



## REPORT TO THE LIBRARY BOARD

**MEETING DATE: December 12, 2007**

Session:	Public Session
Subject:	London Regional Art and Historical Museums (Museum London): Transfer of Works Referred to in the Agreement of 1981 (Art Works)
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Presented By:	Anne Becker, Margaret Mitchell
Purpose of Report:	For Decision: Approval <input checked="" type="checkbox"/>

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### 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,<sup>1</sup> 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

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<sup>1</sup> Poole, Nancy, The Art of London, 1930-1980, London: Blackpool Press, 1984, p. 208.

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

<b>Chronology of Relationship of Library, Art Gallery and Historical Museums</b>	
<b>Date</b>	<b>Milestone</b>
1939	<ul style="list-style-type: none"> <li>• Elsie Perrin Williams Building opened housing the London Public Library and Art Museum</li> <li>• Library Board responsible for Art Gallery operations with Art Advisory Committee of the Board</li> </ul>
1952	<ul style="list-style-type: none"> <li>• Expansion of Elsie Perrin Williams to add three new galleries</li> </ul>
1963	<ul style="list-style-type: none"> <li>• City transfers operational responsibility for Historical Museums to the London Public Library with Historical Museums Committee of the Board</li> </ul>
1968	<ul style="list-style-type: none"> <li>• Expansion of Elsie Perrin Williams to approx. 97,000 sq. ft</li> </ul>
1969	<ul style="list-style-type: none"> <li>• Centennial Museum building on Queens Ave on opens</li> </ul>
1973	<ul style="list-style-type: none"> <li>• London Regional Art Gallery established as separate Board; gains autonomy from the Library Board; still occupies 2<sup>nd</sup> floor of Elsie Perrin Williams</li> </ul>
1978	<ul style="list-style-type: none"> <li>• <b>Library resolution to transfer or loan Works referred to in the Agreement of 1981 to Regional Art Gallery</b></li> </ul>
1980	<ul style="list-style-type: none"> <li>• New Art Gallery Opens at the Forks of the Thames</li> <li>• <b>Transfer of works referred to in the Agreement of 1981 (Lots 1 through 10) from Library to Gallery</b></li> <li>• Expansion of Library to second floor of Elsie Perrin Williams</li> <li>• New Museums Committee of the Board struck; consideration of independent Museum Board</li> </ul>
1981	<ul style="list-style-type: none"> <li>• <b>Transfer of custodial responsibilities of Works referred to in the Agreement of 1981 (Lots 11 through 18) from Library to Gallery</b></li> </ul>
1984	<ul style="list-style-type: none"> <li>• <b>Transfer of custodial responsibilities of Works referred to in the Agreement of 1981 (remaining items) from Library to Gallery</b></li> </ul>
1984-1988	<ul style="list-style-type: none"> <li>• Consideration of amalgamation of Art Gallery &amp; Museums; including trial joint operations period in 1988</li> </ul>
1987	<ul style="list-style-type: none"> <li>• The London Public Library Board and the London Regional Art Gallery Board entered into a two-year trial period of cooperatively managing museum services.</li> </ul>
1989	<ul style="list-style-type: none"> <li>• London Regional Art and Historical Museums open</li> </ul>
1993	<ul style="list-style-type: none"> <li>• Library Board requests deletion of membership on MUSEUM LONDON's Board</li> </ul>

## **APPENDIX C**

### **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