



Legislation Text

File #: 19-0709, **Version:** 2

Resolution to Authorize Purchase of Canoe Fan Artwork and Appropriate \$35,000 from General Fund Unobligated Fund Balance **(8 Votes Required)**

The City currently has a loan agreement with the artist Victoria Fuller for her piece “Canoe Fan” which is installed at Gallup Park. Canoe Fan was installed as part of the City’s Canoe Imagine Art program in 2015 (<https://www.a2gov.org/departments/Parks-Recreation/play/Pages/canoeimagineart.aspx>). Ms. Fuller’s piece was the only one loaned to the City - the other pieces in the program are the property of the City. The loan agreement was initially a two-year agreement that was extended for an additional two years. Ms. Fuller has been seeking a purchaser for the piece throughout the loan period, but has not found one.

The loan period ends May 30, 2019, after which Ms. Fuller will be required to remove the piece. Ms. Fuller initially offered to sell the piece to the City for \$45,000, which she indicates was her cost to produce it. The Ann Arbor Public Art Commission (AAPAC) reviewed the request and recommended not purchasing the piece. On May 6, 2019, Council passed resolution R-19-215, directing the City Administrator to enter negotiations to potentially purchase the artwork and to prepare a proposal for Council consideration, including a recommended funding source. Following these negotiations, Ms. Fuller has offered to sell the piece for the reduced price of \$40,000.

Ms. Fuller has also offered a lease to own option, with \$20,000 paid now and the remainder paid at \$416.50 a month over a 4-year period. Staff does not recommend the installment option, given the amount of funds in question, the administrative overhead of negotiating and drafting an installment agreement and issuing payments and related tax documents, etc. over 4 years, and the preference to have full control of the artwork immediately.

Staff does not object to the City acquiring the artwork. However, there is concern that no money is budgeted for maintenance. To date, no maintenance has been required, but the artwork is exposed to weather year-round and eventually it may require upkeep. Staff recommends that if the artwork is acquired, that the artist be required to sign the City’s standard contract for purchasing artworks, which provides that the City acquires the right to maintain, repair, move, or dispose of the artwork as the City sees fit.

Prepared by: Christopher Frost, Senior Assistant City Attorney

Reviewed by: Derek Delacourt, Community Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The City has a loan agreement with the artist Victoria Fuller for her artwork “Canoe Fan” which is installed at Gallup Park;

Whereas, The loan period ends May 30, 2019, after which the artist will be required to remove the artwork;

Whereas, The artist initially offered to sell the artwork to the City for \$45,000;

Whereas, On May 6, 2019 City Council passed a resolution (R-19-215) directing the City Administrator to enter negotiations to potentially purchase the artwork and to prepare a proposal for Council consideration, including a recommended funding source;

Whereas, The artist has offered to sell the piece to the City at the reduced price of \$35,000, but is requesting a right-of-first refusal if the City decided to remove or destroy the artwork; and

Whereas, The City's normal practice and standard purchase agreement for artwork retains the City's right to dispose of the artwork as it sees fit, but not alter the artwork without the artist's permission;

RESOLVED, That City Council authorizes the purchase of Canoe Fan artwork from Victoria Fuller for \$35,000;

RESOLVED, That City Council hereby appropriates \$35,000.00 from the General Fund unobligated fund balance to increase the Parks General Fund expenditure budget for the purchase;

RESOLVED, That the funding be available without regard to fiscal year;

RESOLVED, That the purchase is conditioned upon the artist signing the City's standard purchase agreement for artwork; and

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the purchase agreement after approval as to form by the City Attorney and as to content by the City Administrator.

Sponsored by: Councilmembers Lumm, Ramlawi, Eaton, Grand and Mayor Taylor

As Amended and Approved by Ann Arbor City Council on May 20, 2019