

(O-86-77)

ORDINANCE NUMBER O- 16540 (NEW SERIES)

ADOPTED ON NOV 18 1985

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 26.07.1, 26.07.2, 26.07.3 AND 26.07.4 RELATING TO THE PROCESS FOR SELECTING PUBLIC ART AND PLACING WORKS OF ART IN PUBLIC PLACES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 6, Division 7, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 26.07.1, 26.07.2, 26.07.3 and 26.07.4 to read as follows:

SECTION 26.07.1 CITATION

This division shall be cited as The San Diego Percent for Art Ordinance.

SECTION 26.07.2 DEFINITIONS

Whenever in this division the following words or phrases are used, they shall mean:

a. "Board" means the City of San Diego Public Arts Advisory Board.

b. "Council" means the Mayor and City Council of the City of San Diego.

c. "Art in Public Places" includes physical art that may be an integral part of a building, attached to a building or placed within or outside of a building.

Said art may include, but shall not be limited to, paintings, sculpture, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, and landscape items, including the artistic placement of natural material objects, calligraphy, prints, crafts, both decorative and utilitarian, in clay, fiber, textiles, wood, metal, glass, plastics and other material. Works of art may be portable as well as permanent. The media arts (e.g., film and video), literary arts and performing arts are not included.

d. "Artist" means an artist generally recognized by critics and his/her peers as a professional and who produces high quality work on a regular basis.

e. "Fund for Public Art" means a separate fund established in the City Treasury into which shall be deposited funds appropriated under Section 26.07.3 of this ordinance. Disbursements from such a fund shall be made in connection with projects approved by the Council.

f. "Supplemental Funds" means those funds contributed by individuals, corporations, foundations, or government grants and placed in the Fund for Public Art in addition to those funds made available under Section 26.07.3 of this ordinance, which shall be used for implementing the purposes of the Percent for Art Ordinance and other public art projects recommended by

the Public Arts Advisory Board and approved by the Council.

g. "Eligible Funds" means the total amount of all funding sources that comprise the Capital Outlay Fund. The amount of eligible funds will serve as the measurement in checking the amount to be deposited in the Fund for Public Art in accordance with Section 26.07.3 of this ordinance.

SECTION 26.07.3 FUNDS FOR ART IN PUBLIC PLACES

The City Manager shall include in the annual budget proposal an amount of money equivalent to 1% of the eligible funds to be deposited in the Fund for Public Art. Eligible funds, for the purpose of this ordinance, include all funding sources that comprise the Capital Outlay Fund.

SECTION 26.07.4 PUBLIC ARTS ADVISORY BOARD PROCEDURE

To carry out the Public Arts Advisory Board's duties, the Board shall:

a. Prepare and recommend for the City Council's review a Public Arts Plan and guidelines to carry out the City's art program, which shall include, but not be limited to, a method or methods for selection of artists or works of art and for placement of works of art.

Public hearings shall be held by the Board during the preparation of the Plan and any amendments thereto.

b. Advise the City Council regarding the possible purchase of works of art or commissioning the design, execution and/or placement of works of art. The Board

shall work with the City Manager regarding the design, execution and/or placement of a work of art in connection with construction projects.

c. In the placement of art in the City, special attention will be given to the placement of appropriate art in the neighborhoods.

d. Receive input from the City Manager regarding operation or maintenance expenses associated with a work of art. If the City Manager finds that a proposed work of art requires extraordinary operation or maintenance expenses, the Board shall either select another work of art or submit with its recommendation to the City Manager and City Council a statement of overriding consideration of why the work of art should be utilized notwithstanding its extraordinary operation or maintenance expense.

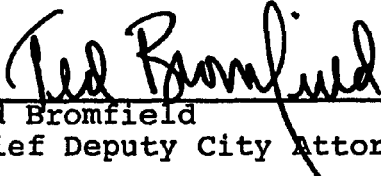
e. In cooperation with the City Manager, promulgate for City Council consideration appropriate guidelines consistent with this ordinance to facilitate the implementation of the responsibilities of the Board and City Manager hereunder.

f. In instances of art work to be placed in new construction projects to achieve a greater degree of artistic harmony, artists should be recommended by the Board and confirmed by the Manager before City approval of the architect's schematic design.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By


Ted Bromfield
Chief Deputy City Attorney

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10/24/85
Or.Dept:Mayor/Rules
O-86-77
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0-16540 01604

NOV 18 1985

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackwell, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 4 1985

NOV 18 1985

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16540 Adopted NOV 18 1985

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
202 "C" STREET
SAN DIEGO, CA 92101
ATTN: J. A. BLACKNELL

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, DIVISION
7, OF THE SAN DIEGO MUNICIPAL CODE

I, Gerald F. Blair, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16540 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

December 2, 1985

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 2nd day of Dec., 1985.

Gerald F. Blair

(Signature)

$$2\frac{3}{8} \times 2 \times 9.76 = 46.84$$

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