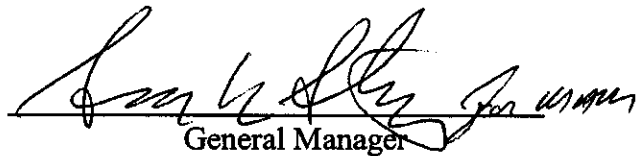


DATE December 10, 2003

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: RESCISSION OF APPROVAL OF ONE ART PANEL IN THE WALL-LAS MEMORIAS MEMORIAL PROJECT

G. Stigile _____	H. Fujita _____
A. Corrales _____	J. Kolb _____
F. Mok _____	B. Lukehart _____
L. Barth <u>LB</u>	



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

1. That the Board rescind its previous approval of one art panel which depicts a Madonna figure for inclusion in The Wall-Las Memorias Project; and,
2. That the Board request The Wall-Las Memorias Project to submit a substitute art panel for review and approval for inclusion in the Project.

SUMMARY:

On March 20, 2003, (Report of the General Manager No. 03-209), the Board approved a conditional ten-year agreement with a non-profit agency named The Wall-Las Memorias Project to construct and maintain a memorial of the same name in Lincoln Park. At that time, as part of a series of actions which constituted approval of the agreement, the Board also approved six public art panels which were to be installed as part of the memorial. Subsequently, on June 18, 2003, the Board approved two substitute panels. The final six panels all had been selected by The Wall-Las Memorias through an open competitive and public process, and all were approved prior to the Board's actions by the Cultural Affairs Commission. Since that approval, however, it has been alleged that a violation of the Establishment Clause of the Constitution could be found to exist if one of the panels, self-described by the artist as a depiction of the Madonna, is installed on public park land as part of this memorial project. Therefore, based upon confidential advice received from the City Attorney, staff recommends that the Board rescind approval of the artwork for that one panel, and request The Wall-Las Memorias to select a substitute for consideration and approval of the Board.

Report prepared by Linda Barth