10/20/24
#403
(O-2027-16)

ORDINANCE NUMBER O- 22150 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 30 2026

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1801; AMENDING CHAPTER 2, ARTICLE 2, DIVISION 24 BY AMENDING SECTION 22.2403; AND AMENDING CHAPTER 2, ARTICLE 2, DIVISION 59 BY AMENDING THE TITLE OF DIVISION 59, BY RETITLING AND AMENDING SECTION 22.5901, AND BY AMENDING SECTIONS 22.5902, 22.5903, 22.5904, 22.5905, 22.5906, 22.5910, AND 22.5914, RELATING TO CITY DEPARTMENTS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. In March 2025, the Mayor consolidated the City of San Diego's (City) Cultural Affairs Department under the City's Economic Development Department for budgetary savings and greater operational efficiencies and customer service.

B. San Diego Charter section 26 requires the Council to adopt an Administrative Code in the San Diego Municipal Code, describing the detailed powers and duties of City administrative offices and departments.

C. It is now recommended that Chapter 2, Article 2, Division 59 of the San Diego Municipal Code, the titles of Division 59 and section 22.5901 and the following San Diego Municipal Code sections be amended: (1) Chapter 2, Article 2, Division 18, section 22.1801; (2) Chapter 2, Article 2, Division 24, section 22.2403; and (3) Chapter 2, Article 2, Division 59, sections 22.5901, 22.5902, 22.5903, 22.5904, 22.5905, 22.5906, 22.5910, and 22.5914, by removing references to the Cultural Affairs Department and moving enumerated duties of that former department to fall under the Economic Development Department.

D. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, with the understanding that this information is complete and accurate.

E. Under San Diego Charter section 26, a supermajority vote of the Council is required for passage of this Ordinance.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. Chapter 2, Article 2, Division 18 of the San Diego Municipal Code is amended by amending section 22.1801, to read as follows:

§22.1801 City Departments

(a) [No change in text.]

(b) The following are the departments of the City of San Diego within the meaning of the Charter and ordinances of the City:

Chief Financial Officer through Compliance [No change in text.]

Development Services through Transportation [No change in text.]

(c) [No change in text.]

Section 2. Chapter 2, Article 2, Division 24 of the San Diego Municipal Code is amended by amending section 22.2403, to read as follows:

§22.2403 Economic Development Department – Powers and Duties of the Economic Development Director

(a) The Economic Development Department is a City department. The department is responsible for the implementation of economic development, real estate and airport, and cultural affairs programs within the City. The Department's mission is to improve the quality of life in core urban neighborhoods, create opportunities for unemployed or

underemployed residents, provide community development services to those areas in greatest need, and generate new revenues to fund essential municipal services. The Economic Development Director is the administrative head of the department and shall be appointed by and may be removed by the Mayor.

(b) The Economic Development Director, under the direction of the Mayor or City Manager, and with policy direction from the City Council, shall be responsible for performing those duties and functions as assigned and directed by the Mayor or City Manager, including:

(1) through (7) [No change in text.]

(8) periodically reviewing City-owned real property to identify underutilized real properties;

(9) managing and controlling Pueblo Lands and unimproved City properties that are not under the control of a specific City department; and

(10) managing cultural affairs as provided in Chapter 2, Article 2, Division 59 of the Municipal Code.

Section 3. Chapter 2, Article 2, Division 59 of the San Diego Municipal Code is amended by amending the title of Division 59, by retitling and amending section 22.5901, and by amending sections 22.5902, 22.5903, 22.5904, 22.5905, 22.5906, 22.5910, and 22.5914, to read as follows:

Division 59: Cultural Affairs

§22.5901 Cultural Affairs

(a) The Economic Development Department is responsible for advancing arts, culture, creativity, and related activities and industries in the City; supporting cultural tourism and innovative arts and cultural programming; and undertaking initiatives that drive an equitable and inclusive creative economy and cultural ecosystem, cultivating local participation and access, and advancing San Diego as a global city.

(b) The Economic Development Department is responsible for performing those duties and functions assigned and directed by the City Manager, including developing, implementing, evaluating, and recommending changes to public policy, legislation, programs, services, and advocacy strategies related to cultural affairs; overseeing the City's investments in new and artistic media, creative industries, and cultural production; administering funding allocations in support of nonprofit arts and culture organizations, *artists*, neighborhood arts programs, festivals, and *artworks* in public development; administering the arts and culture programmatic allocations within the transient occupancy tax funds; administering allocations to and from the *Public Art Fund*; ensuring the inclusion of art in private development; overseeing *public art project management activities* for *artworks* included in *Capital Improvement Program projects*, *Redevelopment Agency projects*, and other projects in *public places*; managing *artworks* owned and controlled by the City or contracted for,

erected on, or exhibited on *public places*, including entering into and administering contracts related to the acquisition, loan, or licensing of such *artworks*; *accessioning* and *deaccessioning artworks* into the *Civic Art Collection*; and supporting the Commission for Arts and Culture in carrying out its duties as established in Chapter 2, Article 6, Division 7 of the Municipal Code, and any other board or commission assigned by the City Manager.

§22.5902 Definitions

For the purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Accession through *Capital Improvements Program* [No change in text.]

Civic Art Collection means *artworks* which have been *accessioned* and are publicly owned, possessed, or controlled by the City and administered by the Economic Development Department. Incoming loans of *artwork* shall be incorporated into the *Civic Art Collection* for the duration of the loan but are not considered *acquisitions*.

Civic Enhancement allocation through *Collections management activities* [No change in text.]

Commission means the City of San Diego Commission for Arts and Culture established in Chapter 2, Article 6, Division 7 of the Municipal Code.

Cultural use through *Total building permit valuation* [No change in text.]

§22.5903 Control of Artworks

No *artworks* shall be contracted for, exhibited on, or erected on *public places*, or become the property of the City by *acquisition* or otherwise, or be in the custody of the City by loan or otherwise, unless such *artworks* have first been submitted to and accepted by the Economic Development Department following review and recommendation by the *Commission*. No existing *artworks* owned by or in the custody of the City shall be *deaccessioned*, removed, relocated, conserved, altered, exhibited, or *disposed* of in any way without the approval of the Economic Development Department following review and recommendation by the *Commission*.

§22.5904 Management of Artworks

All *collections management activities* shall be the responsibility of the Economic Development Department and undertaken with the advice of the *Commission*. *Ordinary artwork maintenance* of *artworks* in the *Civic Art Collection* is the responsibility of the City department at which the *artwork* is located and shall be undertaken at the direction of the Economic Development Department.

§22.5905 Acquisition of Artworks

(a) The Economic Development Department Director may authorize the purchase of *artworks* for inclusion in the *Civic Art Collection* following the review and recommendation of the *Commission*.

(b) The Economic Development Department Director shall, on behalf of the City, accept, with or without conditions, or reject donations, bequests, or incoming loans of *artwork*, following the review and recommendation of

the *Commission*. Title to all donated and bequeathed *artworks* accepted by the City and *accessioned* into the *Civic Art Collection* shall be vested and held in the name of the City.

§22.5906 Deaccession and Disposal of Artworks

(a) The Economic Development Department shall conduct *deaccession* and *disposal* of *artworks* from the *Civic Art Collection* following the review and recommendation of the *Commission*.

(b) When an *artwork* to be *deaccessioned* and *disposed* of through sale has an estimated fair market value of $250,000 or more, the Economic Development Department shall submit a report on its recommendation for the sale to the City Council and City Manager at least 30 calendar days prior to initiating the sale.

(c) When an *artwork* is *deaccessioned* and *disposed* of through sale, the *artwork* shall be sold through methods administered or approved by the City Purchasing Agent. When an *artwork* is *deaccessioned* and *disposed* of through sale or exchange, the Economic Development Department Director may accept and execute all deeds of conveyance necessary to affect the sale or exchange.

§22.5910 Compliance with Civic Enhancement Allocation Regulations

(a) through (b) [No change in text.]

(c) Prior to issuance of the Certificate of Occupancy for the *development*, the *applicant* shall submit evidence, subject to a written determination of

adequacy by the Director of the Economic Development Department, of one or a combination of the following:

(1) through (2) [No change in text.]

§22.5914 Civic Enhancement Allocation Appeal

(a) Any *applicant* may seek review of a decision by the Director of the Economic Development Department under section 22.5910(c) by filing a written application for an appeal hearing with the Director of the Economic Development Department no later than ten business days after the date of the written notification to the applicant of the Director's decision.

(b) Within ten business days of an application for appeal being filed, the Director of the Economic Development Department shall schedule a date for an appeal hearing before the City Manager or the City Manager's designee, which shall generally be held within 60 business days, but no later than 90 business days, following the filing of the application for the hearing. The Certificate of Occupancy for the *development* may be withheld pending resolution of the appeal.

(c) [No change in text.]

Section 4. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 5. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By _____
Hilda R. Mendoza
Senior Deputy City Attorney

HRM:nja
September 11, 2026
Or. Dept: Economic Development Department
Doc. No. 4562990

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on OCT 26 2026.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: 10/30/26 _____
(date) TODD GLORIA, Mayor

Vetoed: _____ _____
(date) TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

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§22.1801 City Departments

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(b) The following are the departments of the City of San Diego within the meaning of the Charter and ordinances of the City:

Chief Financial Officer through Compliance [No change in text.]

~~Cultural Affairs Department~~

Development Services through Transportation [No change in text.]

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urban neighborhoods, create opportunities for unemployed or underemployed residents, provide community development services to those areas in greatest need, and generate new revenues to fund essential municipal services. The Economic Development Director is the administrative head of the department and shall be appointed by and may be removed by the Mayor.

(b) The Economic Development Director, under the direction of the Mayor or City Manager, and with policy direction from the City Council, shall be responsible for performing those duties and functions as assigned and directed by the Mayor or City Manager, including:

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Division 59: Cultural Affairs ~~Department~~

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supporting cultural tourism and innovative arts and cultural programming; and undertaking initiatives that drive an equitable and inclusive creative economy and cultural ecosystem, cultivating local participation and access, and advancing San Diego as a global city.

~~(b) The Director of the Cultural Affairs Department is the administrative head of the department and is appointed by, and may be removed by, the City Manager. The Director is the appointing authority of all personnel in the department.~~

(~~c~~b) ~~The Cultural Affairs Department will operate under the direction of the City Manager.~~ The ~~department~~ Economic Development Department is responsible for performing those duties and functions assigned and directed by the City Manager, including developing, implementing, evaluating, and recommending changes to public policy, legislation, programs, services, and advocacy strategies related to cultural affairs; overseeing the City's investments in new and artistic media, creative industries, and cultural production; administering funding allocations in support of nonprofit arts and culture organizations, *artists*, neighborhood arts programs, festivals, and *artworks* in public development; administering the arts and culture programmatic allocations within the transient occupancy tax funds; administering allocations to and from the *Public Art Fund*; ensuring the inclusion of art in private development; overseeing *public art project management activities* for *artworks* included in *Capital Improvement Program projects*, *Redevelopment Agency*

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(c) [No change in text.]

HRM:nja
September 11, 2026
Or. Dept: Economic Development Department
Doc. No. 4562980

#603

Passed by the Council of The City of San Diego on October 26, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☐	☐	☒	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage OCT 30 2026.

(Please note: When an ordinance is approved by the Mayor, the date of final passage is the date the approved ordinance was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By _____, 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 OCT 13 2026, and on OCT 30 2026.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number **O-22150**