

## Legislation Text

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**File #:** 220825, **Version:** 0

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Urging The Council of the City of Philadelphia to hold hearings regarding the Transfer Agreement and to determine whether the City should enter into such Agreement regarding the terms of the Atwater Kent Collection (the "Collection") transfer agreement between the City of Philadelphia and Drexel University in order to ensure adequate stewardship of the Collection and protect the interests of the citizens of Philadelphia.

WHEREAS, This Council has a responsibility to inform itself, and the public, as best as it is practicably possible, concerning the disposition of City assets and to protect the public's interest in those assets; and

WHEREAS, following the gift to the City by Atwater Kent of the building located at 15 S. 15th St., this Council in 1938 enacted an ordinance establishing the Atwater Kent Museum (the "Museum") to display historical artifacts owned by the City in Center City and to make those artifacts available to the City; and

WHEREAS, The City agreed to make appropriations for the proper supervision, maintenance, upkeep, and extension of the Museum; and

WHEREAS, The Board of the Atwater Kent originally included representatives of the Philadelphia Museum of Art, the University of Pennsylvania, the Franklin Institute of the State of Pennsylvania, the Pennsylvania Academy of Fine Arts, and the Historical Society of Pennsylvania; and

WHEREAS, The 1938 Deed executed by the City provided that "[v]oluntary contributions, gifts, donations, legacies, devises or bequests may be received. All moneys, except appropriations by the Council of the City of Philadelphia, received by the Board of Trustees shall be held by the said Board for the uses and purposes for which the said Board of Trustees is created . . . ." All contributions, gifts, donations, legacies, devises or bequests received by the Board, subject to conditions stipulated by the donor or donors, shall be so earmarked, and used only for such purposes, in order words, for a museum; and

WHEREAS, The Museum accepted gifts of many objects important to the history of the City from the Historical Society of Pennsylvania, the Friends Historical Association, the Balch Institute of Ethnic Studies, and others based on the promise of maintaining a museum in Center City where the public could enjoy those artifacts; and

WHEREAS, The Museum's Collection consisted of more than 100,000 objects including George Washington's desk, paintings, and other extremely valuable objects with a collective value of tens of millions of dollars; and

WHEREAS, the City closed the Museum and sought permission from the Philadelphia County Orphans' Court to give the Atwater Kent Collection to Drexel University pursuant to a transfer agreement ("Transfer Agreement") which was approved by the court on May 3, 2022; and

WHEREAS, Although this Council previously had approved in 1994 and 1995 by ordinance changes in the admission fee and the composition of the Board of the Atwater Kent Museum, RESOLUTION this Council's approval was not sought for the transfer of the Collection, which constitutes City property, to Drexel

University;

WHEREAS, Drexel has not agreed to commit to any specific level of funding to maintain the Atwater Kent collection and will not operate a museum to display the Collection; and

WHEREAS, The Transfer Agreement does not contain any specific criteria for the lending of objects or the disposition of them, but does allow Drexel to retain the proceeds of any City objects sold; and

WHEREAS, The Transfer Agreement establishes an Oversight Committee which does not include any representative of the Philadelphia organizations which were originally on the Board of the Atwater Kent or those which made important gifts to the Atwater Kent Collection; and

WHEREAS, This Council needs to ensure that the Collection which was committed to its care for the public good is protected and made available to the public and needs to understand why the City has attempted to transfer millions of dollars in City property to a private institution without this Council's express approval; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, THAT;

1. The Council shall hold hearings regarding the Transfer Agreement and determine whether the City should enter into such Agreement.
2. The Transfer Agreement shall be amended to provide that the Oversight Committee includes as voting members at least one representative designated by each of the original Philadelphia non-profit institutions which served on the Board of the Atwater Kent Museum as well as at least one representative of the Friends Association.
3. The Transfer Agreement shall be amended to contain specific criteria and processes for the lending of objects or the disposition of them and those criteria shall be published on the Atwater Kent Museum website.
4. The Transfer Agreement shall be amended to prohibit the lending of items from the Collection to organizations that do not have the proper environmental conditions and security to ensure the safety of these historically valuable pieces of Philadelphia history.
5. The Transfer Agreement shall be amended to provide that any non-profit institution which donated objects to the Atwater Kent museum shall be allowed to borrow the objects which it donated, and such right shall supersede the right of any other institution.
6. The Transfer Agreement shall be amended to require that any object to be deaccessioned shall first be offered free of charge to the nonprofit institution which donated the object to the Atwater Kent Museum.
7. The Transfer Agreement shall be amended to require Drexel to provide a specific amount of annual funding sufficient to maintain the Collection and engage in the activities contemplated by the Transfer Agreement.
8. The Transfer Agreement shall be amended to require that if an object is not displayed in public in a museum for more than 5 years that any such object shall be offered to the nonprofit institution which donated the object to the Atwater Kent Museum;

9. The Transfer Agreement shall be amended to prohibit the charging of any fees by Drexel in connection with viewing or borrowing from the Atwater Kent Collection.

10. the Transfer Agreement shall be amended to prohibit the use or display of the Collection in the private residence or office of any Drexel trustee, employee, faculty, staff member, volunteer, or student.

11. The Transfer Agreement shall be amended to require the Oversight Committee and Drexel to provide a report on an annual basis to each member of this Council detailing the City funds spent on the Collection, the loans of any object from the Collection, a detailed accounting of what funds Drexel has spent on the Collection that did not come from the City or third parties, any objects deaccessioned and the entity receiving them, and the number of people other than Drexel University staff and students who viewed the Collection at Drexel University and a copy of the annual report shall be posted along with the minutes of the Oversight Committee on the Atwater Kent website at the same time as the annual report is delivered to this Council.