

(O-92-96) COR. COPY
04/22/92

ORDINANCE NUMBER O- 17757 (NEW SERIES)
ADOPTED ON APR 20 1992

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6,
DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 26.0701, 26.0703,
26.0705, 26.0706 AND 26.0707; AND BY
REPEALING SECTION 26.0704 RELATING TO
COMMISSION FOR ARTS AND CULTURE.

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 amending Sections 26.0701, 26.0703, 26.0705, 26.0706 and 26.0707 to read as follows:

SEC. 26.0701 PURPOSE AND INTENT

It is the purpose and intent of the City Council to establish a Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on promoting, encouraging and increasing support for the arts and culture.

It shall be the responsibility of the Commission for Arts and Culture to make all recommendations pertaining to arts and culture for City funding to the City Council using objective criteria and evaluation panels, as appropriate.

It shall be the responsibility of the Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on projects and programs designed to

promote public art throughout the neighborhoods of the City of San Diego, develop policies to involve artist(s) in selected Capital Improvement Projects and encourage the private sector to include public art in private developments.

SEC. 26.0702 COMMISSION FOR ARTS AND CULTURE ESTABLISHED

[No change in text.]

SEC. 26.0703 DUTIES AND FUNCTIONS

The Commission for Arts and Culture shall:

A. Strongly advocate a substantial increase in funds for arts and culture.

B. [No change in text.]

C. Explore new sources of funding for arts and culture and evaluate the current allocation of Transient Occupancy Tax funding as it pertains to the arts and culture.

D. Develop, coordinate and regularly reevaluate a comprehensive City arts and culture policy.

E. Consistent with City Council policy, serve as advocates for arts and culture with the City Council, as well as the private sector, local, regional, state and federal governments, and international entities, such as Mexico, Canada, Japan and Pacific Rim countries.

F. [No change in text.]

G. Manage the City public art program, which shall include the following:

1. Advising on the acquisition, placement and maintenance of public art on property of the City of San Diego, except for any museum, art gallery, or City-owned performance facility. No public art shall be installed or existing work of

art removed from public areas of City property without a review by the Commission.

2. Developing and recommending to the Mayor, City Council and City Manager:

- a. [No change in text.]
- b. [No change in text.]
- c. Legislation and policies to involve artist(s) in selected City Capital Improvement Projects.

SEC. 26.0705 DEFINITIONS

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

B. "Capital Improvement Project" means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city.

C. "Commission" means the City of San Diego Commission for Arts and Culture.

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

E. "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 26.0706 of this ordinance.

F. "Fund for Public Art" means a separate fund established in the City Treasury into which shall be deposited funds appropriated under Section 26.0706 of this ordinance. Disbursements from such a fund shall be made in connection with projects approved by the Council.

G. "Public Art" includes physical art that may be an integral part of a public site or building, or may be integrated with the work of other design professionals. Public art may be permanent, fixed, temporary or portable. Public art includes, but is not limited to the following:

1. Sculpture: may be made of any material or combination of materials; may be free standing, wall-supported or suspended, kinetic, electronic or mechanical.

2. Murals or paintings: may be made of any material or variety of materials with or without collage; may be made with traditional or non-traditional materials and means.

3. Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, literary arts, calligraphy, any combination of forms of media, including sound, film, holographic, video or computer systems, hybrids of any media or new genres.

H. "Public Art program" includes, but is not limited to, all responsibilities and activities of the Commission for Arts and Culture under Sections 26.0701, 26.0703 and 26.0707 pertaining to public art.

I. "Public performances" means individual and group presentations of music, dance, theatre, opera, literary, film/video and other forms of art generally recognized.

J. "Public places" means land and buildings owned by the City exclusive of City-owned performance facilities, e.g., Civic Theatre.

K. "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 26.0706 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 Commission for Arts and Culture and approved by the Council.

SEC. 26.0706 FUNDS FOR PUBLIC ART

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 Division, include all funding sources that comprise the Capital Outlay Fund. Other funds may be made available to involve artists in Capital Improvement Projects in accordance with Council policies.

SEC. 26.0707 PROCEDURES

To carry out the Commission for Arts and Culture's duties, the Commission shall:

A. [No change in text.]

B. Prepare and recommend for the City Council's review a budget for funding arts and culture programs in this City, including the Public Art budget.

C. Establish guidelines to carry out the Public Art program which shall include, but not be limited to, a method or methods of selection of artists or public art and for the placement of

public art.

D. Advise the City Council regarding the possible purchase of public art or commissioning the design, execution or placement of public art. The Commission shall work with the City Manager regarding the design, execution or placement of public art in connection with Capital Improvement Projects.

E. In the placement of public art in the City, give special attention to the placement of appropriate public art in the neighborhoods.

F. Receive input from the City Manager regarding operation and maintenance expenses associated with a public art. If the City Manager finds that a proposed public art requires extraordinary operation or maintenance expenses, the Commission shall recommend other public art, or submit with its recommendation to the City Manager and City Council a statement of overriding consideration of why the public art should be utilized notwithstanding its extraordinary operation or maintenance expense.

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

H. In instances of public art to be placed in construction Capital Improvement projects to achieve a greater degree of artistic harmony, recommend artists to be 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 *Cristie C. McGuire*
Cristie C. McGuire
Deputy City Attorney

CCM:jrl
03/12/92
Or. Dept: CAC
0-92-96
Form=o+t

OLD LANGUAGE - STRIKEOUT
NEW LANGUAGE - UNDERLINED

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6,
DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 26.0701, 26.0703,
26.0705, 26.0706 AND 26.0707; AND BY
REPEALING SECTION 26.0704 RELATING TO
COMMISSION FOR ARTS AND CULTURE.

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 amending Sections 26.0701, 26.0703, 26.0705, 26.0706 and 26.0707 to read as follows:

SEC. 26.0701 PURPOSE AND INTENT

It is the purpose and intent of the City Council to establish a Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on promoting, encouraging and increasing support for the arts and culture.

It shall be the responsibility of the Commission for Arts and Culture to make all recommendations pertaining to arts and culture for City funding to the City Council using objective criteria and evaluation panels, as appropriate.

It shall be the responsibility of the Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on projects and programs designed to

~~promote the arts in public places art~~ throughout the neighborhoods of the City of San Diego, develop policies to involve artist(s) in selected Capital Improvement Projects and encourage the private sector to include ~~the~~ public arts in private developments.

SEC. 26.0702 COMMISSION FOR ARTS AND CULTURE ESTABLISHED

[No change in text.]

SEC. 26.0703 DUTIES AND FUNCTIONS

The Commission for Arts and Culture shall:

A. ~~Advocate~~ Strongly advocate ~~for~~ a substantial increase in funds for ~~the arts and culture.~~

B. [No change in text.]

C. Explore new sources of funding for ~~the cultural arts and culture~~ and evaluate the current allocation of Transient Occupancy Tax funding as it pertains to the arts and cultural arts culture.

D. Develop, coordinate and regularly reevaluate a comprehensive City ~~cultural arts and culture~~ policy.

E. Consistent with City Council policy, serve as ~~advocates~~ for ~~cultural arts and culture~~ with the City Council, as well as the private sector, local, regional, state and federal governments, and international entities, such as Mexico, Canada, Japan and Pacific Rim countries.

F. [No change in text.]

G. Manage the City public arts program, which shall include the following:

1. Adviseing on the acquisition, and placement and maintenance of ~~works of~~ public art on property of the City of San

Diego, except for any museum, art gallery, or City-owned performance facility. No ~~work of~~ public art shall be installed or existing work of art removed from public areas of City property without a review by the Commission.

2. Developing and recommending to the Mayor, City Council and City Manager:

a. [No change in text.]

b. [No change in text.]

c. Legislation and policies to involve artist(s) in selected City Capital Improvement Projects.

~~SEC. 26.0704 CITATION~~

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

SEC. 26.0705 DEFINITIONS

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

B. "Capital Improvement Project" means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city.

~~A.~~ C. [No change in text.]

~~B.~~ D. [No change in text.]

~~G.~~ E. [No change in text.]

~~E.~~ F. [No change in text.]

v: r'

~~C. G. "Art in Public Places"~~ "Public Art" includes physical art that may be an integral part of a public site or building, attached to a building or placed within or outside of a building, or may be integrated with the work of other design professionals. Public art may be permanent, fixed, temporary or portable. ~~Said~~ Public art may include, but shall is not be limited to, the following: 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.~~

1. Sculpture: may be made of any material or combination of materials; may be free standing, wall-supported or suspended, kinetic, electronic or mechanical.

2. Murals or paintings: may be made of any material or variety of materials with or without collage; may be made with traditional or non-traditional materials and means.

3. Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, literary arts, calligraphy, any combination of forms of media, including sound, film, holographic, video or computer systems, hybrids of any media or new genres.

~~H. "Public exhibition of the visual, literary, film/video arts" shall mean paintings, lithographs, reproductions,~~

~~photographs, murals, handcrafted arts, stained glass, statues, sculptures and other forms of media arts.~~ "Public Art program" includes, but is not limited to, all responsibilities and activities of the Commission for Arts and Culture under Sections 26.0701, 26.0703 and 26.0707 pertaining to public art.

I. "Public performances" shall mean individual and group presentations of music, dance, theatre, opera, literary, film/video and other forms of art generally recognized.

J. "Public places" shall mean land and buildings owned by the City exclusive of City-owned performance facilities, e.g., Civic Theatre.

~~K. "Works of art" shall mean paintings, reproductions, photographs, murals, handcrafted arts, stained glass, statues, or other sculptures, monuments, fountains, arches and other structures of a permanent or temporary nature intended for ornament or commemoration.~~

~~F. K.~~ [No change in text.]

SEC. 26.0706 FUNDS FOR PUBLIC 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 Division, include all funding sources that comprise the Capital Outlay Fund. Other funds may be made available to involve artists in Capital Improvement Projects in accordance with Council policies.

SEC. 26.0707 PROCEDURES

To carry out the Commission for Arts and Culture's duties, the Commission shall:

A. [No change in text.]

B. Prepare and recommend for the City Council's review a budget for funding arts and culture programs in this City, including the 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 the placement of works of art. budget. Public hearings shall be held by the Commission during the preparation of the Plan and any amendments thereto.

C. Establish guidelines to carry out the Public Art program which shall include, but not be limited to, a method or methods of selection of artists or public art and for the placement of public art.

~~E.~~ D. Advise the City Council regarding the possible purchase of ~~works of~~ public art or commissioning the design, execution and/ or placement of ~~works of~~ public art. The Commission shall work with the City Manager regarding the design, execution and/ or placement of ~~a work of~~ public art in connection with ~~construction~~ Capital Improvement ~~p~~Projects.

~~D.~~ E. In the placement of public art in the City, give special attention to the placement of appropriate public art in the neighborhoods.

~~E.~~ F. Receive input from the City Manager regarding operation and maintenance expenses associated with a ~~work of~~ public art. If the City Manager finds that a proposed ~~work of~~ public art requires extraordinary operation or maintenance expenses, the Commission shall either ~~select~~ recommend another ~~work of~~ public art, or submit with its recommendation to the City

Manager and City Council a statement of overriding consideration of why the ~~work of~~ public art should be utilized notwithstanding its extraordinary operation or maintenance expense.

~~F.~~ G. [No change in text.]

~~G.~~ H. In instances of public art ~~work~~ to be placed in new construction Capital Improvement projects to achieve a greater degree of artistic harmony, recommend artists ~~should be recommended by the Commission and to be~~ 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.

51 (u)
(a-v)

by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda*, 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

MAR 30 1992

APR 20 1992

, 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 *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17757**

APR 20 1992

Adopted

(a-v)

APR 20 1992

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda*, 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

MAR 30 1992

APR 20 1992

, 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 *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17757**

APR 20 1992

Adopted

1547 1000

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92 MAR 20 AM 11:41
CITY CLERKS OFFICE
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
92 MAY 11 AM 10:56
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING
202 C ST., 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6,...

ORDINANCE NUMBER O-17757 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 26.0701, 26.0703, 26.0705, 26.0706 AND 26.0707 AND BY REPEALING SECTION 26.0704 RELATING TO COMMISSION FOR ARTS AND CULTURE.

This ordinance amends San Diego Municipal Code Chapter II, Article 6, Division 7, Sections 26.0701, 26.0703, 26.0705, 26.0706 and 26.0707 pertaining to the Commission for Arts and Culture ("Commission"). It requires the Commission to develop policies and guidelines to involve artists in selected Capital Improvement Projects. It adds definitions of the terms "Capital Improvement Projects" and "Public Art program" and changes the definition of "Public Art." It contains several housekeeping amendments and also repeals section 26.0704, thereby deleting the official citation of this Division.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON MAR 30 1992.

Passed and Adopted by the Council of the City of San Diego on APR 20, 1992.

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The
City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The
City of San Diego, CA

(SEAL)

By MARY CEPEDA, Deputy

Pub. May 4

246935

I, Thomas D. Kelleher, 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

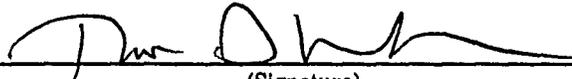
ORDINANCE NUMBER O-17757 (NEW SERIES)

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:

MAY 4

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

Dated at San Diego, California this 4TH day of MAY, 1992.


(Signature)

57/8" = 77.44