

City of Mississauga
Corporate Report



Date: 2017/11/27

To: Chair and Members of Council

From: Paul Mitcham, P. Eng, MBA, Commissioner of
 Community Services

Originator's files:

Meeting date:
 2017/12/13

Subject

Vietnamese Boat People Memorial Association (VBPMA) Donation to the City of Mississauga

Recommendation

That the Commissioner of Community Services, or designate, be authorized on behalf of the Corporation of the City of Mississauga to execute an Agreement, including any necessary documents ancillary thereto in a form satisfactory to Legal Services, with the Vietnamese Boat People Memorial Association to complete the development of a memorial sculpture and donation of the sculpture in compliance with policy 05-02-07, City Acquired Art, as outlined in the Corporate Report entitled "Vietnamese Boat People Memorial Association (VBPMA) Donation to the City of Mississauga", dated November 27, 2017 from the Commissioner of Community Services.

Report Highlights

- The Vietnamese Boat People Memorial Association (VBPMA) wish to develop and donate a memorial sculpture to the City of Mississauga. The sculpture will honour the Vietnamese refugees who arrived in Canada during the late 1970s and 1980s and the many who lost their lives in the quest for freedom.
- After preliminary meetings with the City, the VBPMA splintered into two groups. In order to ensure a fair and transparent process based on assessment of the most viable donor for the City, Culture staff met separately with the VBPMA and the VNBPM (formally part of VBPMA), to present the City's Memorial Donation Criteria. The groups were advised that the organization that best met the City's criteria would be recommended to Council as the viable donor.
- On November 14, 2017 the VBPMA submitted a package to Culture staff with their plan for the memorial donation.

Council	2017/11/27	2
---------	------------	---

- The VBPMA package aligns with the City's Memorial Donation Criteria, and with Corporate Policy 05-02-07, City Acquired Art.
- The cost of the project will be fully funded by the VBPMA. As per Policy 05-02-27, City Acquired Art, the donor (VBPMA) will provide the City with funding equivalent to 10% of the artwork's gross capital costs. These funds are held in the City's Public Art Reserve Fund for funding future maintenance and conservation of the artwork.
- Culture staff is requesting authority for the Commissioner of Community Services to enter into an Agreement with the VBPMA to complete the development of a memorial sculpture and donation to the Corporation of the City of Mississauga in compliance with policy 05-02-17, City Acquired Art.

Background

Corporate Policy 05-02-07, City Acquired Art, outlines provisions and criteria for the donation of art and memorials to the Corporation of the City of Mississauga (Appendix 1). There is currently a moratorium on accepting donations (Appendix 2). However, in the fall of 2015 (prior to the moratorium) Councillor Starr (Ward 6), and subsequently Culture division staff, were approached by representatives from the Vietnamese Boat People Memorial Association (VBPMA) to donate (to the City) a memorial that honours the Vietnamese refugees who arrived in Canada during the late 1970s and 1980s and the many that lost their lives in the quest for freedom.

At that time, the group was advised of the City's policy for considering memorial donations. Staff from Culture, Parks and Forestry and the Library also undertook preliminary consideration of a potential site that would have contextual relevance for a donation of this nature. A potential site for the memorial was identified on the Burnhamthorpe Library Grounds (at Dixie Road and Burnhamthorpe Road East). The area is home to the Dixie Neighbourhood Centre, which played a key role in the welcoming and settling of Vietnamese Refugees to Mississauga during the 70's and 80's.

Following preliminary meetings, the VBPMA were advised to contact City staff when they felt they were in a position to meet the City's policy criteria. Subsequent to those meetings, some members of the original VBPMA splintered from the group to create a second group known as Vietnamese Boat People Memorial (VNBPM). In order to ensure a fair and transparent process based on assessment of the most viable donor for the City, Culture staff identified 5 criteria as a condition for moving forward with one of the groups: a) demonstrated proof of 30% of the budget on hand; b) a 2-year fundraising plan; c) a project plan; d) evidence of community support; and e) evidence of a stable and recognized organization and structure.

Culture Staff met separately with the VBPMA group on October 19, 2017 and the VNBPM group on October, 20, 2017 to present the donation criteria. The groups were advised that the organization who best met the City's criteria would be recommended to council as the viable donor.

Council	2017/11/27	3
---------	------------	---

Present Status

On November 14, 2017, the Vietnamese Boat People Memorial Association (VBPMA) submitted a package to Culture staff that successfully addressed the City's criteria for recommendation of the memorial donation. In contrast, the splinter group (VNBPM) have not demonstrated an ability to meet the City's criteria. Culture staff met with Councillor's Starr (Ward 6) and Fonseca (Ward 3) on November 20, 2017, and they are supportive of Culture's recommendation to proceed with the VBPMA's donation proposal.

Comments

The VBPMA proposal meets the City's defined criteria for the donation of memorial art:

Alignment to Policy 05-02-07:

Background and historical/cultural significance of the individual/event to be honoured:

After many years of successful integration and living peacefully in Canada, Vietnamese Canadians in the GTA and Kitchener-Waterloo-Guelph-Cambridge have come together and wish to build a Vietnamese Boat People Memorial. The sculpture is intended as a donation to the City of Mississauga in appreciation of its welcoming of refugees during the late 1970s and 1980s.

Rationale for honouring the individual/event: A memorial to honour their past, as well as their present ties with the City of Mississauga would be an important contribution to the rich culture of the City and more broadly, to the diverse nature of Canadian Heritage.

Evidence that the proposal meets the criteria outlined in this policy: Culture staff have evaluated the VBPMA's proposal and confirmed that it meets the criteria outlined in Policy 05-02-07.

Commitment of funds: To date, the VPMA has raised 37.44% of the total project funds and is committed to raise the remaining funds by December 31, 2018.

Maintenance plan: The VBPMA will submit a maintenance plan to the City and will provide the City with funding equivalent to 10% of the artwork's gross capital costs for the purpose of future maintenance and conservation of the artwork.

The values of the community should be represented; each memorial must be compatible with the diverse spectrum of perspectives, cultural heritage, traditions and moral values of the City's residents: The VBPMA's proposed memorial design was selected through a public process and the group has demonstrated strong evidence of public support. The artwork will not cause deep or widespread offence or pose any safety hazard to the public.

Timeless aspect of the memorial, recognizing future generations: The Vietnamese Community is an important and growing community in Mississauga. The memorial will remind

Council	2017/11/27	4
---------	------------	---

future Vietnamese Canadian generations of their origin and their ancestors' hardships during their quest for freedom.

The designer must be a qualified professional in the field: The VBPMA package includes the artist's biography, exhibition list, honours and awards.

Alignment to Proposal Criteria

- **Demonstrated proof of 30% of the budget on hand:** As of November 4, 2017, the VBPMA has raised \$126,448.04 of \$337,700.00 (37.44% of the total budget cost).
- **2-year fundraising plan:** The VBPMA's plan for 2018-2018 includes three fundraising dinners. They plan to raise funds through tiered plaque sponsorships for the sculpture's base.
- **Project plan:** The VBPMA package includes a site plan, installation location, and sculpture specifications including base, materials, and dimensions.
- **Evidence of community support:** The VBPMA's package includes 15 letters of support from the Vietnamese community (businesses, associations, non-for profits and charitable organizations from across the GTA).
- **Evidence of a stable and recognized organization and structure:** VBPMA was incorporated as a non-for-profit organization on June 9, 2017. There are eight members on the board of Directors.

Financial Impact

There will be no financial impact to the City. The cost of the project will be fully funded by the VBPMA. Policy 05-02-27, City Acquired Art, requires that the art donor (VBPMA) also provide the City with funding equivalent to 10% of the artwork's gross capital costs. These funds are held in the City's Public Art Reserve Fund for the purpose of funding future maintenance and conservation of the artwork.

Conclusion

The Vietnamese Boat People Memorial Association has presented a successful proposal to the City outlining their desire to build and donate a memorial that would be installed on the Burnhamthorpe Library grounds. The sculpture honours the many Vietnamese refugees who arrived in Canada, and Mississauga, during the late 1970s and 1980s and the many that lost their lives in the quest for freedom.

Council

2017/11/27

5

Culture staff recommends that the City enter into an agreement with the VBPMA for them to complete the development and donation of a memorial sculpture in compliance with the City's memorial donation criteria as outlined in policy 05-02-27, City Acquired Art.

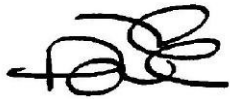
Attachments

Appendix 1: City Acquired Art Policy #05-02-07

Appendix 2: Moratorium on the acceptance of Donations

Appendix 3: Image of VBPMA Memorial Art Donation

Appendix 4: Proposed Location for Donation of the VBPMA Donation



Paul Mitcham, P. Eng, MBA, Commissioner of Community Services

Prepared by: Chloe Catan, Acting Public Art Coordinator

City of Mississauga

Corporate Policy & Procedure



Policy Title: City Acquired Art

Policy Number: 05-02-07

Section:	Property and Facilities	Subsection:	Facility Planning
Effective Date:	April 10, 2013	Last Review Date:	
Approved by: Council	Owner Division/Contact: Art, contact the Culture Division, Community Services Department, Financial Services, Finance Division Corporate Services Department		

Policy Statement

Art is acquired by the City in several ways and installed throughout City facilities to enhance public spaces and office areas. The acquisition of Art is exempt from the City's Purchasing By-Law and must therefore be conducted in accordance with the processes outlined in this policy.

Purpose

The Corporation must ensure that Art, whether corporately-owned through acquisition or donation or on temporary loan, is managed appropriately. This Corporate Policy and Procedure establishes suitable locations for various types of Art and identifies responsibilities for managing the Corporation's Art, including:

- Acquisition
- Installation
- Inventory
- Maintenance, and
- De-accessioning and disposal

Scope

This policy applies to all City facilities, excluding facilities which are leased or licenced to another party. Art that is located in facilities that are excluded from this policy, such as the Art Gallery of Mississauga, is the responsibility of the organization leasing/licensing the facility.

This policy does not apply to:

- Monetary donations or archaeological materials. For information on monetary donations refer to corporate policy and procedure – fund-raising campaigns and monetary donations to the city of Mississauga. Donations of archaeological or historical materials should be referred to museums of Mississauga
- Art that is part of a beautification or community art project

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

2 of 9

- Art that is associated with or derived from school programs or art programs that are offered at city facilities
- Personal works of art, prints or certificates installed by city staff in their office areas; and
- Donations of a tree or bench to a city park as a tribute to an individual or organization. Refer to corporate policy and procedure – tree and bench donation program

Definitions

For the purposes of this policy:

“Art” means cultural objects and artistic items such as, but not limited to, prints, fine art posters, sculpture, fine art photography or paintings acquired by the Corporation through commission, purchase, donation, loan or lease.

“Corporation” means The Corporation of the City of Mississauga.

“Corporate Art” means Art that can be utilized or displayed in more than one area. Corporate Art includes Art that may be intended for use by a particular division.

“Director” means the Director, Culture Division and Community Services Department.

“Donation” means a gift of Art which has been given voluntarily and without compensation or non-monetary consideration (e.g. advertising, promotion, services, etc.) Donations may be classified as Corporate Art, Memorial Art or Public Art.

“Memorial Art” means Art that is designed to honour a particular individual or to commemorate a particular event and is created by a professional artist and acquired by a process administered by the City.

“Public Art” means site-specific Art created by a professional artist for a specific public space and acquired through a process administered by the City.

Administration

The Director is responsible for managing the City’s Art in accordance with this policy. Culture staff may seek the advice of the Art Gallery of Mississauga (AGM) staff; City staff and/or outside experts having expertise in a particular area (e.g. artistic merit, design, acquisition, maintenance, conservation, restoration, installation, etc.).

Acquisition of Art

Art may be acquired through any of five methods: commission; purchase; donation; loan; and lease. All agreements and/or releases for the acquisition of Art must be in a form approved by Legal Services and signed by the Director. The same principles noted below will apply to each of the five acquisition methods.

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

3 of 9

Divisions or elected officials wishing to acquire a piece of Corporate Art must forward a written request to the Director for consideration.

All acquisitions are conducted in consultation with the Culture Division and the Requisitioner and will be evaluated on the following criteria:

- Artistic quality of the work(s)
- Stature of the artist and/or artistic merit
- Relevance to the city and its residents and its intended location
- Relationship of the artist with the city
- The artwork does not minimize and/or detract from the image of the city
- In light of generally prevailing community standards, the artwork is not likely to cause deep or widespread offence
- Artwork must not pose any safety hazard to the public
- Authenticity and provenance, (i.e. Documentary evidence that the art is authentic and that the corporation may acquire clear title to the work)
- Physical condition of the work and its long-term maintenance or conservation requirements;
- The city's ability to display or store the work appropriately, and
- Cost and value to the city

The Culture Division is responsible for ensuring that the logistical aspects of each acquisition are handled appropriately (e.g. shipping and handling, import charges, contractual agreements, etc.). Access for research, reproduction and/or loan must be co-ordinated through the Culture Division.

All acquisitions are reported to the Manager, Risk Management, who is responsible for determining appropriate insurance requirements, where applicable.

All documentation related to acquisitions of all types (ownership records, certificates of authenticity, appraisals, etc.) is filed in the Corporate Records vault. It is the responsibility of Culture staff to ensure that all files are complete and are transferred to the vault.

Commissioning Art

The budget for Art commissioned by the City is approved through Council as appropriate for the value of the commission and the nature of the project and in consultation with relevant departments and other stakeholders. The selection process, evaluation criteria, schedule, budget, technical requirements, the art objectives unique to the circumstances, site characteristics and context are outlined in the request.

An Art selection committee is established by the Director for each Art project over \$10,000 in value. The Art selection committee is responsible for selecting the final artist. The selection

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

4 of 9

committee will include one or more representatives from the Culture Division and may include representatives from the following, as applicable:

- One or more representatives from the project team (internal staff and/or design consultants)
- One or more art and design professional(s) and/or community member(s) with relevant expertise and interest, and
- City staff or external advisors selected for specific technical or cultural expertise

Culture staff will manage the artist contract from concept to completion, including the approvals process, for Corporate Art and Public Art. Some or all of the Art selection committee members may also be involved in reviewing the development of the artwork at key stages.

Purchase of Art

Purchase of Corporate Art

Each work of Corporate Art considered for purchase will be evaluated by the Director and the appropriate Culture Division staff, based on available budget. The City will purchase Art in accordance with the Acquisition of Art section of this policy. All visual arts mediums will be considered. Purchased Art, as part of the City's Corporate Art collection, may be installed in City offices and other public spaces and/or exhibited digitally on-line.

Purchase of Memorial Art

A person or event will not be memorialized without Council's pre-approval. Recognition through Memorial Art for individuals should be made posthumously only, although proposals to honour living individuals will be considered. Prior to seeking Council approval, Culture staff will work with relevant City staff to review all proposals for Memorial Art.

The Director will ensure that a report from applicable City staff is presented to Council with a recommendation regarding approval of the person or event prior to the acquisition. Any proposals for Memorial Art must include:

- Background and historical/cultural significance of the individual/event to be honoured
- Rationale for honouring the individual/event
- Evidence that the proposal meets the criteria outlined in this policy
- Commitment of funds, and
- Maintenance plan

In addition to the criteria listed in the "Acquisition of Art" section of this policy, Memorial Art will be reviewed in consideration of the following:

- The values of the community should be represented; each memorial must be compatible with the diverse spectrum of perspectives, cultural heritage, traditions and moral values of the City's residents
- Timeless aspect of the memorial, recognizing future generations
- The designer must be a qualified professional in the field, and

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

5 of 9

- If the memorial is honouring an individual, consideration is given to:
- The individual's contribution to the City of Mississauga, which should be extraordinary and merit the honour of a public memorial. (Where the individual's contribution does not merit a public memorial, consideration may be given to another form of recognition. Refer to Corporate Policy and Procedure – Civic Recognition Program for more information.)
- The nature and record of the individual's public service and/or philanthropic acts (e.g. Donations or volunteer service to the community)
- The inspirational qualities characterized by the individual or the legacy which has or will be left to future generations, and
- Any achievements that have brought a national or international focus to the City of Mississauga

Donations

The Corporation recognizes that individuals or organizations may wish to make Donations to the Corporation and that those Donations should be acknowledged appropriately.

Note: Sponsorship does not qualify as a Donation.

Receiving Donations All Donations are to be referred to the Director for evaluation. Donations having a value of \$2,000 or more must be reviewed by the Commissioner, Community Services.

Proposals for Donations of future art work (i.e. works in progress) may be given conditional approval by the Director, in consultation with the appropriate divisional director(s), where applicable, for a period of no longer than two years, after which the proposed Donation will be re-evaluated.

The Mayor and Members of Council will be advised of all decisions to accept or decline Donations having a value of \$2,000 or more in a memo to Council. The Director is responsible for notifying the individual or organization proposing the Donation of the Corporation's decision to accept or decline the Donation.

The Director is responsible for advising the Manager, Risk Management of accepted Donations in order to make arrangements for insurance, where appropriate.

Donation Receipts for Income Tax Purposes

Where requested by the donor, the Director is responsible for obtaining an official receipt for income tax purposes from the Manager, Corporate Financial Services and must provide all relevant documentation. Official receipts for accepted Donations having a fair market value of \$20 or more can be issued only when the Manager, Corporate Financial Services, determines that the Donation qualifies under Canada Revenue Agency (CRA) guidelines. If the Donation qualifies, the receipt will be provided to the Director for forwarding to the donor.

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

6 of 9

If an official receipt for income tax purposes is being issued, the Donation receipt must include the following information in accordance with CRA guidelines:

- The day on which the Donation was received
- A brief description of the property transferred to the qualified donor
- The name and address of the appraiser, if applicable, and
- The fair market value of the property at the time the Donation was made

Appraisals of Donated Art

If a tax receipt is required, the Donation must be appraised at the time of donation to establish the fair market value to be shown on the official tax receipt. If the Donation is valued at \$1,000 or less, the item may be appraised by a City staff person qualified to make the appraisal. If the Donation is valued at more than \$1,000 an outside professional appraisal is required, unless there is a ready market for the Donation from which the fair market value can be readily ascertained. It is the donor's responsibility to have the item appraised.

Release of Donated Art

When Art is donated, the donor will be asked to sign a release, in a form approved by Legal Services.

Any documents pertaining to the ownership of the Donation must be transferred to the Corporation. The Director is responsible for ensuring that all documentation is filed appropriately.

As property of the Corporation, the Donation will be used at the discretion of the City. The Donation may be stored, exhibited, loaned to galleries or de-accessioned and disposed of at the discretion of the Corporation.

Associated Donation Costs

While not an exhaustive list, the donor may be responsible for any of the following costs, at the discretion of the Director. The determination is based on such factors as the value of the Art and the complexity of the installation.

- Transporting the item
- Appraisal or evaluation by a certified specialist
- Photographs for inventory and insurance purposes
- For permanent public art, 10% of the value of the art for future maintenance and conservation, in the form of a certified cheque, and
- For public art, the costs associated with the engineering, site planning and preparation and installation of the artwork

Art on Loan/Leased Art

Requests for Art on loan or lease must be forwarded in writing to the Director for consideration. The condition of Art on loan or lease will be assessed and any damage recorded and

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

7 of 9

acknowledged by the owner or lessor. A current appraisal, if deemed necessary by the Culture Division, must accompany the work.

At the discretion of the Director, the owner of Art on loan may be responsible for costs associated with the loan, such as transportation and conservation treatment, if required.

Locations for Art

To maximize the potential for members of the public to enjoy Art, accessible exterior and interior public areas are given priority when selecting appropriate locations. Art may be re-located at the sole discretion of the Culture Division, in accordance with this policy.

Art may be installed in the following areas, as required and as pieces become available:

- Public areas in City office buildings, community centres and libraries
- Parks and public spaces, and
- Office areas of elected officials and senior staff (i.e. City Manager, commissioners, directors)

In selecting locations for the placement of Art, Culture staff with appropriate skills will consider the basic conservation elements of the effects of light, air quality, temperature and accessibility on the subject Art piece.

Locations for Public Art and Memorial Art will be selected in consideration of the following additional requirements:

- There is geographic justification for the location choice (i.e. The artwork has a connection to the history or current use of the site and/or the site is identified as a potential site for public art in city of Mississauga planning documents such as the framework for a public art program and the culture master plan)
- The quality, scale and character of the public art and memorial art must be suitable for the location and the expected audience
- The public art and memorial art must not interfere with existing and proposed artwork, buildings or structures in the vicinity
- The location must be physically and/or visually accessible to the public
- The location should be in an area that has or is proposed to generate, a high degree of public use or activity, and
- Factors such as environmental conditions, safety, site servicing and whether the site may have reached a saturation point, making it necessary to close off future installations in that location

Installation and Removal

Culture staff are responsible for ensuring that the installation or removal of Art is conducted in an appropriate manner. No Art may be removed from an exhibit space by any person unless approved by the Director, who may consult with applicable divisional directors.

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

8 of 9

Inventory

The Culture Division maintains full inventories of all Art, including Art on loan or lease. The inventory includes information such as:

- Method and cost of acquisition
- The name of the artist and the title of the piece
- Art medium (e.g. Painting, sculpture) and description of the piece, including size
- Provenance (ownership history)
- Appraised value of the art, if applicable
- Photo of the piece
- Condition status, including maintenance plan

Maintenance

Periodically, Art owned by the City of Mississauga must be repaired, cleaned and conserved. Monitoring the condition of Art and the continued maintenance of the artwork, is the responsibility of the Culture Division. Staff who notice that repairs are necessary should contact the Culture Division immediately.

If there is no immediate, appropriate location for the Art, it is stored with regard to curatorial standards and conservation practices.

De-Accessioning and Disposal

The de-accessioning and disposal of a work of Art is the two-step process of first discharging the work from the City's inventory, including the transfer of all electronic and hard copy records into a de-accession file and then determining the appropriate means of disposal.

Works of Art may be de-accessioned for any of the following reasons:

- Lack of aesthetic or artistic quality of the work, as determined by an applicable Art expert
- Works that endanger public safety
- Beyond restoration
- Copies, forgeries etc. Or reproductions lacking authenticity/ archival value (intentional discard)
- Accidental loss (theft, fire)
- Possibility of up-grading through exchange
- Artwork integrated into City property which is subject to redevelopment by the City where the Art is not salvageable, or
- No appropriate location for exhibition of the work

Disposal may be by donation, sale or transfer of Art to a third party, with consideration given to what is in the best interest of the City of Mississauga. The Director will bring a report to Council for approval prior to authorizing disposal of the Art. When it is determined that Art is of little or no

Policy Number: 05-02-07

Effective Date: April 10, 2013

Policy Title: City Acquired Art

Last Review Date:

9 of 9

value or Council has given direction with respect to the disposal of valuable Art, the actual disposal method will be determined by the Director.

All proceeds from the sale or auction of Art will be allocated to the Arts Reserve, with the exception of Art that was purchased by a specific division. Proceeds from division specific Art will be returned to that division.

Revision History

Reference	Description
GC-0195-2013 – 2013 04 10	

As of May 2016 there is a Council endorsed Moratorium on Donations:

City Council endorsed a moratorium on the acceptance of donations intended for the City's Corporate Art Collection until the City completes a thorough review of the process and existing Corporate Policy and Procedure: City Acquired Art Policy No. 05-02-07. This moratorium excludes City initiated and/or City managed projects through the Public Art Program as well as donations for the City's Corporate Art Collection that are deemed in the best interest of the City by the Director, Culture Division.

THE WINNING SCUPTURE MODEL: BOAT PEOPLE
by Vi Vi Vo Hung Kiet



