon be "works of art" for all purposes of this agreement.
10) **Rights of Reproduction**

Insofar as is within its power to do so, the Library grants its permission to the Art Gallery to reproduce any of the works of art and, further, grants its permission to the Art Gallery to approve reproduction of any of the works of art by others; the Art Gallery covenants with the Library that it will obtain any further consent or permission which may be required by law with respect to any such reproduction and, further, that the Art Gallery will indemnify the Library and save it harmless from any and all claims and demands relating to reproduction of any of the works of art.

11) **Director's Certificate**

At least every five (5) years during the term of this agreement the Art Gallery shall deliver to the Library the certificate of the Art Gallery's Director setting forth that as of a date not more than six (6) months prior to the date of such certificate, the Director has accounted for all works of art save only such exceptions noted in the certificate.

12) **Inspection**

The Art Gallery shall allow the Library, its employees and representatives to inspect the works of art at all reasonable times throughout the term of this agreement.
13) **Assignment**

This agreement shall not be assigned by any party hereto.

14) **Communication**

Any communication provided for or permitted under this agreement shall be in writing and delivered to or mailed by prepaid registered mail to the party to whom it is to be given at:

(a) in the case of a communication to the Library:

```
The London Public Library Board,
305 Queens Avenue,
London, Ontario,
N6B 3L7
```

to the attention of the Director and Secretary-Treasurer;

(b) in the case of a communication to the Art Gallery:

```
London Regional Art Gallery,
421 Ridout Street North,
London, Ontario,
N6A 5H4
```

to the attention of the Director;

(c) in the case of a communication to the City:

```
The Corporation of the City of London,
P.O. Box 5035,
300 Dufferin Avenue,
London, Ontario,
N6A 4L9
```

to the attention of the Clerk;
15) **Governing Law**

This agreement shall be governed by the laws of the Province of Ontario.

16) **Headings**

All headings used herein have been provided for convenience of reference only and are not intended to assist in the interpretation of any of the provisions hereof.

17) **Time of the Essence**

Time shall be of the essence of this agreement.

18) **Binding Effect**

This agreement shall enure for the benefit of and be binding upon the parties hereto and their respective successors.

IN WITNESS WHEREOF the parties hereto have executed this agreement.

SIGNED, SEALED AND DELIVERED) THE LONDON PUBLIC LIBRARY BOARD

in the presence of:

Per: Calvin Boyce
Chairman

Per: Stanley Broock c/s
Secretary

LONDON REGIONAL ART GALLERY

Per: Charles Brown
Chairman

Per: A. K. Merlino c/s
Past Chairman

THE CORPORATION OF THE CITY OF LONDON

Per: F. A. Shew c/s
Mayor

Per: Clerk
THIS AGREEMENT made this 16th day of August, 1984,

BETWEEN:

THE LONDON PUBLIC LIBRARY BOARD,
a corporation established under the provisions of The Public Libraries Act,
hereinafter called the "LIBRARY"

OF THE FIRST PART

AND

LONDON REGIONAL ART GALLERY,
a corporation established by Special Act of the Province of Ontario,
hereinafter called the "ART GALLERY"

OF THE SECOND PART

AND

THE CORPORATION OF THE CITY OF LONDON,
hereinafter called the "CITY"

OF THE THIRD PART

WHEREAS the parties hereto have heretofore entered into an agreement dated June 2, 1981 with respect, inter alia, to the appointment of the Art Gallery as custodian of "works of art" as therein defined.

AND WHEREAS the parties wish to amend the said agreement in the manner hereinafter provided.

NOW THIS AGREEMENT WITNESSETH that in consideration of
other good and valuable consideration and the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. **Additional Works of Art**

   The parties hereto agree that the works of art set forth in Appendices I, II, III and IV hereof shall constitute "works of art" for all purposes of the agreement dated June 2, 1981.

2. **Missing Works of Art**

   The parties hereto agree that the works of art set forth in Appendix V hereof have been stolen in the past or are missing and do not constitute "works of art" for the purposes of the said agreement dated June 2, 1981.

3. **Full Force and Effect**

   The parties hereto agree that save only as herein specifically amended, all of the terms, conditions and provisos set forth in the agreement dated June 2, 1981 continue in full force and effect.

4. **Headings**

   All headings used herein have been provided for convenience of reference only and are not intended to assist in the interpretation of any of the provisions hereof.
5. Binding Effect

This agreement shall enure for the benefit of and be binding upon the parties hereto and their respective successors.

IN WITNESS WHEREOF the parties hereto have executed this agreement.

SIGNED, SEALED AND DELIVERED )

in the presence of: )

THE LONDON PUBLIC LIBRARY BOARD
Per: ________
Chairman
Per: ________
Secretary
c/s

LONDON REGIONAL ART GALLERY
Per: ________
Chairman
Per: ________
Secretary TREASURER
c/s

THE CORPORATION OF THE CITY OF LONDON
Per: ________
Acting Mayor
Per: ________
Clerk

APPROVED

DATE

DEPT.

C. OF L.

NO. 6184.
MUSEUM LONDON
(London Regional Art and Historical Museums)

BOARD POLICY

COLLECTIONS

Preamble

Museum London is dedicated to acquiring, conserving, researching, communicating and exhibiting its collections. The purpose of the collections policy is to establish Museum London's guidelines for:

- The methods of acquiring "objects" including artifacts and works of art for the collections.
- The care of the collections.
- Maintenance of a comprehensive, accessible system of record-keeping for all objects in the collection and being considered for the collection.
- The deaccessioning of objects.
- The lending of objects to or borrowing of objects from other museums, institutions, and private sources.

Although Museum London may accept loans of objects for purposes of research, teaching, public programming and exhibitions, the following policy applies only to objects that have been accessioned. Efforts will be made to maintain the same level of safeguards for incoming loans as for accessioned objects as addressed in the Exhibitions Policy.

Policy

Museum London will maintain and expand the accessioned collections according to the following priorities:

- Canadian visual art, with emphasis on the London region.
- Historical artifacts that document the origin and development of the history of the City of London.
- Artifacts with relevance to the Eldon House collection and the Harris family.

Conditions of Acquisition

Objects will be accessioned into Museum London's collections only under the following conditions:

- The objects must be consistent with and relevant to Museum London's mission.
• Museum London must be able to provide proper care and storage for the objects. No object should be considered for acquisition if its physical condition exceeds Museum London's financial ability for its proper care and preservation.

• The objects must be accompanied by warranties of good legal title.

• Insofar as possible, the objects must be accompanied by a good record of provenance and must be authenticated.

• Offers must be accompanied by a statement of their current market value completed by a certified appraiser.

• Donations must be free and clear of conditions and restrictions imposed by the donors regarding Museum London's use of the objects.

• All donations to Museum London's collections are irrevocable upon the formal transfer of title to Museum London.

• Museum London is satisfied that any object to be acquired whether by donation, exchange, or purchase, is not stolen or otherwise illegally acquired or collected. The acquisition of cultural property which has been in foreign countries will comply with the *Cultural Property Export and Import Act*, which incorporates the principles and provisions of the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (1970) into Canadian law.

**Care of the Collections**

Museum London will allocate an annual budget for funding the continuing care and preservation of objects in its collections. Proper storage and exhibition facilities along with adequate environmental-control systems will be maintained by Museum London at all times. These issues are addressed further in the Conservation and Physical Plant policies.

A properly trained individual will be given the responsibility for managing the collections.

Museum London will ensure that the collections are adequately protected against fire, flood, pests, theft, vandalism, and natural disaster. These issues are addressed further in the Risk Management and Emergency and Disaster Planning Policies.

Museum London will establish and maintain a comprehensive system of records that will include the following information:

• Documentation pertaining to the provenance and legal title of an object.

• All correspondence, documents, and other materials pertaining to an accessioned object.

• Accessioning and cataloguing data.

• Photographic documentation.

• Condition and conservation history.

• Insurance records.
• Current location and loan records.
• Deaccessioning information.

Duplicate copies of all essential records pertaining to Museum London’s collections will be made and stored off Museum premises in a secure and appropriate location.

**Deaccessioning**

Museum London reserves the right to deaccession any object under any of the following criteria:

- An object is no longer relevant within the collection, exhibition, or research programs of Museum London.
- An object was acquired illegally or unethically.
- An object has failed to retain its physical integrity or authenticity and cannot be properly preserved, stored, and used.
- For the purpose of acquiring objects of similar but better quality for Museum London’s collections.

The public relations impact must be carefully assessed prior to the approval of any deaccession. Museum London will follow all requirements and regulations set by the Canadian Cultural Property Export Review Board and Canada Customs and Revenue Agency as related to deaccessioning. Registration will maintain all records pertaining to deaccessioned objects.

**Disposals**

Disposal of deaccessioned objects will be made by the following means:

- Sale at fair market value or exchange with another museum or charitable institution will be the first course of action pursued.
- If an exchange with another museum or charitable institution is not possible, a donation to another museum or charitable institution may be considered.
- Sale at public auction.

In case of an object by a living Canadian artist, no action will be taken until the artist is first consulted.

A deaccessioned object may be destroyed if it is not salvageable or no longer of interest to any party.

No member of the Board of Directors, Museum London employee or volunteer, or their representative or immediate families may be given, sold, or otherwise knowingly obtain deaccessioned objects. Deaccessioned objects may not be directly sold to private individuals and corporations.

All monies realized from the sale of any object or collection will be used by Museum London only to add to or upgrade Museum London's collections, preferably in the curatorial department from which the sold objects were deaccessioned.

**Loans**
Museum London may borrow objects from other museums, galleries, and private sources for the purposes of exhibition, research, or public programming and education. Museum London may also lend objects from its collections to responsible institutions for the purposes of exhibition, research, or public programming and education. Outgoing loans are an important aspect of Museum London’s mandate and allow Museum London’s collections to be used and enjoyed more widely in Canada and elsewhere.

- All loans are subject to a formal written agreement between the lender and the borrower, which ensures appropriate coverage of all insurance obligations. The borrower will comply with all restrictions and conditions imposed on borrowed objects.
- Loan agreements will specify the purpose and time period of the loan.
- Loan agreements will address copyright and reproduction rights.

Approval Levels

Decisions regarding Museum London’s acquisitions, deaccessions and disposals are made by the Board of Directors in consultation with the Executive Director. Decisions made for outgoing loans are made by the Executive Director.

Explanation of Terms

accession: the formal process or procedure of recording an addition to the collections; the status assigned to the object.

acquisition: the act of gaining legal title of an object or a collection of objects.

collections: refers to objects including artifacts, works of art, sound and video recordings, and any other movable cultural property that has been formally accepted and accessioned by Museum London.

deaccession: the formal process or procedure that records the permanent removal of an accessioned object or group of objects from the collections.

disposal: permanent physical removal from the collections of any catalogued object, usually by exchange, donation, sale, or destruction.

loan: an object that is lent or borrowed; the act of furnishing an object or a collection to another party for temporary use, for an agreed specific purpose, with specific conditions regarding the handling and care of the object, and on the condition that the object is returned by a specified date.

safeguarding: includes the conservation, preparation, and preservation of objects; collections management; and security.

Date: 29 August 2007

MONITORING

Adherence to Policy

Board: The Policy Committee is responsible for monitoring adherence to this policy.
Management: The Executive Director will ensure that the Art Collections Committee and the Material Culture Collections Committee have all the relevant information for determining adherence.

Policy Review
Method: Internal Report
Responsibility: Policy Committee
Minimum Frequency: Every three years
Bill Pr16

2ND SESSION, 34TH LEGISLATURE, ONTARIO

An Act respecting London Regional Art and Historical Museums

Mr. Reycraft

1st Reading June 27th, 1989
2nd Reading July 13th, 1989
3rd Reading July 13th, 1989
Royal Assent July 13th, 1989

Printed under authority of the Legislative Assembly by the Queen's Printer for Ontario
An Act respecting
London Regional Art and Historical Museums

Preamble
Whereas The Corporation of the City of London hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions
1. In this Act,

"board" means the board of directors of the Museums;

"City" means The Corporation of the City of London;

"corporation" means London Regional Art and Historical Museums referred to in subsection 2 (1);

"general membership" means the general membership referred to in section 6.

Corporation continued
2. (1) London Regional Art Gallery is hereby continued as a non-profit corporation without share capital under the name "London Regional Art and Historical Museums".

Objects
(2) The objects of the corporation are,

(a) to provide a permanent community institution in the service of society and its development, for use by the public;

(b) to acquire, conserve, research, communicate and exhibit, for purposes of study, education and enjoyment, material evidence of people and their environment;

(c) to provide a community facility for acquiring, conserving, preserving and exhibiting art and artifacts, and for provide a comprehensive education and research program;

(d) to maintain the proper environment for the maintenance and exhibition of the collection.

Board of Directors
3. (i) The corporation shall be under the management and control of a board of directors consisting of,

(a) one person appointed by and from the council of the City for a term of office not exceeding three years as the council shall decide;

(b) one person appointed by and from The London and Middlesex Historical Society for a term of office not exceeding three years as the Society shall decide;
(c) one person appointed by and from The London Public Library Board for a term of office not exceeding three years as the Library Board shall decide;

(d) one person elected by and from Canadian Artists' Representation for a term of office not exceeding three years as Canadian Artists' Representation shall decide;

(e) two persons appointed by and from the London Historical Museums Association for a term of office not exceeding three years as the Association shall decide;

(f) two persons elected by and from the Volunteer Committee of the corporation for a term of office not exceeding three years as the Volunteer Committee shall decide;

(g) four persons elected by and from the general membership of the corporation for a term of office not exceeding three years as the general membership shall decide; and

(h) nine persons elected under subsection (2) for a term of office not exceeding three years as the board shall decide.

Idem

(2) The directors appointed or elected under clauses (1) (a) to (g) shall elect nine directors, one of whom shall be a professional artist who resides in the City of London or the County of Middlesex and who is not a member of Canadian Artists' Representation.

Notice

(3) Before electing any of the nine directors referred to in subsection (2), the board shall publish a notice in a newspaper of general circulation in the City of London and County of Middlesex inviting nominations or applications of persons for election to the nine directorships and shall consider the nominations or applications.

Staggered terms

(4) The board and the electing and appointing bodies referred to in clauses (1) (a) to (g) shall, in consultation with each other, stagger or vary the length of terms of office of directors appointed or elected by them so that as nearly as possible the terms of office of seven directors shall expire annually and, if the board and the electing and appointing bodies are unable to agree on the order in which the directors' terms are to expire, the board shall determine the matter.

Effect of vacancy

(5) The failure to appoint or elect a director as provided in subsection (1), (2) or (7) does not invalidate the composition of the board or impair the powers of the board or of the remaining directors and, if a default continues for three months after an appointment or election should have been made, the remaining directors may, but are not obliged to, elect a director to fill the vacancy.

Board vacancy

(6) A vacancy on the board occurs when a director resigns, dies or becomes incapable of acting as a director or if the board by resolution declares the seat of a director to be vacant by reason of his or her absence from three consecutive meetings of the board without being authorized to do so by the board.
Idem
(7) If a vacancy on the board occurs before the term of office for which a person has been appointed or elected has expired, the vacancy may be filled by the same authority which appointed or elected the person whose seat is vacant, and a person so appointed or elected shall hold office for the remainder of the unexpired term.

Reappointment
(8) Directors shall hold office until their successors are appointed or elected and, subject to subsection (9), are eligible for reappointment or re-election.

Idem
(9) No director shall hold office for more than two consecutive terms of three years each, but is again eligible for reappointment or re-election after a lapse of one year after the expiration of the second of the two consecutive terms.

Directors to serve without compensation
(10) The directors shall serve without compensation, and no director shall, directly or indirectly, receive profit by virtue of being a director but reasonable expenses incurred in the performance of his or her duty may be paid.

Chairperson and vice-chairperson
4. (1) The board shall appoint or elect a chairperson and a vice-chairperson annually from among the directors and may provide that, upon the expiration of the term of office of the chairperson, the vice-chairperson shall become the chairperson of the board.

Quorum
(2) The board may fix its quorum which shall not be less than one-half of its members and no business shall be transacted by the board except at a meeting of its members at which a quorum of the board members is present.

Meetings
(3) The board shall meet at least six times a year.

Executive Committee
5.(1) The board shall elect from among the directors an executive committee consisting of at least eight and no more than ten directors and the board may delegate to the executive committee any powers of the board subject to any restrictions imposed by the board.

Quorum
(2) The executive committee may fix its quorum which shall not be less than one-half of its members and no business shall be transacted by the executive committee except at a meeting of its members at which a quorum of the executive committee is present.

Meetings
(3) The executive committee shall meet at least once a month.

Committees
(4) The board may establish other committees and may delegate to the committees such powers and duties as the board may determine.
Advisory Committee
(5) The board may appoint advisory committees composed of such persons as the board may
determine.

General Membership
6. The board may recognize and designate those persons who make subscriptions, gifts or
donations of funds to the corporation for any of its purposes as a general membership con-
sisting of the following categories or such other categories as the board may establish:

1. Individual donors
2. Corporate donors
3. Patrons
4. Benefactors
5. Sustaining members
6. Life members

Powers of board
7. The board has such powers as are necessary for the purpose of carrying out its objects,
including the power,

(a) to purchase or otherwise acquire and to hold and to sell or otherwise dispose of any
property for the purposes of the corporation;

(b) to plan, erect, alter, maintain, operate and manage art and historical museums within the
City of London;

R.S.O. 1980, c. 63
(c) subject to the Charitable Gifts Act, to collect and raise money by way of grants, gifts,
donations, bequests, legacies and other payments and to hold, expend or deal with such
funds; and

R.S.O. 1980, c. 512
(d) to invest, in investments authorized under the Trustee Act for the investment of trust
funds, moneys of the corporation not immediately required for its purposes.

Definition
8. (1) In this section, "library board" means The London Public Library Board.

Conveyance of works of art, etc., to City or corporation
(2) The library board may convey to the City or, with the Conveyance consent of the City, to
the corporation by way of gift, the interest of the library board in such works of art and
historical artifacts, including paintings, prints, woodcuts and sculptures, as the library
board may by resolution determine.

Idem
(3) The works of art and historical artifacts conveyed shall be used and administered in
accordance with the purposes defined by any deed, will or other instrument creating any
trust or obligation with respect thereto, and the library board is discharged from all obligations and trusts with respect to the works of art and historical artifacts so conveyed.

**Vesting of trusts**

(4) All trust funds held by the library board for the sole benefit of operating an art gallery and museum which immediately before the 20th day of December, 1979 were vested in and were under the control of the library board continue to be vested in the corporation.

**Idem**

(5) All trust funds held by the library board for the sole benefit of that part of the operations of the library board known as the London Historical Museums which immediately before the coming into force of this Act were vested in and were under the control of the library board vest in the City or, with the consent of the City, in the corporation.

**Use of trust funds**

(6) The trust funds mentioned in subsections (4) and (5) shall be used and administered in accordance with the purposes defined by the deed, will or other instrument creating the trust, and the library board is discharged from all obligations with respect to these trust funds.

**Transfer of property to City**

(7) All gifts, trusts, bequests, devises and grants of property or the income or proceeds thereof, heretofore or hereafter expressed in writing to be made, given or conveyed to the library board solely for operating an art gallery and museum or solely for the London Historical Museums shall, in so far as the same had not vested in possession or been carried into effect on the day this Act comes into force, in the absence of any intention to the contrary set out in the deed, will or other instrument in writing, be construed as though the same had been expressed to be made to the City or, with the consent of the City, to the corporation.

**Idem**

(8) The executor, trustee or other person charged with the duty of carrying into effect or administering the deed, will or other instrument described in subsection (7) shall pay over or transfer all moneys and property to the City or, with the consent of the City, to the corporation when the same becomes payable or transferable, and the receipt of the City or the corporation is sufficient discharge therefor.

**Disposition of library board to City or corporation**

(9) The library board may convey or otherwise give to the City or, with the consent of the City, to the corporation any property of the library board not mentioned in this section that is no longer required by the library board for operating an art gallery and museum or for the London Historical Museums.

**Use of City property by Museums**

9. Where the City has an interest in any property, including works of art or historical artifacts, or holds any trust funds for any purpose or under any trust or obligation that is consistent with the objects of the corporation, the City may, subject to the terms of any gift, trust, bequest, devise, grant or loan of such property or trust funds,

(a) provide for the use, administration, conservation, protection and preservation by the corporation of the property, on such terms and conditions as the council of the City may decide;
(b) provide for payment to the corporation of all or a portion of the trust funds or the income therefrom on such terms and conditions as the council of the City may decide; and

(c) enter into agreements with the corporation to give effect to the matters mentioned in clauses (a) and (b).

Head Office
10. The head office of the corporation shall be in the City of London in the County of Middlesex.

Corporation deemed local board for purposes of R.S.O. 1980, c. 348
11. The corporation shall be deemed to be a local board for the purposes of the Ontario Municipal Employees Retirement System Act.

Exemption from taxation
12. Property vested in or controlled by the corporation shall be deemed to be exempt from taxation for municipal and school purposes in accordance with paragraph 9 of section 3 of the Assessment Act.

Dissolution
13. Subject to any instrument creating any trust or obligation with respect to the works of art and historical artifacts owned, possessed or controlled by the corporation, the property of the corporation upon its dissolution shall be distributed, after the payment of all debts and liabilities, to the City or to such organizations, having objects similar to those of the corporation, as may be designated by the council of the City, to be used for the purpose of such objects.

Repeal
14. The London Regional Art Gallery Act, 1984, being chapter Pr 16, is repealed.

Commencement
15. This Act shall be deemed to have come into force on the 1st day of January, 1989.

Short title
16. The short title of this Act is the London Regional and Historical Museums Act, 1989.