Council Meeting of
December 22, 2009

Honorable Mayor and Members
of the City Council
Torrance City Hall
Torrance, California

Members of the City Council:

SUBJECT: COMMUNITY SERVICES – Approval of Policy for Donations and Acquisitions of Artwork to the City of Torrance through the Cultural Arts Commission

RECOMMENDATION

Recommendation of the Cultural Arts Commission and the Community Services Director that City Council approve a policy giving the Cultural Arts Commission the authority to review possible donations and acquisitions of artwork to the City, and to make a recommendation to the City Council on acceptance.

FUNDING

No fiscal impact.

BACKGROUND/ANALYSIS

It is a common occurrence for members of the public and community officials to offer donations of artwork to municipal governments. A case in point is the collection of Remington bronze sculptures that line the outer corridor of the City Council Chambers, already received by the City of Torrance. As with any asset, there is responsibility for stewardship.

The Policy for Donations and Acquisitions of Artwork to the City of Torrance through the Cultural Arts Commission establishes a process by which the City can assess these potential gifts. This policy, as presented, has been reviewed and approved as to form by the City Attorney and Risk Manager. It was approved by the Cultural Arts Commission at their regular meeting of September 21, 2009; an excerpt from these minutes is attached as Exhibit B.

The process includes staff meeting with the donor to gather information, such as what the materials are and information about the artist. Additionally staff will gather information about potential maintenance, both routine and long term that may be required. Staff will also attempt to locate an appropriate site for the placement of the work.

Once a complete packet has been gathered, staff will present the donation to the Cultural Arts Commission who will review it based on the following criteria:

1. Aesthetic quality.
2. Relationship of the artist or artwork to the City of Torrance.
3. Site availability.
4. Condition of the artwork.
5. Installation requirements.
6. Short and long term maintenance requirements.

The Cultural Arts Commission's recommendation will be forwarded to the City Council for final review.

The donor will be asked to sign a Deed of Gift of Artwork form (attached to the policy) that essentially releases the original donor from all rights and interest to the work, so that the City, once the owner, has control over the work's disposition.

The Cultural Arts Commission has utilized this policy in assessing the donation of a bronze sculpture called "Dreaming of the Kiss" which was approved at their November 16, 2009 meeting. This item will be coming to the City Council for final approval in January, 2010.

Respectfully submitted,
Cultural Arts Commission

By Eve Rappoport for
Benito Miranda, Chair

JOHN JONES
Community Services Director

By Eve Rappoport
Eve Rappoport
Cultural Services Manager

CONCUR:

John Jones
Community Services Director

NOTED:

LeRoy J. Jackson
City Manager

Attachment: A) Policy for Donations and Acquisitions of Artwork to the City of Torrance through the Cultural Arts Commission
B) Excerpt from September 21, 2009 Cultural Arts Commission minutes

X:Restricted/CulturalArtsCommission/Donation Policy to Council 12.8.09

CITY OF TORRANCE, CA

POLICY FOR DONATIONS AND ACQUISTIONS OF ARTWORK TO THE CITY OF TORRANCE THROUGH THE CULTURAL ARTS COMMISSION

This policy is intended to establish procedures for donations and acquisitions of artwork (either through purchase or commission) to the City of Torrance ("City"). Only artwork that enhance public spaces, are of the highest quality, and have manageable maintenance requirements will be considered. These guidelines provide a process for review, acceptance, placement, insurance, and maintenance.

A. APPROVAL PROCESS FOR DONATIONS AND ACQUISITIONS

The donor will meet with the City of Torrance Cultural Services Manager and present the work. A photograph, provenance of the artwork, dimensions, medium, date of creation, biographical information on the artist, and current appraisal and maintenance requirements must be presented at that time. The donor may propose a site.

Staff will review the proposal on the basis of aesthetic quality, relationship of the artist or artwork to the City, site availability, condition of the artwork, installation, and maintenance requirements. Staff will present the artwork to the Cultural Arts Commission for their review; staff will make a recommendation to the Commission to accept or reject the donation or acquisition and applicable conditions. The Commission will make a recommendation to the City Council to accept or reject the artwork. The City Council has the final authority.

Upon acceptance by the City, the donor will be asked to sign a Deed of Gift of Artwork, a copy of which is attached. The City and donor will negotiate how the artwork will be delivered to City property.

B. MEDIA

Artwork of any media and any size will be considered, including but not limited to: paintings, both portable and permanent works; sculptures, including in the round, bas-relief, mobile, kinetic, fountains, etc. in any material or combination of materials; other visual media, including prints, drawings, stained glass, photography, clay, wood, plastic, or combination of materials.

C. SITING

Staff will locate an appropriate site for the accepted artwork. Staff will contact the appropriate department head or his/her designated representative regarding the site and only proceed at that location upon their approval. Community meetings will be held when appropriate. Artworks may be re-sited periodically.

D. INSTALLATION
Staff will coordinate installation with the department head or his/her designated representative. A label identifying the artwork, artist, and donor will be installed near the artwork. All costs associated with installation will be incurred by the donor unless other funds are available and approved in advance. The City will prepare and install the identifying label.

E. MAINTENANCE
No artwork will be accepted by the City unless maintenance requirements have been specified in advance. In some cases, funds for on-going maintenance may be required prior to acceptance. Maintenance, repair, and restoration will be coordinated by the Cultural Services Division, Community Services Department and will be paid for by the City, if artwork is owned by the City, unless other arrangements are made in advance.

F. INSURANCE
While the artwork is in the possession of and owned by the City, the City will assume responsibility for any damage or theft of artwork. Depending on the value, the City may choose to purchase Fine Arts Floater insurance.

G. DISPOSITION OF THE ARTWORK
a. **Relocation**
It is the hope of the Cultural Arts Commission that by working with city departments and community groups in the placement of artwork that a sense of ownership will develop so that a request to relocate the work will not arise. Requests for relocation from City staff or the public will not be considered until the artwork has been in place for at least one year, allowing time for the City and community to live with and familiarize itself with the work. However, artwork will be moved immediately if it is damaged and could potentially cause harm to the public.

b. **Sales**
In the event that an artwork donated to the City must be sold, the donor will have the first right of refusal; the artist will have the second. Any proceeds arising from the sale of the artwork will go to a fund established by the Cultural Arts Commission to fund artwork for the City's collection.

The City of Torrance
DEED OF GIFT OF ARTWORK

I, _____("Donor") am the sole and absolute owner of the following work of art:

(name of artist)
***(title),* (year)**
(media)
(dimensions)

I do hereby irrevocably and unconditionally, by way of gift, relinquish, assign, and transfer to the City of Torrance all of my rights, title, and interest in and to each of the work(s) of art listed, including any and all rights of use, exploitation, and reproduction.

When my gift is exhibited, lent, or published, it will be credited as follows:

_____

If this wording is not satisfactory, please indicate the desired acknowledgement in the space below:

Gift of _____

Donor _____ Date _____

Acceptance

The City of Torrance gratefully accepts your unconditional gift of the work(s) of art described above.

Received by _____ Date _____

Accepted by LeRoy Jackson, City Manager _____ Date _____

Please sign, date, and return this document to the Cultural Services Division, Community Services Department, 3031 Torrance Blvd., Torrance, CA 90503

A copy will be returned to you for your records after the donation has been accepted by the Torrance City Council and Deed of Gift has been formally processed.

Commissioner Bunting requested a copy of TAG's Charter.

Manager Rappoport offered to provide Commissioners copies of the Charter but pointed out that that it was drafted in 1974 and is broad and outdated.

Commissioner Strehler returned to the meeting room.

7. NEW BUSINESS

7A. DONATIONS OF ARTWORKS POLICY

Manager Rappoport presented a final copy of the Donation of Artworks Policy that was approved by the City Attorney and Risk Manager. She expressed appreciation to Commissioner Bunting for her assistance and requested that Commissioners review the revised policy.

In response to Commissioner Candioty's inquiry, she advised that once a donation is in the possession of the City the City will have responsibility for it.

MOTION: Commissioner Candioty moved to accept as submitted the Policy for Donations and Acquisitions of Artwork to the City of Torrance Through the Cultural Arts Commission. Commissioner Bunting seconded the motion; a voice vote reflected unanimous approval (absent Commissioner Endo-Roberts).

7B. PROPOSAL TO INSTALL PERMANENT SCULPTURE IN MIRAMAR PARK

Manager Rappoport provided background on former Mayor Dan Walker's offer to donate a bronze sculpture "Dreaming of the Kiss" by artist Kim Kori. She stated that Mr. Walker would like to see the sculpture permanently installed at Miramar Park and has offered to pay for all relocation, design, material, installation, and a bronze plaque dedicating the sculpture to his late wife Sandi Walker. She noted that public notification and a map of Miramar Park marked with the proposed location for the sculpture are included in agenda materials.

In response to Commissioner Bunting's inquiry, she advised that Madrona Marsh Preserve was considered and can be considered again; however, the donor much prefers Miramar Park.

Commissioner Candioty expressed concern about possible vandalism or theft.

Dan Walker responded that the 300+ pound sculpture would be attached to a pedestal in such a way that it cannot be moved and that bronze makes it impervious to graffiti. He provided background on the acquisition of the sculpture and reasons why he wanted to place the sculpture in Miramar Park in memory of his wife Sandi. He stated that the frog is universally known to bring good luck, that frogs are everywhere except Antarctica, and that the sculpture would bring much enjoyment. He distributed a photograph taken from the condominium complex across the street showing minimal visual impact.

Chris Michalski, Calle Miramar, stated that he has no objections to the donation but pointed out that children would climb on the sculpture as they do on the dolphin sculpture at Miramar Park. He expressed concern about the proposed concrete pad and potential liability to the City.

Commissioner Strehler shared his concern but stated that she has no objection to the placement as long as it can be made safe.