



## REPORT TO GENERAL COMMITTEE – COMMUNITY SERVICES AND ENVIRONMENT

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**TO:** Mayor and Members of Council

**FROM:** Barbara M. Roth, Director, Recreation and Culture Services

**PREPARED BY:** John Ryerson, Director, Varley Art Gallery

**DATE OF MEETING:** 2006-Mar-06

**SUBJECT:** Varley-McKay Art Foundation Memorandum of Understanding

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### **RECOMMENDATION:**

That the report to titled Varley-McKay Art Foundation Memorandum of Understanding be received;

And that the Memorandum of Understanding attached as Appendix A be approved;

And that the Mayor and Clerk be authorized to execute the Memorandum of Understanding between the Town and the Varley-McKay Art Foundation of Markham, in a form satisfactory to the Town Solicitor.

### **PURPOSE:**

To seek Council approval of the proposed Memorandum of Understanding between the Town and the Varley-McKay Art Foundation of Markham.

### **BACKGROUND:**

On December 14, 2004, Town Council passed a resolution approving the amalgamation of the Art Gallery Board with the Foundation Board in order to streamline operations and approved the revision of the current Terms of Reference prepared in 1998 which outlines the roles and responsibilities of the Town, the Foundation Board and the Art Gallery Board.

Council instructed staff to prepare updated terms of reference with the Foundation Board.

As a result, a draft Memorandum of Understanding (refer to Appendix A) has been prepared by Staff to replace the current Terms of Reference.

There is no substantive change in roles or responsibilities for the Foundation. The MOU maintains a strong focus on the fundraising and advisory roles of the Foundation.

The Foundation Board approved the Memorandum of Understanding at its meeting January 26, 2006.

**Highlights of the MOU:**

- Formalizes the relationship between the Town, including the Varley Art Gallery and the Foundation
- Formalizes the roles and services between the Town and Foundation
- Sets out duties of the Town with respect to the operation of the Varley Art Gallery and the maintenance of the art collection
- More clearly defines the duties and responsibilities of the Foundation Board, various standing committees of the Foundation Board which include the following:
  - Raising funds to support the gallery
  - Establish an Executive/Nominating Committee to provide recommendations to the Board about advice to be given to the Town on Gallery operations
  - Requires Foundation Board to prepare business plans and strategic plans which set out the long and short range goals of the Foundation Board, including fundraising initiatives and proposed annual capital and operating budgets
  - Re-affirms to the Foundation Board the authority to acquire art for Gallery, in consultation with the Gallery Director and in accordance with the Town's Art Collection policies. Refer to Appendix B - Collection Policy
  - Provides that any acquisition of art or any expenditure of funds over \$100,000.00 requires approval from the voting members (i.e. - Council) of the Foundation.

**FINANCIAL CONSIDERATIONS:**

The Town of Markham continues to provide the Foundation with Financial Services, routine Legal Services and administrative services through the Clerk's Department.

**ENVIRONMENTAL CONSIDERATIONS:**

Not applicable

**ACCESSIBILITY CONSIDERATIONS:**

Not applicable

**ENGAGE 21ST CONSIDERATIONS:**

The members of the Foundation are Council and responsible for appointments to the board to ensure community interests are reflected in the governance of the Foundation.

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**BUSINESS UNITS CONSULTED AND AFFECTED:**

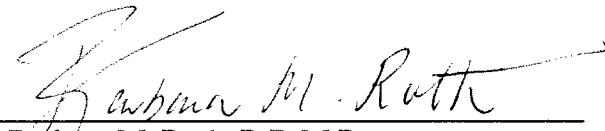
Financial Services

Legal Services

**ATTACHMENTS:**

Appendix A Memorandum of Understanding

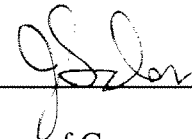
Appendix B Collection Policy is an appendix to the MOU



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Barbara M. Roth, R.D.M.R.

Director, Recreation and Culture Services



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Jim Sales

Commissioner of Community and  
Fire Services