



---

File #: 16-0952, Version: 1

---

### **REPORT TO COUNCIL**

#### **SUBJECT**

Approval to Proceed with the Deaccession of Five Works of Art (Watercolor Paintings) by Susan Terry (*Hendy Iron Works*, *Twin Palms*, *Water Tower at California and Mathilda*, *Forget Me Nots* and *Tulips*) from the City's Public Art Collection Pursuant to Council Policy 6.4.4 - Art in Public Places

#### **BACKGROUND**

Council Policy 6.4.4 - Art in Public Places (Attachment 1) sets forth uniform guidelines for the inclusion of public art into the City's permanent Public Art Collection.

The Policy also assigns responsibility for the oversight and maintenance of the Collection to the Department of Library and Community Services (LCS) which includes deaccessioning of individual pieces of the collection when necessary. Deaccessioning is the act of formally removing a piece of art from the Collection and is a standard practice for museums, galleries, universities and government organizations that maintain a public art collection.

As defined in the City's *Art in Public Places* policy, specific circumstances may deem it necessary to permanently remove works of art from the City's Public Art Collection. The policy sets forth a deaccessioning process that includes a review by the Arts Commission of the staff evaluation for a proposed deaccession. The Commission then makes a recommendation to the City Council for final action.

This report presents the first time the deaccession process has been initiated since the amendment of the Council Policy in 2012, which added a deaccession policy framework and process.

LCS staff conducted an evaluation of the collection and identified five works of art deemed eligible for deaccession. Consequently, staff sought input from the Arts Commission at their September 21, 2016 meeting regarding a formal recommendation to remove the proposed items from the City's Public Art Collection.

#### **ENVIRONMENTAL REVIEW**

The deaccession of watercolor paintings from the Permanent Art Collection does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378 (b) (5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### **EXISTING POLICY**

**Council Policy 6.4.4:** *Art in Public Places*

**DISCUSSION**

While the intent of the City’s Public Art Collection is to maintain each piece of art indefinitely, there are circumstances that warrant the removal of artwork from the City’s collection. As outlined in the Art in Public Places policy, these circumstances include:

1) the inability to reasonably guarantee the safety of the artwork; 2) artwork that may pose a danger to the public or that may invite vandalism; 3) artwork considered to be fraudulent in some way; 4) art discovered to have been stolen; 5) theft; 6) damage beyond repair and/or cost to repair is prohibitive; 7) the mission of the City’s collection changes and the piece is no longer consistent with that mission; 8) the site where the artwork is displayed is no longer accessible to the City; 9) the artwork was intended for temporary inclusion only; 10) the artwork is deemed duplicative; and 11) the artwork has been determined to lack aesthetic value to justify its continued upkeep. It should be noted that the policy specifically prohibits the deaccession of a piece of artwork solely on the basis of content or personal preference of any staff member, commission, board member or member of the public.

In 2016, LCS identified five pieces in the collection deemed eligible for deaccession as follows:

Artist/Title	Date of Purchase/ Method of Acquisition	Purchase Price	Current Market Value	Dimensions/ Media	Reason for Deaccession	Method of Deaccession
Susan Terry <i>Hendy Iron Works</i>	1980 Sunnyvale Purchase Award	\$325	\$0	16” X 18” Watercolor	Damaged beyond repair	Recycle
Susan Terry <i>Twin Palms</i>	1980 Sunnyvale Purchase Award	\$325	\$0	20” x 16” Watercolor	Damaged beyond repair	Recycle
Susan Terry <i>Water Tower at California and Mathilda</i>	1980 Sunnyvale Purchase Award	\$325	\$0	20” x 16” Watercolor	Missing	Missing
Susan Terry <i>Forget Me Nots</i>	1985 Master Plan for Public Art	\$325	\$0	22” x 26” Watercolor	Damaged beyond repair	Recycle
Susan Terry <i>Tulips</i>	1985 Master Plan for Public Art	\$460	\$0	22” x 31” Watercolor	Damaged beyond repair	Recycle

The watercolor paintings by Susan Terry were executed on a type of paper that has grown brittle with age, causing the paintings to crack and fall apart. Therefore, paintings are considered damaged beyond repair and have no monetary value (Attachment 2 - Photos of the Artworks Proposed for Deaccession). Additionally, the *Water Tower at California and Mathilda* is currently missing as staff believes the piece was inadvertently discarded. As part of the upcoming Public Arts Master Plan, staff will review existing protocols to identify checks and balances that can be put in place to prevent this type of situation from reoccurring in the future.

In accordance with the Policy, staff has contacted Ms. Terry and she is aware of the proposal to remove the items from the City’s Public Art Collection.

At the Arts Commission meeting on September 21, 2016, commissioners reviewed the staff report and agreed with the staff recommendation to approve the deaccession of five watercolor paintings: *Hendy Iron Works*, *Twin Palms*, *Water Tower at California and Mathilda*, *Forget Me Nots*, and *Tulips*. Additionally, the Commission inquired whether the five works of art could be donated, and approved an amendment to allow staff to determine the most appropriate method for dispersal of the paintings.

### **FISCAL IMPACT**

There is no significant fiscal impact associated with the removal of the five artworks. Because of the irreparable damage to the watercolor paintings, they hold no monetary value and cannot be sold. There is also no cost associated with disposing of the artwork.

There is a minimal staff cost associated with the deaccessioning process, however; this cost is included in the Art in Public Places budget, 626230. There also is a nominal savings in staff time associated with the annual cleaning and maintenance of the artworks.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

Additionally, this item was considered and recommended for approval by the Arts Commission at their September 21, 2016 meeting.

### **RECOMMENDATION**

Approve the deaccession of five watercolor paintings: *Hendy Iron Works*, *Twin Palms*, *Water Tower at California and Mathilda*, *Forget Me Nots*, and *Tulips* by Susan Terry.

The Arts Commission considered this item at its September 21, 2016 meeting and supports the staff recommendation.

Prepared by: Kristin Dance, Community Services Coordinator  
Reviewed by: Trenton Hill, Community Services Manager  
Reviewed by: Daniel Wax, Superintendent of Community Services  
Reviewed by: Cynthia E. Bojorquez, Director, Library and Community Services  
Reviewed by: Walter C. Rossmann, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Council Policy 6.4.4 - Art in Public Places
2. Photos of the Artworks Proposed for Deaccession
3. Draft Minutes of the Arts Commission Meeting of September 21, 2016