File No. 120565 Board Item No. 33

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting **Date: June 5, 2012**

Cmte	Board	
☐	☐	**Motion**
☐	☑	**Resolution**
☐	☐	**Ordinance**
☐	☐	**Legislative Digest**
☐	☐	**Budget Analyst Report**
☐	☐	**Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☑	**Introduction Form**
☐	☑	**Department/Agency Cover Letter and/or Report**
☐	☐	**MOU**
☐	☑	**Grant Information Form**
☐	☑	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract/Agreement**
☐	☑	**Award Letter**
☐	☐	**Application** n/a
☐	☐	**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.

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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 $50,000 from Keith Haring Foundation to Arts Commission

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only:

120565

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
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Tom DeCaigny, Director of Cultural Affairs

DATE: April 4, 2012

SUBJECT: Accept & Expend Resolution for Keith Haring Foundation $50,000 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:

X Proposed grant resolution; original signed by Department, Mayor, Controller

x Grant information form, including disability checklist

x Grant budget

n/a Grant application

x 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

[Accept and Expend Grant - Keith Haring Foundation Grant - $50,000]

Resolution to accept and expend a $50,000 grant from the Keith Haring Foundation to the San Francisco Arts Commission's ArtCare Program to restore and conserve Keith Haring's "Dancing Figures" sculpture, located at Third and Howard Streets.

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

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

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

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

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

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

FURTHER RESOLVED, That the Board of Supervisors retroactively approves the Arts Commission to accept and expend a $50,000 grant from the Keith Haring Foundation, with a grant cycle of February 6, 2012 - June 30, 2012; and, be it

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

Recommended: _____

Department Head: Tom DeCaigny, Director of Cultural Affairs

Approved: _____

Controller

Approved: _____

Mayor Edwin M. Lee

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):

   [x] Approved by funding agency [ ] Not yet approved

5. Amount of Grant Funding Approved or Applied for: **$50,000**

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 3rd 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 scultpure 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: **2/6/12** End-Date: **6/30/12**

10a. Amount budgeted for contractual services: **$50,000**

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 [x] 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
[ ] Other (please explain):
[x] To maximize use of grant funds on direct services

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):

[x] Existing Site(s)
[ ] Rehabilitated Site(s)
[ ] New Site(s)

[x] Existing Structure(s)
[ ] Rehabilitated Structure(s)
[ ] New Structure(s)

[x] Existing Program(s) or Service(s)
[ ] New Program(s) or Service(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: Debe [illegible]
(Name)

Date Reviewed: 4/9/12

Department Approval: Thomas E. DeCaigny Director of Cultural Affairs
(Name) (Title)

T. E. DeC[illegible]
(Signature)

San Francisco Arts Commission
Accept / Expend Documentation

Keith Haring Foundation Grant Budget

Income	
Keith Haring Foundation Grant (#2)	$50,000
Keith Haring Foundation Grant (#1)	$15,000
Total Grant Income	**$65,000**
Expense	
Contracted Conservation Services	$65,000
Total Grant Expenses	**$65,000**
Balance	**$0**

THE KEITH HARING FOUNDATION INC.

6 February 2012

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 $50,000.00 to be used for the following purpose, [as more fully described in your proposal dated 1 December 2011]:

> CHECK #1726: Funds to cover de-installation & transport, restoration, transport & re-installation 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)(I), (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

676 Broadway New York NY 10012 tel 212 477 1579 fax 212 353 0843
www.haring.com info@haring.com

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.

Sincerely,

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

Accepted and agreed:
San Francisco Arts Commission

By: _____ for
~~Luis R. Cancel~~ Tom DeCaigny
Director of Cultural Affairs

Date: 2/23/12