



City of
Peterborough

TO: Members of the Committee of the Whole

FROM: Ken Doherty, Director Community Services

MEETING DATE: March 7, 2011

SUBJECT: Report CSACH11-002
Memorandum of Understanding between the Art Gallery of
Peterborough and the City

PURPOSE

A report to seek approval of the Memorandum of Understanding between the Art Gallery of Peterborough and the City of Peterborough.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report CSACH11-002 dated March 7, 2011, of the Director of Community Services, as follows:

- a) That the Memorandum of Understanding between the Art Gallery of Peterborough and the City of Peterborough be approved.
- b) That a by-law be passed authorizing the Mayor and Clerk to execute the agreement.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct funding implications as a result of receiving this report.

BACKGROUND

On October 23, 2000, City Council approved Report CSCH00-006, dated October 16, 2000 recommending the integration of the Art Gallery of Peterborough directly into the City's administrative structure through the Culture & Heritage Division. Council agreed to:

- invite the Art Gallery to join the City's Culture & Heritage Division together with the Peterborough Centennial Museum & Archives and the Peterborough Public Library
- accept the Gallery's staff as municipal employees; integrate them into the appropriate Union and Management levels as determined by the City's Job Evaluation process; and provide them appropriate salary levels and benefits
- retain the Art Gallery Board as the institution's governing authority to encourage fund-raising and volunteerism and to ensure funding eligibility from other levels of government.

Original Intent

The initiative was intended to set the stage for a new mutually beneficial partnership between the Art Gallery of Peterborough (the Gallery), its Board of Directors (the Board) and the City of Peterborough (the City).

For the Art Gallery, it provided:

- additional funding support for staffing
- improved staff recognition
- a greater ability to attract and retain staff
- access to capital funding
- access to a broad range of City administrative and support services
- a realignment of Gallery funds and staff resources.

Retention of the Board as governing authority and separate financial records ensures funding eligibility from other levels of government.

For the City, it resulted in:

- the elimination of administrative/ reporting anomalies
- clarification and simplification of the existing relationship with the Gallery
- the Gallery being on an equal footing with the Museum and the Library.

Memorandum of Understanding

The Memorandum of Understanding is a reflection of the ongoing development in the relationship between the City and the Gallery. It delineates further the roles and responsibilities of the City, the Art Gallery Board and the Gallery Director.

The Art Gallery of Peterborough continues to be managed by a Board of Directors by means of resolutions and by-laws, some of which must be approved by the members at the Annual General Meeting.

The Board retains the authority “to enter into any arrangements with any authorities, federal, provincial, municipal, local, public, private, academic or otherwise that may seem conducive to the Corporation’s objects or any of them and to obtain from any such authority any rights, privileges and concessions which the Corporation may think it desirable to obtain and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.” Retention of the Board as governing authority and separate financial records ensures funding eligibility from other levels of government.

The Board of Directors continues to be charged primarily with the concerns and governance of the Gallery and continues to provide direction through policy. As a general rule, the City provides corporate and operational policies for the gallery, specifically in the areas of finance and human resource management, i.e. administrative functions. The City looks to the Gallery Board to ensure appropriate operational policies and plans are in place for the Gallery functions that are exclusive to the operation of a public art gallery; such as the Gallery’s programming and collecting responsibilities.

City Roles and Responsibilities

(a) Building and Property

The City retains ownership of the building and grounds, and through the operating/ capital budgets and special projects, continues to provide funds and other resources for the ongoing maintenance of these assets. The City leases the building and grounds to the AGP for a net rent of \$1 per year.

(b) Council Appointment to Gallery Board

City Council continues to appoint a Councillor to the Board of Directors for the Art Gallery of Peterborough.

(c) Reporting Relationships

The Gallery Director reports directly to the Manager of the City’s Arts, Culture & Heritage Division on corporate and divisional matters. The Manager is both a resource and advocate, especially in terms of the Gallery’s evolving working relationship with the City.

(d) Staff Resources

The majority of staff are members of C.U.P.E. Local 126 (Indoor Workers). All positions are evaluated and compensated in accordance with established City processes.

Recruitment and hiring is conducted in accordance with City Human Resource policies and procedures. But, the Art Gallery retains the right to hire contract/project specific staff on a fee for service basis.

The Director and the Curator are Non-Union employees.

(e) Financial Resources

The City has responsibility for all financial record keeping (except on-site bookkeeping), processing and payment of invoices, payroll and audit.

(f) Other Services

A broad range of other municipal services are available for the Gallery. This includes: IT support for the Gallery's technology needs; legal services; insurance; and corporate rates for materials, supplies, and equipment.

Art Gallery Board Roles and Responsibilities

(a) Overview

In accordance with its Letters Patent, the Art Gallery of Peterborough continues to be managed by the Board of Directors. The Board ensures that appropriate governance, operational policies and plans are in place to assist the Director to meet the Gallery's operating, programming and collecting responsibilities.

(b) Ownership of the Collection

The Board retains ownership of the Art Gallery's collection (existing and future), and other assets as identified by the Board. Any deaccessions or dissolution of the collection must be in accordance with accepted professional practice and in compliance with the Art Gallery's Dissolution clause.

(c) Reporting Relationships & Communications

While the Board is responsible for policy and general direction, the direction and management of the day-to-day operation of the Art Gallery of Peterborough remains the responsibility of the Director. The Board actively participates in the selection of any new Director.

(d) Finance

As a separate legal entity, the Board has responsibility for the overall financing of the Art Gallery, including any funds required above and beyond the City's annual contribution.

(e) Charitable Tax Status

The AGP has charitable tax status and issues receipts accordingly.

(f) Arts, Culture & Heritage Advisory Committee

The Board recommends one of its members as a representative on the City's Arts, Culture & Heritage Advisory Committee, subject to approval by City Council.

Director Roles and Responsibilities

(a) Overview

The City and the Art Gallery Board recognize the Art Gallery Director's dual reporting relationship. The Director reports to the Manager of Arts, Culture and Heritage on both building and property, and Human Resources matters. The Director reports to the Board on all operational and other matters within the purview of the Board.

(b) Responsibilities, Reporting Relationships and Communications

While the Board is responsible for policy and general direction, the direction and management of the day-to-day operation of the Art Gallery of Peterborough remains the responsibility of the Director.

SUMMARY

The integration of the Gallery into the City's Arts, Culture & Heritage Division is an ongoing process. The terms of the Memorandum of Understanding are such that both the City and the Gallery have the flexibility to operate effectively. The Gallery continues to develop through its high quality programs and exhibits. The City provides administrative support and ensures compliance with City processes.

Submitted by,

Ken Doherty
Director of Community Services

Celeste Scopelites
Art Gallery Director

Contact Name:

Phone – 705-742-7777 Ext. 2027

Fax – 705-743-8168

E-Mail – cscopelites@peterborough.ca

Attachments: Appendix A - 2010 Memorandum of Understanding (MOU) Between The Corporation of the City of Peterborough and The Art Gallery of Peterborough