

# **FINE ARTS MUSEUMS OF SAN FRANCISCO**

## **Executive Committee Board of Trustees**

**December 10, 2009**

### **I. Calling of the Meeting to Order - Diane B. Wilsey, President**

A meeting of the Executive Committee of the Board of Trustees of the Fine Arts Museums of San Francisco was held on Thursday, December 10, 2009, in the Board Room of the Legion of Honor, Lincoln Park, San Francisco. A quorum being present, the meeting was called to order at 3:20 p.m. by Diane B. Wilsey, President.

President Wilsey presided; Mrs. Gough acted as Secretary.

### **II. Calling of the Roll**

#### Present:

Iris S. Chan  
David H. S. Chung  
Penny Coulter  
Belva Davis, Co-Vice President for Audience Development  
and Civic Affairs  
Kathryn Lasater  
Louise H. Renne  
Diane B. Wilsey, President

#### Excused:

Carol N. Bonnie  
Marion M. Cope, Vice President for Annual Support  
Juliet de Baubigny  
Monica Maduro, Co-Vice President for Audience Development  
and Civic Affairs  
Carl Pascarella  
Trevor D. Traina

#### Other Trustees in Attendance:

Charles Crocker  
George Hecksher, Vice President for Collections  
Jack McDonald  
Lorna F. Meyer  
Paul A. Violich, Vice President for Finance

**III. Closed Session for Conference with Legal Counsel for Existing and Anticipated Litigation**

President Wilsey advised that this closed session item concerns the existing and anticipated litigation involving Robert Friede and Thomas Jaffe, brothers of John Friede, and pertains to their alleged interest in certain collateral owned by Marcia and John Friede.

President Wilsey welcomed Deputy City Attorneys Adine Varah and Don Margolis, who were present to discuss the existing and anticipated litigation as it relates to the Museums.

**A. Public Comment on All Matters Pertaining to the Closed Session**

President Wilsey stated that public comment would be taken at this time on matters pertaining to the closed session before the Board of Trustees votes to convene in closed session. There was no public comment on matters pertaining to the closed session.

**B. Vote on Whether to Hold Closed Session to Confer with Legal Counsel [San Francisco Administrative Code Section 67.10(d)]**

A motion to convene in closed session was made and seconded. There was no discussion among Trustees. There was no public testimony. The Executive Committee voted unanimously to convene in closed session. Members of the public and all staff, with the exception of John Buchanan, Robert Futernick, and Judy Gough were excused from the Board Room.

**C. Closed Session Pursuant to Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d)**

Conference with Legal Counsel on Pending and Anticipated Litigation as Plaintiff - Deputy City Attorneys Adine Varah and Don Margolis

1. City and County of San Francisco (Fine Arts Museums of San Francisco) vs. Thomas Jaffe, Robert Friede, et. al. (Civil Case No.: 08-479905) and Robert Friede vs. City and County of San Francisco (Fine Arts Museums of San Francisco) (as Third-Party Defendant) (New York Supreme Court Index No. 590982/2008)

President Wilsey called the closed session to order. She introduced Deputy City Attorneys Adine Varah and Don Margolis, who reported on the pending and anticipated litigation.

**D. Reconvene in Open Session**

1. Possible Report on Action Taken in Closed Session [Government Code Section 54957.1(a)(2) and San Francisco Administrative Code Section 67.12(b)(2)]

President Wilsey reconvened the meeting in open session and reported that an action was taken by the Executive Committee during the closed session.

2. Vote to Elect Whether to Disclose Any or All Discussions Held in Closed Session [San Francisco Administrative Code Section 67.12(a)]

A motion was made and duly seconded not to disclose any or all discussion held in the closed session. There was no discussion among Trustees. There was no public testimony. The Board of Trustees voted unanimously not to disclose any of the discussion held in closed session.

President Wilsey advised that the closed session was concluded, and the regular business before the Board of Trustees was then addressed.

#### **IV. Report of the President – Diane B. Wilsey**

##### **A. Consideration and Possible Action to Approve the Minutes of the October 8, 2009 Meeting of the Board of Trustees**

There being no discussion among the Trustees or members of the public, the minutes of the October 8, 2009 meeting of the Board of Trustees, having been mailed in advance to all Trustees, were unanimously approved.

##### **B. Consideration and Possible Action to Approve the Report of the November 19, 2009 Acquisitions Committee Meeting – George Hecksher, Vice President for Collections and Chair of the Acquisitions Committee**

Chair Hecksher provided the report of the November 19, 2009 meeting of the Acquisitions Committee of the Fine Arts Museums Foundation:

###### **1. Purchases**

The Acquisitions Committee recommended works of art to the Board of Trustees for purchase approval as follows and as listed on page 1 of Appendix I of these minutes:

###### European Decorative Arts

- Sèvres Porcelain Factory  
*Cup and Saucer*, 1778

It was particularly noted that funding of this acquisition was made possible in part through proceeds from recent, significant deaccessioning efforts.

###### Prints and Drawings (8 masterworks)

- Pierre Dubreuil (French, 1872 -1944)  
*Eléphantasie*, 1908  
(continued next page)

- Edouard Vuillard (French, 1868 - 1940)  
*La cuisinière* (The Cook) from the series, *Paysage et intérieurs* (Landscapes and Interiors), 1899
- Pierre Bonnard (French 1867-1947)  
*Maison dans la Cour*, 1895-96
- Edouard Vuillard (French, 1868 - 1940)  
*La Partie de dames*, ca. 1899
- Paul Gauguin (French, 1848 - 1903)  
*Portrait de Stéphane Mallarmé*, 1891
- Pierre Bonnard (French 1867-1947)  
*Scene de Famille*, 1893
- Charles Marville (French, 1816 - 1879)  
*Street Lamp, 8 Place de l'Opéra*, 1870's
- Charles Marville (French, 1816 - 1879)  
*Street Lamp, Chemin de fer de Sceaux (Cour)*, 1870's

Chair Hecksher advised that these major acquisitions will be featured in the exhibition, *Impressionist Paris: City of Light*, which will run concurrently at the Legion of Honor during the first Musée d'Orsay exhibition at the de Young Museum. These purchases were also made possible in part through proceeds from recent, significant deaccessioning efforts.

In addition, the subsequent artworks were recommended to the Board of Trustees for purchase approval:

- John Baldessari (American, b. 1931)  
*A Suite of 5 Lithographs for Tristram Shandy*, 1988
  - 1) *A fix'd inflexible sorrow* (570 x 640 mm)
  - 2) *The promontory of Noses* (760 x 520 mm)
  - 3) *The thing to be concealed* (630 x 570 mm)
  - 4) *Fly for my life* (570 x 703 mm)
  - 5) *No more sin* (423 x 758 mm)
- Edward Ruscha (American, b. 1937)  
*Dutch Details*, 1971

## **2. Gifts offered to the Museums**

Chair Hecksher reported that the Acquisitions Committee recommended the approval of gifts of art to the Board of Trustees; he briefly highlighted several gifts as follows:

### Africa, Oceania and the Americas

- Five Pre-Columbian artworks generously donated by two former Trustees

#### American Art

- Tiffany & Co., New York, New York (American, established 1853)  
Pair of *Flagons*, 1874

#### European Decorative Arts

- A gift of seven 18<sup>th</sup> century French and English porcelain objects generously donated by a former Trustee
- *Miniature traveling timepiece*, ca. 1910, by Cartier (French)

#### Prints and Drawings

- *Last Poems*, 1998 by James Merrill and a chromogenic print, *Matrices for Casting Italic Capitals*, 2009, by Stephen Shore, a generous gift from a Trustee
- A gift of 15 books with woodcut illustrations by Hiroshige and Hokusai
- Several gifts of photography, including works by Alice Burr and Dr. Harold Edgerton

Chair Hecksher expressed sincere appreciation to all donors. The gifts offered to the Museums by the Fine Arts Museums Foundation are listed on pages 2 through 4 of Appendix I of these minutes.

### **3. Resolution Approving the Accessioning, First Step Deaccessioning, and Sale of Artworks Received in 2005 and 2006 from the Lasky Charitable Lead Trust**

In 2005 and 2006, the Fine Arts Museums Foundation received a gift of a collection of modern art including paintings, drawings, and prints totaling 283 objects. The collection included artworks worthy of accessioning into the permanent collection; artworks determined to be duplicative of works in the permanent collection or not suitable to enter the permanent collection; and artworks accepted by the Foundation for eventual sale at public auction.

During 2009, a thorough review of the entire gift was conducted by Karin Breuer, Curator in Charge of Prints and Drawings, and Stephen Lockwood, Senior Registrar, and it was determined that certain artworks originally identified for sale at public auction were suitable for accession into the permanent collection; that certain accessioned artworks were duplicates of works already in the permanent collection, or were deemed unsuitable for the permanent collection and therefore proposed for first step deaccessioning; and that certain artworks were not suitable to enter the permanent collection and should be offered for sale at public auction.

At its meeting on November 19, the Acquisitions Committee recommended that the Board of Trustees approve the accessioning, first step deaccessioning, and sale at public auction of certain artworks in this collection as set forth in the appended three lists (List 1, Artworks Proposed for Accession; List 2, Artworks Proposed for First Step Deaccessioning; and List 3, Artworks Proposed for Sale at Public Auction) beginning on page 5 of Appendix I of these minutes.

#### **4. Funded Purchases**

The funded purchases listed on page 6 of Appendix I of these minutes were recommended to the Board of Trustees for purchase approval.

#### **5. First Step Deaccessioning**

The artworks listed on pages 7 through 11 of Appendix I of these minutes were recommended to the Board of Trustees for first step deaccessioning:

a) American Art, 18 artworks and 16 artworks representing loan recalls from the San Francisco Maritime National Historic Park; and b) European Decorative Arts, 248 silver objects.

#### **6. Second Step Deaccessioning**

The artworks listed on pages 12 and 13 of Appendix I of these minutes were recommended to the Board of Trustees for second step deaccessioning:

a) American Art, 17 artworks.

Chair Hecksher then introduced the following resolution:

RESOLVED, That the Board of Trustees of the Fine Arts Museums of San Francisco does hereby approve the appended November 19, 2009 report of the Acquisitions Committee of the Fine Arts Museums Foundation, including approving the works of art acquired through purchase, bequest, and donation as gifts to the Fine Arts Museums of San Francisco from the Fine Arts Museums Foundation, with the exception of the bequest of the modern art collection, which is a bequest to the Fine Arts Museums Foundation, and approving first step and second step deaccessioning.

On motion, duly seconded, there was no discussion among Trustees. There was no public testimony. The Executive Committee voted unanimously to adopt the above resolution as **Board Resolution 1676**.

#### **C. Consideration and Possible Action to Approve a Resolution Authorizing the Director to Accept 2009 Year-End Gifts of Art – George Hecksher, Vice President for Collections, and Chair of the Acquisitions Committee**

Chair Hecksher presented the customary, year-end gift resolution as follows:

RESOLVED, That the Boards of Trustees of the Fine Arts Museums of San Francisco and the Fine Arts Museums Foundation, upon the recommendation of the Chair of the Acquisitions Committee, do hereby authorize the Director (or his designee) to accept gifts of art offered to the Fine Arts Museums of San Francisco or the Fine Arts Museums Foundation from November 19, 2009 (last Acquisitions Committee meeting) through December 31, 2009, if in his (or his designee's) judgment, he deems it acceptable; and, be it

FURTHER RESOLVED, That the Director shall report to the Boards of Trustees of the Fine Arts Museums of San Francisco and the Fine Arts Museums Foundation at their next meetings, the gifts of art accepted during this period.

On motion, duly seconded, there was no discussion among the Trustees. There was no public testimony. The Executive Committee voted unanimously to adopt the above resolution as **Board Resolution 1677**.

**D. Consideration and Possible Action to Change the Dates of the January and April 2010 Meetings of the Board of Trustees**

President Wilsey advised that conflicts with two of the 2010 Board meeting dates, January 28 and April 8, have been identified. It is recommended that these dates be changed to January 19 and April 15, respectively. President Wilsey presented the subsequent resolution:

WHEREAS, At the October 8, 2009 meeting of the Board of Trustees of the Fine Arts Museums of San Francisco, the dates, times, and locations for the 2010 regular meetings were set; and

WHEREAS, Conflicts with two of the dates, January 28, 2010 and April 8, 2010, have been identified; now therefore, be it

RESOLVED, That the Executive Committee of the Board of Trustees of the Fine Arts Museums of San Francisco does hereby change the dates of these meetings to Tuesday, January 19, 2010, and Thursday, April 15, 2010; and be it

FURTHER RESOLVED, That the times and locations for both of these meetings remain unchanged, namely 3 p.m. in the Board Room at the Legion of Honor for the January 19, 2010 meeting and 3 p.m. in the Piazzoni Murals Room for the April 15, 2010 meeting.

On motion, duly seconded, there was no discussion among the Trustees. There was no public testimony. The Executive Committee voted unanimously to adopt the above resolution as **Board Resolution 1678**.

**V. Report of the Director of Museums – John E. Buchanan, Jr.**

**A. Consideration and Possible Action to Approve Loan Requests**

Mr. Buchanan presented the following loan requests:

1. From: TATE Liverpool, Liverpool, United Kingdom  
  
For: Afro-Modernism: Journeys through the Black Atlantic  
TATE Liverpool, Liverpool, United Kingdom: 1/29/10 – 4/25/10  
  
Aaron Douglas (American, 1899-1979)  
*Aspiration*, 1936  
Oil on canvas, 60 x 60 (152.4 x 152.4 cm)  
Fine Arts Museums of San Francisco, Museum purchase,  
the estate of Thurlow E. Tibbs Jr., the Museum Society  
Auxiliary, American Art Trust Fund, Unrestricted Art Trust Fund,  
partial gift of Dr. Ernest A. Bates, Sharon Bell, Jo-Ann Beverly,

Barbara B. Carleton, Dr. and Mrs. Arthur H. Coleman, Dr. and Mrs. Coyness Ennix, Jr., Nicole Y. Ennix, Mr. and Mrs. Gary Francois, Dennis L. Franklin, Mr. and Mrs. Maxwell C. Gillette, Mr. and Mrs. Richard Goodyear, Zuretti L. Goosby, Marion E. Greene, Mrs. Vivian S. W. Hambrick, Laurie Gibbs Harris, Arlene Hollis, Louis A. and Letha Jeanpierre, Daniel and Jackie Johnson, Jr., Stephen L. Johnson, Mr. and Mrs. Arthur Lathan, Lewis & Ribbs Mortuary Garden Chapel, Mr. and Mrs. Gary Love, Glenn R. Nance, Mr. and Mrs. Harry S. Parker III, Mr. and Mrs. Carr T. Preston, Fannie Preston, Pamela R. Ransom, Dr. and Mrs. Benjamin F. Reed, San Francisco Black Chamber of Commerce, San Francisco Chapter of Links, Inc., San Francisco Chapter of the N.A.A.C.P., Sigma Pi Phi Fraternity, Dr. Ella Mae Simmons, Mr. Calvin R. Swinson, Joseph B. Williams, Mr. and Mrs. Alfred S. Wilsey, and the people of the Bay Area  
1997.84

Stipulations: The painting must be accompanied by a FAMSF courier to and from Liverpool. All related expenses will be paid by the requesting organization.

2. From: The Huntington Library, Art Collections and Botanical Gardens, San Marino, CA

For: Taxing Visions: Financial Episodes in Late Nineteenth-Century American Art

Palmer Museum of Art, Pennsylvania State University,  
University Park, PA: 9/28/10 - 12/19/10  
The Huntington Library, Art Collections and Botanical Gardens,  
San Marino, CA: 1/29/11 – 5/30/11  
Eastman Johnson (American, 1824-1906)  
*The Pension Claim Agent*, 1867  
Oil on canvas, 25 ¼ x 37 3/8 (64.1 x 94.9 cm)  
Fine Arts Museums of San Francisco, Museum purchase,  
Mildred Anna Williams Collection  
1943.6

Stipulations: The painting must be accompanied by a FAMSF courier to University Park, PA, and return from San Marino, CA, and must be part of a couriered shipment between venues. All related expenses will be paid by the requesting organization.

3. From: The Phillips Collection, Washington, DC

For: Van Gogh's Repetitions  
The Phillips Collection, Washington, DC: 10/12/13 – 1/26/14  
Cleveland Museum of Art, Cleveland, OH: 3/2/14 – 5/26/14

Paul Gauguin (French, 1848-1903)  
*L'arlésienne, Mme. Ginoux*, 1888  
Colored chalks and charcoal with white chalk on wove paper  
Sheet: 561 x 492 mm (22 1/16 x 19 3/8 in.)  
Frame: 854 x 744 x 44 mm (33 5/8 x 29 5/16 x 1 3/4 in.)  
Fine Arts Museums of San Francisco, Memorial gift from  
Dr. T. Edward and Tullah Hanley, Bradford,  
Pennsylvania  
69.30.78

Stipulations: The painting must be accompanied by a FAMSF courier to Washington, D.C., and return from Cleveland, OH, and must be part of a couriered shipment between venues. All related expenses will be paid by the requesting organization.

A motion was made and seconded to approve the loan requests noted above. There was no discussion among Trustees. There was no public testimony. The Executive Committee voted unanimously to approve the loans subject to the conditions stated.

**B. Update on Fair Political Practice Commission's (FPPC) Regulation Regarding "Gifts, Tickets or Passes to Events", and Consideration and Possible Action to Adopt a City Ticket Distribution Policy as Required by the FPPC – Adine Varah, Deputy City Attorney**

Deputy City Attorney Varah reported on the updated California Fair Political Practices Act and the need for the Fine Arts Museums of San Francisco to adopt a Ticket Distribution Policy. All city departments that distribute tickets are required to adopt a policy in response to a new Fair Political Practices Commission (FPPC) regulation. She presented a proposed policy attached to these minutes as Appendix II, which will bring the Fine Arts Museums into compliance with the new FPPC regulation.

Deputy Attorney Varah stated that for public officials (including FAMSF Trustees) who file a Form 700 Statement of Economic Interest, the reporting or disclosure of the receipt of free tickets or passes was not previously required. Tickets and passes were not considered gifts. The FPPC now has taken the stance that tickets and passes must be publicly disclosed in order for them not to be considered gifts.

The policy contains a statement of the public purposes that are served by distribution of the tickets. The Museums' public purposes are consistent with those of other public charitable organizations such as the Asian Art Museum, the San Francisco Arts Commission, and the San Francisco War Memorial and Performing Arts Center.

In response to a question raised, Ms. Varah advised that for tickets that are distributed by a city agency, that are used by a city official or member of their immediate family, the disclosure has to include information about how many tickets were received, when the event was, and it is publicly posted on the web. The policy

also applies to City officials who have tickets distributed to someone else at their behest.

A motion was made and seconded to adopt the proposed Ticket Distribution Policy attached as Appendix II of these minutes. There was no further discussion among Trustees. There was no public testimony. The Executive Committee voted unanimously to adopt the appended resolution as **Board Resolution 1679**.

## **VI. Public Comment**

Members of the public may address the Executive Committee on items that are within the subject matter jurisdiction of the Fine Arts Museums of San Francisco. Speakers may address the Executive Committee for up to three minutes; the President or the Executive Committee may limit the total comment to thirty minutes. There was no public comment.

## **VII. Meeting Schedule, Future Events and Current and Future Exhibits**

### **A. 2010 Board of Trustees Meetings**

<b>Date</b>	<b>Time</b>	<b>Location</b>
Tuesday, January 19	3 p.m.	Board Room, Legion of Honor
Thursday, April 15	3 p.m.	Piazzoni Murals Room, de Young
Thursday, June 17	3 p.m.	Board Room, Legion of Honor
Thursday, October 14	3 p.m.	Board Room, Legion of Honor

### **B. 2010 Executive Committee Meetings**

<b>Date</b>	<b>Time</b>	<b>Location</b>
Thursday, March 11	3 p.m.	Board Room, Legion of Honor
Thursday, May 13	3 p.m.	Board Room, Legion of Honor
Thursday, September 16	3 p.m.	Piazzoni Murals Room, de Young
Thursday, December 16	3 p.m.	Board Room, Legion of Honor

### **C. Future Events**

<b>Date</b>	<b>Event</b>
December 16, 2009	Opening Celebration – <i>Cartier and America</i> , Legion of Honor
January 19, 2010	Opening Reception Celebrating the Reinstallation of the Porcelain Gallery at the Legion of Honor
April 19-24, 2010	26 <sup>th</sup> Annual Bouquets to Art, de Young Museum

**D. Current and Future Exhibitions<sup>1</sup>**

**1. Legion of Honor - Major Special Exhibitions**

<b>Title</b>	<b>Date</b>
• Very Postmortem: Mummies and Medicine*	10/31/09-08/15/10
• Cartier and America*	12/19/09-04/18/10
• Impressionist Paris: City of Light*	05/22/10-09/06/10
• Japonisme*	09/25/10-01/02/11
• Pissarro's People	01/22/11-05/15/11

**2. de Young Museum - Major Special Exhibitions**

<b>Title</b>	<b>Date</b>
• Tutankhamun and the Golden Age of the Pharaohs	06/27/09-03/28/10
• Amish Abstractions: Quilts from the Collection of Faith and Stephen Brown*	11/14/09-06/06/10
• Birth of Impressionism: Masterpieces from the Musée d'Orsay*	05/22/10-09/06/10
• Van Gogh, Gauguin, Cézanne, and Beyond: Post-Impressionist Masterpieces from the Musée d'Orsay*	09/25/10-01/18/11
• Olmec: Colossal Masterworks of Ancient Mexico*	02/19/11-05/30/11
• Masterpieces from the Picasso National Museum, Paris	06/26/11-10/09/11

**VIII. Adjournment – Diane B. Wilsey, President**

There being no further business, President Wilsey adjourned the meeting at 4:20 p.m.

Respectfully submitted,

Judy Gough  
Executive Secretary, Museums

These minutes set forth all actions taken up by the Executive Committee on matters stated, but not necessarily in the order in which the matters were considered.

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<sup>1</sup> The dates of future exhibitions are subject to change

\* Exhibitions organized by FAMSF

Fine Arts Museums of San Francisco  
Executive Committee  
December 10, 2009