Article 6: Board and Commissions

Division 7: Commission for Arts and Culture

("Commission for Arts and Culture" added 5–15–1989 by O–17298 N.S.)

§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 region’s artistic and cultural assets, integrating arts and culture into community life and showcasing San Diego as an international tourist destination.

It is also the purpose and intent of the City Council to set forth the duties and functions of the Executive Director and staff that support the Commission for Arts and Culture, which include: developing, implementing, evaluating and/or recommending changes to public policy, legislation, programs, services and advocacy strategies; overseeing funding allocations in support of non-profit arts and culture organizations, artists, neighborhood arts programs, festivals, and artworks in public development; ensuring the inclusion of art in private development; managing artworks owned and controlled by the City; supporting cultural tourism and innovative arts and culture programming; and undertaking other initiatives that contribute to the quality of life, the economic vitality, and the vibrancy of San Diego.

(Amended 4-20-1992, by O-17757 N.S.)
(Amended 5-17-2004, by O-19280 N.S.)
(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0702 Definitions

Except as otherwise provided, the following definitions apply to the terms italicized in this division:

Applicant has the same meaning as stated in Land Development Code section 113.0103.

Accession means the formal process used to accept and record an artwork as a Civic Art Collection item.

Acquisition means the transfer of title to the City of valuable property including artwork by purchase, donation, bequest, transfer or exchange.
Artist means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or language arts, or a combination thereof, based on that professional practitioner’s body of work, educational background, experience, past commissions, exhibition/performance record, publications, and production of artworks.

Artworks must be specified or designed by an artist and include:

Public art as defined herein;

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

Murals or paintings: may be made of any material or combination of materials; may be made with traditional or non-traditional means;

Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, linguistic expressions, calligraphy, ephemera, textiles, found objects, and any media or combination of media including audio, video, film, holographic or computer generated technologies, or other art genres currently known or which may come to be known; and

Tangible manifestations (i.e., CDs, DVDs, scripts, photographs, videos, films, scores, etc.) of choreography, theatrical performances, performance art, happenings, music, television and film or other performing or language art genres currently known or which may come to be known.

Artworks may be permanent, temporary, fixed, or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals.

The following, unless specified or designed by an artist, are not considered artworks:

Reproductions, by mechanical or other means, of original artworks. However, limited editions controlled by the artist or original prints, cast sculptures, or photographs, may be considered artworks.

Decorative, ornamental or functional elements not specified or designed by an artist.
Elements generally considered as being components of architecture or landscape design such as vegetative materials, pools, paths, benches, receptacles, fixtures, planters, etc.

Art objects which are mass produced, ordered from a catalog, or of standard design (such as benches or fountains); wayfinding or other functional elements such as graphics, signage, advertising or maps.

*Capital Improvements Program project* means any permanent public improvement project, or portion or phase thereof, set forth in the Capital Improvements Program budget as adopted by City Council.

*Civic Art Collection* means artworks which have been accessioned and are publicly owned, possessed, or controlled by the City and administered by the *Commission*. 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* means the percentage of the total building permit valuation for a qualifying development in accordance with the requirements set forth herein which is set aside for artwork on the premises, venues for cultural use on the premises and/or an in-lieu contribution to the *Public Art Fund*.

*Collections management activities* include, but are not limited to, the acquisition, incoming loan, outgoing loan, interdepartmental loan, deaccession, disposal, relocation, removal, exhibition, operation, maintenance, conservation, documentation, storage, reproduction and/or adaptation of artworks.

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

*Cultural use* means open and accessible programming for the presentation of visual, performing and/or language arts.

*Deaccession* means the formal process used to permanently remove an artwork from the *Civic Art Collection*.

*Development* has the same meaning as stated in Land Development Code section 113.0103.

*Disposal* means the permanent exchange, sale, destruction or transfer of an artwork in the *Civic Art Collection*.

*Extraordinary artwork maintenance* means any maintenance or conservation to the sound condition of an artwork that requires specialized services.
**Open and accessible** means available for use by the general public during normal hours of business operation consistent with the operation and use of the **premises**.

**Ordinary artwork maintenance** means the routine oversight of the operation and cleaning of and around **artworks**.

**Premises** has the same meaning as stated in Land Development Code section 113.0103.

**Public art** means **artwork** acquired or created using funds appropriated by the City and located in **public places**.

**Public Art Fund** means a separate fund established in the City Treasury into which **Civic Enhancement allocations**; **funding for collections management activities**; **funding for public art project management activities**; monetary bequests and donations for specific or unspecified **cultural use**; **grants**; **grant matching funds**; and **Transient Occupancy Tax [TOT] funds** may be deposited.

**Public art project management activities** include, but are not limited to, **artist** selection process activities, payment of stipends to **artists** and consultant fees, community participation activities, outreach and educational activities, and implementation of communication tools such as interpretive plaques, project documentation, and staff administration of all of the above.

**Public places** means land and buildings owned or controlled by the City.

**Redevelopment Project Area** means any area formally adopted by the City Council pursuant to Community Redevelopment Law, California Health and Safety Code sections 33000 et. seq., maps of which are on file in the Office of the City Clerk.

**Redevelopment Agency Project** means any undertaking of the City of San Diego Redevelopment Agency in a **Redevelopment Project Area** pursuant to the authority vested in the Redevelopment Agency under California Health and Safety Code sections 33000 et. seq.

**Total building permit valuation** means the combined total valuation of all new structures, including tenant improvements within those new structures, within the **premises**, using the latest building valuation data as set forth by the International Code Council [ICC] and utilized by the City of San Diego Building Official in determining valuation.

(Amended 4-10-2000, by O-18786 N.S.)
(Renumbered from Section 26.0705 and amended 5-17-2004, by O-19280 N.S.)
(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)
§26.0703 Commission for Arts and Culture Established

There is hereby established a Commission for Arts and Culture consisting of fifteen members, who shall serve without compensation.

The members shall be appointed by the Mayor and confirmed by the City Council, subject to the following conditions: (1) The Mayor shall appoint six members; and (2) the Mayor shall appoint the remaining nine members, one each from a list of three nominations submitted by each Councilmember.

(Amended 4-20-1992, by O-17757 N.S.)
(Renumbered from Section 26.0702 and amended 5-17-2004, by O-19280 N.S.)
(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)
(Amended 6-22-2016 by O-20656 N.S.; effective 7-22-2016.)

§26.0704 Duties and Functions – Commission for Arts and Culture

The Commission shall:

(a) Advocate for the role and value of arts and culture in civic life.
(b) Promote greater public participation in, and access to, arts and culture.
(c) Evaluate the City’s allocation of TOT funds for arts and culture and strongly advocate for increasing arts and culture funding to levels which measurably support the vitality and stability of established arts and cultural organizations and which foster an environment attractive to and nurturing of emerging arts and cultural organizations.
(d) Advocate for and explore alternate sources of arts and culture funding including, but not limited to, grants, donations and corporate sponsorships.
(e) Advise on the development, implementation, evaluation and/or change of the City’s arts and culture public policy, legislation, programs and services.
(f) Advocate for City public policy, legislation, programs and services that foster a wide range of arts and cultural offerings which engage a diverse public audience.
(g) Review the annual proposed budget for the Commission as prepared by the Executive Director of the Commission and provide recommendations, as appropriate.
(h) Advise on the administration of the budget for the Commission, and the arts and culture allocations within TOT funds including, but not limited to, the Special Promotional TOT Revenue and the Arts, Culture and Community Festivals category.

(i) Oversee and, when appropriate, participate in an open and impartial process for evaluating TOT funding applications from local, non-profit arts and culture organizations.

(j) Recommend to the Mayor, City Council and City Manager the fair distribution of TOT funds to non-profit arts and culture organizations to support local arts and culture programming.

(k) Advise on collections management activities and public art project management activities pertaining to existing and proposed artworks in/proposed for the Civic Art Collection, or contracted for, exhibited on, or erected on public places.

(l) Advise on allocations to and from the Public Art Fund.

(m) Advise on the policies and processes whereby artworks are included in Capital Improvements Program projects and Redevelopment Agency projects and ensure that artists are involved as early as possible in the pre-design or design phases for each project.

(n) Advocate for the fair distribution of arts and culture amenities across each City Council district and throughout the City’s neighborhoods.

(o) Participate in the initiation, implementation and/or sponsorship, alone or in partnership with other public agencies or private organizations, of programs and services to support local arts and culture organizations and individual artists.

(p) Serve as the City’s advocates for arts and culture within the City Council, as well as the private sector, local, regional, state and federal governments, and international entities, such as Mexico, Canada, Japan and other Pacific Rim countries.

(q) Advise on other arts and culture issues as directed by the Mayor, City Council or City Manager.

(r) Hold regular public meetings and keep written records of the proceedings which shall be public records.
(s) Adopt rules consistent with laws for the governance of its business and procedures.

(Renumbered from Section 26.0703 and amended 5-17-2004, by O-19280 N.S.)
(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0705 Qualification of Commissioners

Commissioners shall be persons who represent the following: individual arts and culture patrons, artists, educators, the business and professional community, those with professional qualifications and experience or knowledge of a particular arts and culture field, and the general public. Efforts should be made to include Commissioners who represent a diversity of backgrounds including, but not limited to, gender, age, socio-economic class, geographic location, religion, sexual orientation, skills and abilities, ethnicity, political affiliation and/or professional background. Commissioners also shall be persons who will commit to volunteering time to serve on the board which meets monthly, as well as on at least one Commission committee and one Commission review panel on an annual basis.

Board Chairs, Presidents, or other officers of the board of directors of an organization funded by the City through the Commission may not be considered for an appointment to the Commission or accept such a position while a Commissioner. A high-level, full-time employee of an organization funded by the Commission may not be considered for appointment to the Commission or accept such a position while a Commissioner. In selecting Commissioners, the Mayor or the Mayor’s designee shall consider whether candidates would be able to effectively and ethically serve in light of any foreseeable conflicts of interest.

(Amended 4-20-1992, by O-17757 N.S.)
(Renumbered to Section. 26.0702, and added as new section on 5-17-2004, by O-19280 N.S.)
§26.0706 Designation of Commission Chair and Vice Chair

The Mayor may designate one member as Chair in September of each year in which a Chair is to be selected; however, in the absence of such designation, the Commission shall on or after October 15 of such year select from their members a Chair. The Chair shall take office no earlier than October and no later than December. The Vice Chair shall be nominated by the Chair and elected by a majority vote of the Commission.

(Amended 4-20-1992, by O-17757 N.S.)
(Retitled and amended 5-17-2004, by O-19280 N.S.)

§26.0707 Commissioner Terms

Commissioners shall serve two-year staggered terms for a maximum of eight consecutive years and each member shall serve until a successor is duly appointed and confirmed. An interval of four years must pass before an individual can be reappointed.

The expiration date of all terms shall be August 31.

The Chair shall serve a term of two years and can be designated as Chair by the Mayor for one additional, consecutive year. An interval of two years must pass before an individual can be reappointed as Chair.

The Vice Chair shall serve a term of one year and can be reelected as Vice Chair by the Commission for two additional, consecutive one-year terms. An interval of two years must pass before an individual can be reappointed as Vice Chair.

(Amended 4-20-1992; by O-17757 N.S.)
(Retitled and amended 5-17-2004; by O-19280 N.S.)

§26.0708 Commission Meetings and Reporting

The Commission will meet monthly and report to the Mayor and City Council on an as needed basis, but not less than one time per year.

(Added 5-17-2004; by O-19280 N.S.)
§26.0709 **Resignation and Removal of Commissioners**

Any Commissioner may submit written resignation to the Chair. The Commissioner resigning must file a Leaving Office Statement with the City Clerk within thirty days of the effective date of resignation. It is the Chair’s responsibility to notify the Mayor of any such resignation.

The *Commission* may recommend to the Mayor that an individual Commissioner be removed for sufficient cause.

*(Added 5-17-2004, by O-19280 N.S.)*

§26.0710 **Commission Quorum**

Eight Commissioners shall constitute a quorum authorized to transact business.

*(Added 5-17-2004, by O-19280 N.S.)*
*(Previous Section 26.0710, “Return of Fees,” retitled and renumbered to Section 26.0718, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

§26.0711 **Commission Conflict of Interest Code**

A conflict of interest code shall be adopted for Commissioners, subject to City Council approval pursuant to Chapter 2, Article 6, Division 1 of this code. All Commissioners shall be required to complete and file statements of economic interests in accordance with the conflict of interest code, and shall comply with all applicable ethics laws.

*(Added 5-17-2004, by O-19280 N.S.)*
*(Previous Section 26.0711, “Failure to Maintain Artwork” retitled and renumbered to Section 26.0719, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

§26.0712 **Commission for Arts and Culture Executive Director and Staff**

The Executive Director of the *Commission* shall be appointed by the City Manager. The Director shall be a management assistant to the City Manager. The City Manager shall provide appropriate staff to support the activities of the *Commission* and Executive Director.

*(Added 5-17-2004, by O-19280 N.S.)*
*(Previous Section 26.0712, ”Appeal” retitled and renumbered to Section 26.0720, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*
§26.0713 Duties and Functions – Executive Director

The Executive Director shall:

(a) Serve as the head of and be responsible for the administration of the Commission, Commission staff, and their respective purposes, duties and functions.

(b) Appoint, direct and supervise all City employees on the Commission staff with the approval of the City Manager, and subject to Civil Service regulations.

(c) Initiate, administer and propose modifications to such agreements and instruments as the Executive Director deems reasonably necessary to implement public policy, legislation, programs and services pertaining to the Commission, Commission staff, and their respective purposes, duties and functions.

(d) Prepare the annual proposed budget for the Commission and provide recommendations, as appropriate, to the Commission before submitting budget recommendations to the City Manager.

(e) Direct the administration of the budget for the Commission and the arts and culture allocations within TOT funds including, but not limited to, the Special Promotional TOT Revenue and the Arts, Culture and Community Festivals category.

(f) Direct the fair distribution of TOT funds, as approved by City Council, to non-profit arts and culture organizations to support local arts and culture programming.

(g) Serve as the steward of the Civic Art Collection and manage any financial transactions related to collections management activities and public art project management activities pertaining to all existing and proposed artworks in/proposed for the Civic Art Collection, or contracted for, exhibited on, or erected on public places.

(h) Oversee allocations to and from the Public Art Fund.

(i) Initiate agreements to provide professional arts administration services to other agencies, corporations and companies.
(j) Prepare and submit reports to the Mayor, City Council and City Manager pertaining to the purpose, duties and functions of the Commission and the Commission staff.

(k) Consult with and submit reports to the Commission pertaining to the purpose, duties and functions of the Commission and the Commission staff.

(l) Manage other duties pertaining to arts and culture as assigned by the City Manager.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0714 Civic Enhancement Allocation Regulations and Calculations

(a) To ensure that the City’s increasing urbanization is offset by the creation of artworks and venues dedicated to cultural use, no final City approval to occupy any private industrial or commercial development, or any portion thereof, with a total building permit valuation greater than or equal to $5,000,000 (revised annually by the percentage increase or decrease in the Los Angeles/San Diego Construction Cost Index as reported and published by the Engineering News Record or its successor for the twelve-month period ending January 1 of each year) may be granted unless a Civic Enhancement allocation in an amount equal to one percent (when the applicant elects to meet the requirements of this section pursuant to Subdivision (b)(1) or (b)(2) or one-half of one percent (when the applicant elects to meet the requirements of this section pursuant to Subdivision (b)(3) of its total building permit valuation has been set aside by the applicant, subject to the provisions of section 26.0716.

(1) For phased development, calculation of total building permit valuation will be based on the total number of building permits applied for, but not yet issued, for the premises, but does not include any withdrawn permit applications.

(2) The valuation of any exempt component of a mixed use development shall be deducted from the combined total building permit valuation.

(3) The calculation of total building permit valuation shall not include that portion of new tenant improvements that exceed $150 per square foot and is an occupancy classification required under the California Building Code to be a Type I fire rated occupancy classification.
(b) The *Civic Enhancement allocation* may be used by the *applicant* to comply with the requirements set forth herein through one of the following means:

(1) Placement of *artworks* valuing one percent of the *total building permit valuation for the development on the premises*. If the value of the artwork, including art consultant fees and the costs for design, fabrication, installation, and documentation, is not equal to or greater than the *Civic Enhancement allocation*, the *applicant* shall pay into the *Public Art Fund* an amount equal to the difference between the amount of the *Civic Enhancement allocation* and the value of the artwork.

(2) Maintaining a portion of the *premises* which is *open and accessible* for *cultural use*. If the value of that portion of the *premises* which is *open and accessible* for *cultural use* is not equal to or greater than the *Civic Enhancement allocation*, the *applicant* shall pay into the *Public Art Fund* an amount equal to the difference between the amount of the *Civic Enhancement allocation* and the value of the *premises* which is *open and accessible* for *cultural use*.

(3) Depositing into the *Public Art Fund*, payment of an in-lieu fee equal to one-half of one percent of the *total building permit valuation* for the development.

(Renumbered from Section 26.0706 “General Public Art Program Allocation Regulations,” retitled to “Civic Enhancement Allocation Regulations and Calculations” and amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0715 Civic Enhancement Allocation Declaration

Upon applying for a building permit, the *applicant* shall:

(a) Declare in writing the means by which the *applicant* will comply with the requirements of section 26.0714; and

(b) Where applicable, enter into a Declaration of Covenants, Conditions, and Restrictions in accordance with section 26.0717.

§26.0716 Compliance with Civic Enhancement Allocation Regulations

(a) If the applicant chooses to pay an in-lieu fee to the City’s Public Art Fund in accordance with section 26.0714(b)(3), the in-lieu fee shall be paid at the time required building permit fees are paid and no later than the first inspection of the development performed by the City.

(b) If the applicant chooses to install an artwork on the premises or maintain a portion of the premises open and accessible for cultural use in accordance with the requirements of section 26.0714 (b)(1) or (b)(2), no building permit for the development may be issued until the applicant deposits with the City security either in the form of a surety bond issued by a surety company authorized to do business in the State of California, or in cash, or the equivalent amount in other security approved by the City Manager and City Attorney in an amount equal to one-half of one percent of the total building permit valuation. Any costs associated with acquiring the required security are the responsibility of the applicant, and may not be applied to the Civic Enhancement allocation.

(c) Prior to issuance of the Certificate of Occupancy for the development, the applicant shall submit to Commission staff evidence, satisfactory to the Executive Director of the Commission, that:

(1) If applicable, the value of the artwork installed on the premises is equal to or greater than one percent of the total building permit valuation for the development. Such evidence may include the costs of art consultant fees, artist design fees, fabrication of the artwork, installation of the artwork, and/or documentation of the artwork.

(2) If applicable, the value of the portion of the premises which is maintained open and accessible for cultural use is equal to or greater than one percent of the total building permit valuation for the development. Such evidence may include data establishing the proportional value of the total square footage and all tenant improvements for the development.

(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)
[Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21288-SO.pdf ]

§26.0717 Declaration of Covenants, Conditions, and Restrictions for Developments Subject to the Civic Enhancement Allocation Regulations

If the applicant installs an artwork on the premises or maintains a portion of the premises open and accessible for cultural use in accordance with the requirements of section 26.0714 (b)(1) or (b)(2), the development shall have recorded against it a Declaration of Covenants, Conditions, and Restrictions in favor of the City and in a form approved by the City Attorney which shall include the following provisions as appropriate:

(a) The owner of the development shall provide all necessary maintenance of the artwork, including preservation of the artwork in good condition to the reasonable satisfaction of the City and protection of the artwork against destruction, distortion, mutilation, or other modification. The owner of the premises may retain ten percent of the Civic Enhancement allocation in order to fund the costs of conservation, ongoing maintenance, insurance, and security of the artwork, as necessary to comply with the requirements set forth herein.

(b) The owner of the development shall ensure that the artwork will be located in an area that is open and accessible.

(c) A description of that portion of the premises which will be maintained open and accessible and its designated cultural use.

(d) Any other reasonable terms necessary to implement the provisions set forth herein.

§26.0718  Return of Civic Enhancement Allocations

(a)  *Civic Enhancement allocations* paid into the City’s *Public Art Fund* which are unexpended within five years from the date of payment may be returned to the then current owner(s) of the *development*, with all interest actually earned thereon, if a written request for return is filed with the City Treasurer during the fifth year after payment, and refund of the *Civic Enhancement allocations* is approved by the City Council. The request for return shall be verified, and include the date of payment, the amount paid and method of payment, the location of the *development* for which the *Civic Enhancement allocation* was paid, and a statement that the person making the request paid the *Civic Enhancement allocation* or is the current owner of the *development*.

(b)  The City Council shall determine if return of the then unexpended portion of the *Civic Enhancement allocation* and interest is appropriate and, if so, the method of refund. No refund shall be appropriate if the City Council determines any one of the following conditions applies:

(1)  The City Council finds that the funds are needed for artwork or cultural use.

(2)  The *Civic Enhancement allocations* were not posted as fees, but were satisfied by letter of credit, bond or other instrument taken to secure payment at a future date.

(3)  The administrative cost of refunding unexpended *Civic Enhancement allocations* exceeds the amount to be refunded, provided notice of a public hearing on this issue has been published and posted on the site of the *development* in not less than three places.


§26.0719  Failure to Maintain Artwork Created Through Civic Enhancement Allocations

Failure to maintain *artworks* created through *Civic Enhancement allocations* may be a public nuisance.

§26.0720 Civic Enhancement Allocation Appeal

Any applicant may seek review of a decision by the Executive Director of the Commission under section 26.0716 (c) by filing an application for an appeal hearing with the Executive Director of the Commission no later than ten business days after the Executive Director’s decision.

The Executive Director of the Commission shall coordinate a date for an appeal hearing before the City Manager or the City Manager’s designee no later than ten business days after the date on which an application for the appeal hearing is filed with the Executive Director. The appeal hearing shall generally be held within sixty business days following the filing of the application for the hearing. The Certificate of Occupancy may be withheld pending resolution of the appeal.

At the conclusion of the appeal hearing, the City Manager or the City Manager’s designee may affirm, reverse, or modify the Executive Director’s decision. The decision of the City Manager is final.


§26.0721 Civic Enhancement Allocation Exemptions

The Civic Enhancement allocation requirements do not apply to the following:

(a) Industrial and commercial development with a total building permit valuation of less than $5,000,000 or current threshold pursuant to section 26.0716.

(b) Any premises which has an institutional use, such as churches, hospitals, and schools.

(c) Any premises which is used solely for residential development.

(d) Any premises which is owned or leased solely by a non-profit entity and used in furtherance of the owner’s or lessee’s non-profit purpose.

(e) Industrial and commercial development that is not open and accessible, in its entirety, to the general public due to security reasons.

(f) Industrial and commercial development that is not open and accessible, in its entirety, to the general public due to the storage and use of hazardous, radiological, or infectious materials that may jeopardize the public’s safety.

§26.0722 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, shall first have been submitted to and accepted by the Commission staff, and 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 Commission staff, and following review and recommendation by the Commission.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0723 Management of Artworks

All collections management activities shall be the responsibility of the Commission staff, 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 sited and shall be undertaken at the direction of Commission staff.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0724 Acquisition of Artworks

(a) Commission staff may authorize the purchase of artworks for inclusion in the Civic Art Collection following the review and recommendation of the Commission.

(b) Commission staff 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.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)
§26.0725 Deaccession and Disposal of Artworks

(a) Commission staff shall deaccession and dispose 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, Commission staff shall submit a report on the recommendation for the sale to the Mayor, City Council and City Manager prior to initiating the sale.

(c) When an artwork is deaccessioned and disposed of through sale, the artwork shall be sold through methods either administered by or approved by the Purchasing Agent. When an artwork is deaccessioned and disposed of through sale or exchange, the Executive Director may administer acceptance of all deeds of conveyance necessary and proper to affect a duly authorized sale or exchange.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0726 Loans from the Civic Art Collection

Commission staff is authorized to loan artworks from the Civic Art Collection to City departments, agencies, institutions, organizations or galleries. Loans are made according to the terms and conditions of loan agreements.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)

§26.0727 Reproductions or Adaptations of Artworks

Commission staff is authorized to negotiate with the copyright holder for each artwork in or proposed for inclusion in the Civic Art Collection for the purpose of acquiring a license to make, or cause to be made reproductions or adaptations of artworks. Reproductions or adaptations of artworks are made according to the terms and conditions of the licensing agreement.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)
§26.0728 Proceeds from the Sale, Loan, Reproduction or Adaptation of Artworks

All monies received from the sale of artworks from the Civic Art Collection must be expended on new acquisitions for the Civic Art Collection. Proceeds from the loan of artworks from the Civic Art Collection or from the licensing of the making of reproductions or adaptations thereof, less any payments due, shall be deposited into the Public Art Fund.

(Added 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)