

REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
July 22, 2008

Honorable Mayor and
Members of the City Council

Title: Authorizing the City Manager to enter into agreements for the purchase or gift of works of art to be acquired by the City

Location/Council District: City and County Wide

Recommendation: Adopt a **Resolution**; authorizing the City Manager, or the City Manager's designee, to approve and execute agreements on behalf of the City for the purchase or gift of works of art in amounts less than \$100,000.

Contact: Shelly Willis, Art in Public Places (APP) Administrator, 566-3971. Rhyena Halpern, Executive Director, 566-3989

Presenters: Not Applicable

Department: Convention, Culture and Leisure Department

Division: Metropolitan Arts Commission

Organization No/Dept. ID: 4242/17001821

Description/Analysis:

Issue: The City and County of Sacramento established the Sacramento Metropolitan Arts Commission ("SMAC"), a jointly funded agency, for the purpose of supporting the arts in the Sacramento metropolitan area. One of the roles of SMAC is, with the exception of works of art given to or purchased by museums, to review and make recommendations upon all works of art to be acquired by the city or county either by purchase or gift and to make recommendations concerning their proposed locations (Sac. City Code § 2.84.080(f); Sac. County Code § 2.96.090(6)).

Under the City and County Codes, "Works of art" include, but are not limited to: all paintings, mural decoration, inscriptions, stained glass, fibre work, statues, reliefs or other sculptures, monuments, fountains, arches, or other structures, intended for ornament or commemoration; works in the fields of music, literature, theater, dance and film (Sac. City Code § 2.84.020; Sac. County Code § 2.96.030(8)).

Authorizing the City Manager to Enter Into Agreements For The Purchase And Gift of Works of Art To Be Acquired by the City
July 22, 2008

The Convention, Culture, and Leisure Department was notified by the City Attorney's Office that neither the City Code nor Administrative Policy Instructions give authority to the City Manager to execute agreements for the purchase, or gift, of works of art because these transactions do not fall within definition of non-professional or professional services, the purchase of goods, or public projects.

Consistent with the City and County Codes, City Public Art Policy, and Standard Operating Procedures, artworks will be reviewed and approved by SMAC.

Policy Considerations: This action is consistent with the City's Strategic Plan goal to preserve and expand arts and culture opportunities.

Environmental Considerations: Under the California Environmental Quality Act (CEQA), California Code of Regulations, title 14, section 15378 (b), continuing administrative activities do not constitute a project and are therefore exempt from review.

Rationale for Recommendation: This action will expedite the award of contracts to artists and the City's receipt of gifts of works of art. The City will continue to follow the City's Art in Public Places Policy and Standard Operating Procedures. SMAC will continue to review and make recommendations upon all works of art to be acquired by the City or County either by purchase or gift and to make recommendations concerning their proposed locations during their regularly scheduled meetings. The action is also consistent with the City Council's policy of delegating contract approval authority to the City Manager for agreements less than \$100,000.

Financial Considerations: None

Emerging Small Business Development (ESBD): Artists will be encouraged to apply to ESBD in order to meet ESBD requirements.

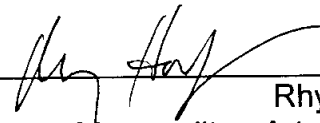
Respectfully Submitted by: _____



Shelly Willis

Art in Public Places Administrator

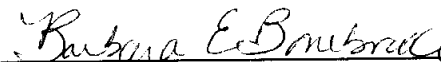
Approved by: _____



Rhyena Halpern

Manager, Sacramento Metropolitan Arts Commission

Approved by: _____



Barbara E. Bonebrake

Director, Convention, Culture and Leisure Department

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Recommendation Approved:


for RAY KERRIDGE
City Manager

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RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS FOR THE
PURCHASE AND GIFT OF WORKS OF ART TO BE ACQUIRED BY THE CITY**

BACKGROUND

- A. The Convention, Culture, and Leisure Department was notified by the City Attorney's Office that neither the City Code nor Administrative Policy Instructions give authority to the City Manager to execute agreements for the purchase or gift of works of art because these transactions do not fall within definition of non-professional or professional services, the purchase of goods, or public projects.
- B. Consistent with the City and County Codes, City Public Art Policy, and Standard Operating Procedures, artworks will be reviewed and approved by SMAC before being authorized for purchase or receipt.
- C. The City Manager's authority to approve the purchase, and gift, of works of art under \$100,000 will increase the ability of staff to expedite contracts quickly and efficiently.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City Manager, or the City Manager's designee, is authorized to approve and execute agreements on behalf of the City for the purchase or gift of works of art in amounts less than \$100,000.