

File No. 120564

Board Item No.

32

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date: June 5, 2012

Cmte	Board	
<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

**OTHER:**

Completed by: Dena Braley

Date: May 30, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document is in the file.

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

08

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
- An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.**

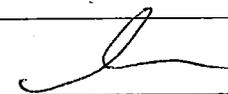
**Sponsor(s):**

Supervisor Carmen Chu

**Subject:**

Accept and Expend Resolution of \$15,000 from Keith Haring Foundation to Arts Commission

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

120564

1 [Accept and Expend Grant - Keith Haring Foundation Grant - \$15,000]

2

3 **Resolution to accept and expend a \$15,000 grant from the Keith Haring Foundation to**  
4 **the San Francisco Arts Commission's ArtCare Program to restore and conserve Keith**  
5 **Haring's "Dancing Figures" sculpture, located at Third and Howard Streets.**

6

7 WHEREAS, The 1989 Keith Haring sculpture, "Three Dancing Figures," is part of San  
8 Francisco's Civic Art Collection; and

9 WHEREAS, The Arts Commission is mandated to care for the Civic Art Collection,  
10 ensuring all 4,000 artworks worth a total of \$93,000,000 are maintained, cleaned, restored,  
11 conserved and repaired as necessary; and

12 WHEREAS, As stewards of the collection, the Arts Commission seeks funding outside  
13 the City's annual capital allocation which is inadequate to properly care for the collection; and

14 WHEREAS, The Arts Commission established ArtCare in 2010 to raise private dollars  
15 to maintain, restore, conserve and repair the collection to allow the public access to the  
16 artworks in the collection; and

17 WHEREAS, The Arts Commission proposes to maximize use of available grant funds  
18 on program expenditures by not including indirect costs in the grant budget; now, therefore,  
19 be it

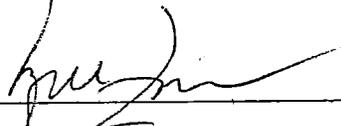
20 RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect costs in  
21 the grant budget; and, be it

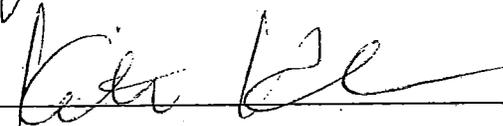
22 FURTHER RESOLVED, That the Board of Supervisors retroactively approves the Arts  
23 Commission to accept and expend a \$15,000 grant from the Keith Haring Foundation, with a  
24 grant cycle of 4/28/11 - 6/30/12; and, be it

25

1 FURTHER RESOLVED, That the Arts Commission's request, which has been funded  
2 and involves no ASO amendments, be carried out in accordance with all grant requirements  
3 and may be spent and reported upon accordingly.

4  
5 Recommended:   
6 Department Head: Tom DeCaigny, Director of Cultural Affairs

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8 Approved:   
9 Controller

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11 Approved:   
12 Mayor Edwin M. Lee

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SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE  
MAYOR

TOM DECAIGNY  
DIRECTOR OF  
CULTURAL AFFAIRS

PROGRAMS

CIVIC ART COLLECTION  
CIVIC DESIGN REVIEW  
COMMUNITY ARTS  
& EDUCATION  
CULTURAL EQUITY GRANTS  
PUBLIC ART  
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY  
401 VAN NESS AVENUE  
415.354.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Tom DeCaigny, Director of Cultural Affairs  
**DATE:** April 6, 2012  
**SUBJECT:** Accept & Expend Resolution for Keith Haring Foundation  
\$15,000 Grant to the San Francisco Arts Commission  
**GRANT TITLE:** Keith Haring Foundation Grant

Attached please find the original and 4 copies of each of the following:

- Proposed grant resolution; original signed by Department, Mayor, Controller
- Grant information form, including disability checklist
- Grant budget
- Grant application
- Grant award letter from funding agency
- Other (Explain):

**Special Timeline Requirements:**

Grant must be spent by 6/30/2012.

**Departmental representative to receive a copy of the adopted resolution:**

Name: Rachelle Axel Phone: 415.252.2564  
Interoffice Mail Address: 25 Van Ness Avenue, Suite 345

Certified copy required Yes  No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).



CITY AND COUNTY OF  
SAN FRANCISCO

**File Number:** \_\_\_\_\_  
(Provided by Clerk of Board of Supervisors)

**Grant Information Form**  
(Effective March 2005)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Keith Haring Foundation Restoration Grant**

2. Department: **San Francisco Arts Commission**

3. Contact Person: **Rachelle Axel** Telephone: **415.252.2564**

4. Grant Approval Status (check one):

Approved by funding agency

Not yet approved

5. Amount of Grant Funding Approved or Applied for: **\$15,000**

6a. Matching Funds Required: **no**

b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: **Keith Haring Foundation**

b. Grant Pass-Through Agency (if applicable):

8. Proposed Grant Project Summary:

**The San Francisco Arts Commission will oversee the conservation and restoration of the Keith Haring sculpture, "Three Dancing Figures," located at 3<sup>rd</sup> and Howard streets and that is part of the Civic Art Collection. A grant to the Arts Commission's ArtCare program will enable this agency to bring on expert conservators to remove the sculpture from the site, take it to a restoration facility, treat the sculpture so that it is returned to its original state and reinstall it in the same location.**

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: **4/28/11**

End-Date: **6/30/12**

10a. Amount budgeted for contractual services: **\$15,000**

b. Will contractual services be put out to bid? **Yes.**

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? **Yes.**

d. Is this likely to be a one-time or ongoing request for contracting out? **One-time.**

11a. Does the budget include indirect costs?  Yes  No

b1. If yes, how much? \$

b2. How was the amount calculated?

c. If no, why are indirect costs not included?

Not allowed by granting agency

To maximize use of grant funds on direct services

Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs?

Administrative, accounting and development expenses.

12. Any other significant grant requirements or comments:

**\*\*Disability Access Checklist\*\***

13. This Grant is intended for activities at (check all that apply):

Existing Site(s)

Existing Structure(s)

Existing Program(s) or Service(s)

Rehabilitated Site(s)

Rehabilitated Structure(s)

New Program(s) or Service(s)

New Site(s)

New Structure(s)

14. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer: \_\_\_\_\_

*Rebecca*  
(Name)

Date Reviewed: \_\_\_\_\_

*4/9/12*

Department Approval: \_\_\_\_\_

*Thomas E. DeCaigny* Director of Cultural Affairs  
(Name) (Title)

*Thomas E. DeCaigny*  
(Signature)



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE  
MAYOR

LUIS R. CANCEL  
DIRECTOR OF  
CULTURAL AFFAIRS

March 31, 2011

Julia Gruen, Executive Director  
Keith Haring Foundation  
676 Broadway  
New York, NY 10012

PROGRAMS

CIVIC ART COLLECTION  
CIVIC DESIGN REVIEW  
COMMUNITY ARTS  
& EDUCATION  
CULTURAL EQUITY GRANTS  
PERFORMING ARTS  
PUBLIC ART  
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY  
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415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

Dear Julia,

On behalf of the City and County of San Francisco and the Arts Commission, thank you for the opportunity to submit this proposal to the Keith Haring Foundation. We are deeply appreciative of your sharing in our wish to protect this artwork. It is by far one of the City's most beloved treasures and we too are eager to ensure that the artwork remains as the artist and foundation intended.

Without fail, each time you pass by the sculpture, there is someone having their photograph taken with the Haring piece, a testament to its universal appeal and the important position it holds in our Civic Art Collection. It is a genuine San Francisco landmark.

We are both eager to work with the foundation again. Our past experience working on both the loan and the commissioning of the dancing figures was extremely positive; we hope we have a chance to collaborate on this restoration project as well.

Please find the eight copies of the application proposal enclosed herein. If you have any questions about our request, please feel free to call or email either of us. Our contact information is below.

Sincerely,

Luis R. Cancel  
Director of Cultural Affairs

*luis.cancel@sfgov.org*  
415-519-2406

Jill Manton  
Director of Programs

*jill.manton@sfgov.org*  
415-252-2585



CITY AND COUNTY OF  
SAN FRANCISCO

## SAN FRANCISCO ARTS COMMISSION REQUEST TO THE KEITH HARING FOUNDATION

### **Proposal Summary**

The San Francisco Arts Commission (SFAC) requests a \$15,000 grant from the Keith Haring Foundation to help underwrite the restoration of the 1989 Keith Haring sculpture located at the corner of Howard and 3<sup>rd</sup> streets outside Moscone Center. This restoration effort would be a project of the Arts Commission's ArtCare program, a public-private partnership committed to preserving and maintaining the City's Public Art Collection.

### **Organization Description**

The SFAC was founded by charter in 1932 and is the arts agency of the City and County of San Francisco. Believing that a creative cultural environment is essential to the City's well-being, SFAC programs ensure that San Francisco nurtures its creative assets – from visual, literary and performing artists to large cultural institutions and small black box theatres. Our programs integrate the arts into all aspects of City life, ensuring that they are elemental to every resident's quality of life and contribute to the City's economic vitality. The agency's core values are anchored to the belief that all residents and visitors should have equal access to arts experiences, that programs are provided comprehensively and evenly throughout the City, and that they are innovative and of the highest quality. As a unit of local government, the SFAC holds a tax-exempt, non-profit 170(c)1 public entity status serving all citizens of San Francisco.

The SFAC programs are: **1) Public Art Program:** One of the nation's leading programs commissioning artists' work for temporary and permanent installation in public spaces; **2) Civic Art Collections:** Containing more than 4,000 objects worth \$93 million (and the program at the heart of this request to the Keith Haring Foundation); **3) SFAC Gallery:** Presents year-round exhibitions and educational programs in four publicly accessible spaces in the Civic Center district; **4) Cultural Equity Grants:** A program that last year granted \$2.3 million to small and mid-sized multicultural arts organizations and individuals; **5) Community Arts & Education:** Includes the Arts Education Program, six community cultural centers, WritersCorps and new initiatives including the ARTery Project, Art in Storefronts and StreetSmARTS; **6) Civic Design Review:** A panel of experts approves all San Francisco public building and plaza designs; **7) Street Artists Program:** Administers licenses for hundreds of artists selling their wares around the city; **8) San Francisco Symphony – Engaging Communities:** A collaboration with the SF Symphony that presents low-cost and free performances at Davies Hall and Dolores Park.

### **About ArtCare**

ArtCare is a partnership between the SFAC and the San Francisco Art Dealers Association focusing on the restoration of aging and damaged public artworks that are among the City's most treasured cultural assets. The SFAC's Civic Art Collection is 135 years old, marked by the first artwork donated to the City – Lotta's Fountain, dated 1875. The Public Art Program, founded in 1969, is among the nation's oldest and most respected contemporary art commissioning programs. There are approximately 4,000 pieces in the City's Civic Art Collection valued at more than \$93 million; Keith Haring's 1989 sculpture is among its signature pieces. Installed in 2001, it is located in one of the most highly visible and trafficked intersections in San Francisco and has been identified as one of ArtCare's restoration priorities.

While the public art ordinance legislates guaranteed funding for the commissioning and acquisition of works of art in public facilities and civic spaces, there is no comparable mechanism to maintain these objects once they are installed. The City's capital program provides

an annual allocation of \$15,000 for public art maintenance (including graffiti abatement and vandalism removal) but the needs of the collection far outweigh these inadequate funds.

The SFAC is charged with and committed to maintaining the Civic Art Collection; ArtCare is a creative solution to meeting this need and was launched to find private support to care for public artworks that are both highly visible and in need of conservation. Our goal is to foster a sense of ownership among the public for these works of art, and to match private philanthropies, civic-minded art enthusiasts and collectors with works of art that have particular meaning to them. The City cannot restore these works alone; our formidable collection has aged and requires an aggressive schedule of care. By reaching out to the private sector, the SFAC ensures that San Francisco's assets keep their value and integrity for all citizens and visitors to enjoy.

SFAC engages partners whenever required and this includes experts in the field of conservation. Our own registrar has an excellent knowledge of maintenance assessment and appropriateness of protective coatings for specific materials, but we do require outside consultants to assess structural and surface decay, compromise and other stabilization concerns. As such, we have relationships with conservation firms and private practitioners who are experts in public art restoration and adhere to American Institute for Conservation ethics and standards. We also work with the conservation labs at the de Young and the Museum of Modern Art. We also remain at the forefront of the dialogue around public art restorative practices.

### **Project Goals & Objectives**

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The following is a description of the Keith Haring sculpture's current condition, proposed treatment, logistics for the restoration site, and additional information on materials and fabrication. These assessments were gathered by Tracy Power of Objects Conservation who has conducted a review of the sculpture and its restoration needs.

#### ***The Sculpture's Condition***

The sculpture is structurally stable but the surface has deteriorated from outdoor exposure and a decade of interaction with the public. The paints, most notably the red and yellow (on the top and south facing surfaces in particular), have faded with ultraviolet exposure and they look lighter and chalky in areas.

The blue paint still looks even and glossy and does not seem to have faded much. However, substrate expansion, due to oxidation of the base metal below the paint layer, is visible on the inside of the blue leg that stands on the base. This is worrisome since it is not accessible for treatment without removing the paint covering it and that could lead to a much more significant restoration job than is otherwise necessary at this time.

There are some contusions where the surface was indented and colored paints were lost, exposing the priming layer and, in some small spots, the metal substrate. There were about five losses noticed on the red figure, fewer but larger losses on the blue figure and only one very tiny loss noticed on the yellow figure. More may be visible after cleaning the sculpture. It appears that some inpainting may have been done in the past, particularly to the edge of the red figure. The black base has the most damage to the paint with numerous scratches to the top surface and fairly large losses all along the edge of the top. There are also signs of public misuse including adhesive residues from stickers, and black smudges likely from shoes and bike tires. There are numerous shallow scratches in the colored paints, but most are not visible to the casual viewer. The surface is also grimy overall.

***Proposed Treatment***

In order to prolong the time between repaintings of the sculpture in full, the conservator proposes a treatment to revive the existing paint. The surface may not be perfect after her proposed treatment, but will reflect the original colors and the artist’s intent. Since Ms. Power has confirmed that the colorants in the existing paints will continue to fade over time, she recommends applying a wax coating to slow that process. The wax would ideally be reapplied once or twice each year. What follows is an itemized list of her treatment plan.

- 1) Photograph the sculpture before, during if appropriate, and after treatment.
- 2) Wash or wipe the surface to remove dirt and loose chalked material.
- 3) Remove black scuffmarks with organic solvents.
- 4) Buff the existing paint coatings with buffing compounds designed for polishing out car paints. The degraded areas on the red and yellow figures would likely require a series of buffing compounds starting with a rougher one to remove the chalked material, then progressing to finer compounds to provide an overall even luster. The better-preserved areas would likely need only the finer compounds.
- 5) The impacted dings could be filled with polyester patching material or primer/sealer. Either product would be sanded level with the surrounding paint.
- 6) The fills and scratches on the figures would be inpainted to blend with either Imron car paints or other conservation colors. The Imron colors used initially would probably not match the aged paint, so some adjustment in color will be necessary. The Imron paints are inherently stronger than the conservation acrylic colors, but they are not designed for spot touch-ups, so may not blend as well. A combination of the two types of paints will likely be used.
- 7) The black base would have the major dings on the edges filled and inpainted. However, not every scratch would be inpainted, as there are far too many to treat locally. At any rate, they are less visible to passers-by.

***Restoration Site Logistics***

The sculpture would be worked on in its current location with a simple enclosure/barricade such as cones or sanctions and danger tape. The Arts Commission Senior Registrar will look into site provisions including:

- Water                    ➤ Insurance Requirements                    ➤ Parking on Site
- Electricity            ➤ Moscone Convention Schedule           ➤ Sanctions, Barricades

***Materials and Fabrication***

The sculpture was fabricated in 1989 and installed in its current location in 2001. The base material appears to be steel with a thick tan priming/leveling layer between metal and colored paints. The paint specifications were provided by the artist’s foundation and are as follows:

**DuPont Imron Paint**

• Red    # 6543-11P	• Yellow    # 6561-11P
• Blue    # 5202-11P	• Black    # 40M-11P

***Project Budget***

Detailed below are the project expenses for the restoration, including the conservator’s time, materials and administrative costs for the Arts Commission. Conservator figures were also prepared by Tracy Power.

<b>Expense Item</b>	<b>Amount</b>	<b>Notes</b>
Material Costs	\$1,000	Solvents, paints, fillers, general conservation supplies (i.e., gloves, masks, etc.)
<u>Conservators Labor Costs</u> ○ Set up, photography, washing, buffing, waxing ○ Fill losses to level; sanding and inpainting ○ Finalize fills and inpainting, photograph work ○ Initial exam, research, document supplies and methods used ○ Prepare insurance, written proposal, final report and photographs for client	\$9,900	→ 10 hours x 4 people → 6-8 hours x 2 people → 6 hours x 2 people  → 4-6 hours x 2 people  → 4-6 hours x 1 person
Contingency Fee @ 10%	\$1,090	In the event that more losses or problems are uncovered during treatment
Water, electricity, permit, barricades or sanctions	\$1,210	
Arts Commission Administrative Fee @ 15%	\$1,800	Covers Senior Registrar's project management, Public Art Director's oversight and Development Director's fundraising
<b>Total Project Expenses</b>	<b>\$15,000</b>	

### **Summary**

The issue of stewarding our City's cultural assets cannot remain unaddressed; in fact, the condition of these treasures will only worsen over time. We have an opportunity to be a national leader in public art conservation as other cities in the United States have younger collections than ours and will inevitably face the same concerns in the coming years. The public's recognition of the Keith Haring sculpture is an important factor in raising awareness about the need for this type of conservation. While our cultural institutions and performance venues draw international audiences, and as major new cultural attractions open and bring even more visitors to our city, we must not let our public art and monuments languish. They are integral to San Francisco's cultural ecology, and up until now have remained low on the City's list of cultural priorities. By restoring these artworks in the public sphere, with a high priority placed on those in highly visible, heavily trafficked locales such as the Keith Haring sculpture, the Arts Commission ensures that every neighborhood has a sense of ownership of its cultural jewels and takes pride in them as a shared public asset.



**T H E   K E I T H   H A R I N G   F O U N D A T I O N   I N C .**

April 28, 2011

Luis R. Cancel  
Director of Cultural Affairs  
San Francisco Arts Commission  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102

Re: Terms of Grant

Dear Mr. Cancel:

I am pleased to confirm that The Keith Haring Foundation, Inc. has agreed to grant your request for funding in the amount of \$15,000.00 to be used for the following purpose, [as more fully described in your proposal dated 31 March 2011]:

CHECK #1694: Funds to assist in the surface restoration of the Haring sculpture situated outside the Moscone Center in San Francisco.

The grant is provided upon the following terms:

1. *Purpose.* The funds are earmarked solely for the aforementioned purpose and may not be used for any other activity or undertaking. Your organization accepts, and will exercise, full control over the grant and the disposition of the funds after they are received, with responsibility for complying with all the terms of this agreement.

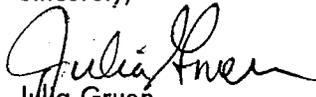
2. *Expenditure of Funds.* You represent that your proposal, as submitted, accurately reflects your present intention to expend at least the grant amount for the contemplated purpose, in conformance with your budget. After the funds have been expended (or earlier, if we so request), you will provide us with a written report detailing how the funds were expended. You will also provide us with any additional details or supporting documents or information that we may reasonably require in order to clarify or verify the report, as well as any informal updates or status reports that we may reasonably request from time to time.

3. *Charitable Status.* You represent that your organization is exempt from tax under section 501(c)(3) of the Internal Revenue Code (IRC) and qualifies as an organization described in IRC §509(a)(1), (2), or (3). The funds may only be used for the charitable purposes expressly authorized hereunder, consistent with such tax-exempt status, and you will ensure that this status remains unchanged for so long as you are benefiting from the granted funds. You will not intervene in any election or support or oppose any political party or

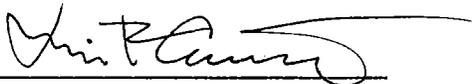
candidate for public office, or engage in any lobbying not permitted by IRC §501 (c)(3) or, if applicable, IRC §§501(h) and 4911, or participate in any voter-registration drive, or use any of the granted funds at any time to support or carry on any of such activities. We will have the right to cancel this agreement and suspend and/or require return of the granted funds if at any time your organization loses its tax-exempt status, or if we reasonably determine that your charitable mission has materially changed such that it is no longer consistent with the purpose for which the grant was made. You will immediately advise us of any such loss of status or material change.

If these terms are acceptable, please sign below to confirm your organization's agreement and we will be able to disburse the grant funds.

Sincerely,

  
Julia Gruen  
Executive Director  
for The Keith Haring Foundation, Inc.

Accepted and agreed:  
San Francisco Arts Commission

By:   
Luis R. Cancel  
Director of Cultural Affairs

Date: May 9, 2011