

<p style="text-align: center;">City of San Diego, California DEPARTMENT INSTRUCTION</p>	<p style="text-align: center;">Number DI 1.00</p>	<p style="text-align: center;">COMMISSION FOR ARTS AND CULTURE</p>
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SECTION 1 PURPOSE

1.1 Purpose: This policy will be used by the City of San Diego Commission for Arts and Culture (*Commission*) in the management of the *artworks* owned or controlled by the City of San Diego (City), which are collectively known as the *Civic Art Collection*.

SECTION 2 DEFINITIONS

2.1 Definitions: Italicized terms used in this policy have the same definitions as provided in San Diego Municipal Code section 26.0701 et seq. In addition, the following terms will have the meanings provided below:

Commissioned artwork means an *artwork* which has not been created but will be created upon the City's approval of an *artwork* proposal submitted by a donor or lender. *Commissioned artworks* typically require a specific, predetermined site.

Fair market value is the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having a reasonable knowledge of relevant facts (Treasury Regulation Sec. 20.2031-1[b]). The *fair market value* of property will be determined by an independent professional appraiser, as appropriate.

Incoming loan of artwork means an *artwork* or group of *artworks* borrowed by the City.

Interdepartmental loan of artwork means the loan of an *artwork* from the *Civic Art Collection* for exhibition in other City Departments and City agencies.

Outgoing loan of artwork means the loan of an *artwork* or group of *artworks* from the *Civic Art Collection*.

Portable artwork describes an *artwork* that can be easily transported or does not require a permanent or nearly permanent site. Paintings, works on paper, photographs and small sculptures are examples of *portable artworks*.

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SECTION 3 HISTORY

3.1 History: The *Civic Art Collection* was begun unofficially in 1909 when the City accepted the gift of the Horton Plaza fountain from Louis J. Wilde, a businessman and banker. The City has continued to receive numerous donations of *artwork*, many of which are of art historical importance and historical significance, ever since. The collection includes paintings, sculptures, works on paper and prints and is further distinguished by the commissioning and *acquisition* of various *artworks* in *public places*.

SECTION 4 GOVERNANCE

4.1 Governance: Pursuant to San Diego Municipal Code section 26.0701 et seq., the *Commission* serves 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. The municipal code also establishes an Executive Director and staff (collectively, *Commission* staff) to support the *Commission*. The municipal code further specifies that the *Commission* is responsible for advising on *collections 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*.

In addition, the municipal code identifies the Executive Director of the *Commission* (Executive Director) as the steward of the *Civic Art Collection*. The Executive Director is authorized to manage any financial transactions related to *collections 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*. The Executive Director leads the *Commission* staff in the application of the City's policies and the implementation of the City's procedures related to the management of the *Civic Art Collection*. The Executive Director may delegate some responsibilities for *collections management activities* to consultants.

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SECTION 5 COLLECTING MISSION

5.1 Collecting Mission: The mission of the City's *Civic Art Collection* is to provide meaningful aesthetic and cultural experiences for San Diego's residents and visitors. The City collects *artworks* that demonstrate the creativity and innovation practiced in the arts; that stimulate discussion and the exchange of ideas; that balance urbanization and development with humanizing elements; that honor the history and heritage of San Diego and its citizens; and/or that reflect the character and diversity of San Diego's region while incorporating a global perspective.

SECTION 6 SCOPE OF THE COLLECTION

6.1 Scope of the Collection: The scope of the *Civic Art Collection* is limited to the *acquisition* of *artworks* that achieve the highest standards for aesthetic and conceptual quality while fulfilling the City's collecting mission. Chronologically, collecting efforts focus primarily on the period from 1900 to the present. Geographically, the collecting range of the *Civic Art Collection* is primarily national with a focus on the San Diego region. The City limits its collecting efforts to *artworks* that are designed or specified by *artists*.

SECTION 7 ETHICAL STANDARDS

7.1 Ethical Standards: In recognition of its public responsibility, the *Commission* endorses and upholds the City's core values of integrity, accountability and openness. Commissioners, designated *Commission* staff and the *Commission's* consultants are required to abide by the current Conflict of Interest Code for the Commission adopted by City Council. Additionally, *Commission* staff follows the guidelines set forth in the City's current Employee Code of Conduct Handbook. The standards set forth below control where existing legislation does not address the ethical standards related to the governance of the *Civic Art Collection*.

7.1.1 Pursuant to local, state and federal laws, no personal gain resulting from transactions involving the *Civic Art Collection* shall be realized by any individual having affiliations with the City.

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7.1.2 The City shall not sell, trade or donate *artworks* from the *Civic Art Collection* to City staff, elected officials, Commissioners, members of *Commission* committees and panels, consultants to the *Commission*, interns, their business partners or immediate family members.

7.1.3 *Commission* staff, Commissioners, members of *Commission* committees and panels, consultants to the *Commission*, interns, their business partners or immediate family members shall not buy, receive or own any *artwork* which has been deaccessioned from the *Civic Art Collection*.

7.1.4 *Commission* staff, Commissioners, members of *Commission* committees and panels, consultants to the *Commission*, interns, their business partners or immediate family members shall not use any *artwork* in the *Civic Art Collection* for any personal purpose.

7.1.5 *Commission* staff, Commissioners, members of *Commission* committees and panels, and consultants to the *Commission* shall disclose all circumstances regarding personal and/or affiliated organizational collections and their personal and/or affiliated organizational collecting activities which may be parallel or may compete with collection activities related to the *Civic Art Collection*.

7.1.5.1 *Commission* staff will notify Commissioners, members of *Commission* committees and panels, and consultants to the *Commission* when such disclosure may be necessary.

SECTION 8 ACQUISITION AND ACCESSION

8.1 Acquisition and Accession: *Artworks* may be acquired by means of purchase, donation, bequest, transfer, exchange or any other transaction by which title to an *artwork* passes to the City. To ensure development of a cohesive art collection, *accession* criteria shall be used to evaluate all *artworks* proposed for inclusion in the *Civic Art Collection*. Accessioned *artworks*, if unrestricted, may be exhibited, loaned, stored or disposed of in the best interests of the City and the public it serves.

8.1.1 The *acquisition* of *artworks* through donation and bequest shall be conducted using the process outlined in Council Policy 100-02, City Receipt of Donations and using the *accession* criteria in section 8.2 herein and, when applicable, the site selection criteria in section 12 herein.

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8.1.2 The *acquisition* of *public art* shall be made accordance with Council Policy 900-11, Inclusion of Public Art in Selected Capital Improvements Program and Redevelopment Agency Projects and using the *accession* criteria in section 8.2 herein and, when applicable, the site selection criteria in section 12 herein. In some instances, a request for qualifications or other instrument will be used in a competitive *artist* selection process. Any selection criteria given in a request for qualifications may incorporate and/or augment the *accession* criteria in section 8.2 herein.

8.1.3 Procedures for the *acquisition* of *artworks* by other means may be implemented at the discretion of the Executive Director.

8.1.4 Where state, federal, or international laws affect the *acquisition* of certain *artworks*, the City shall act in accordance with those laws.

8.1.5 The City shall seek to secure a copyright license or copyright ownership for each *acquisition* as part of the *acquisition* process.

8.1.6 When the *acquisition* of an *artwork* requires a decision on the site for installation and/or exhibition of the *artwork*, the criteria provided in section 12 herein shall be used to evaluate potential sites and to make the site selection.

8.2 Accession Criteria: All potential *artwork acquisitions* shall be evaluated by *accession* criteria, which may include, but are not limited to:

8.2.1 Public Safety: The *artwork* must not pose hazards or threats to public safety or public health and/or must not pose a potential liability for the City in any other way.

8.2.2 Cost: The total amount of monetary outlay required to acquire an *artwork* including, but not limited to, the purchase price and expenses for transportation, installation, documentation, exhibition, operation, maintenance, conservation, security and/or storage.

8.2.3 Availability of Resources: The availability of necessary funds, exhibition and storage space, real property for siting *artworks*, and necessary staff support. Preference will be given to *artworks* that do not require an excessive outlay of City resources.

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8.2.4 Relevance: The relationship of an *artwork* to the City's collecting mission and the scope of the *Civic Art Collection*.

8.2.5 Excellence: The authenticity and level of aesthetic quality, workmanship and conceptual content.

8.2.6 Significance: The importance of an *artwork* in an *artist's* body of work or in art history.

8.2.7 Condition: The nature and physical state of the *artwork*.

8.2.8 Maintenance: The nature of the recommended maintenance, conservation and/or operation of the *artwork*.

8.2.9 Security: The nature of the recommended security measures for the *artwork*.

8.2.10 Relationship to Site: The scale and nature of an *artwork* in connection with social, cultural, historical, environmental, physical, and/or functional contexts, both existing and planned.

8.2.11 Legal and Ethical Considerations: The legal and ethical issues related to the possession and use of an *artwork* including, but not limited to: ownership; provenance; copyrights; warranties; and state, federal and international laws and conventions; and pertinent legal agreements.

8.2.12 Timing: The amount of time required to realize a *commissioned artwork* or the amount of time available to implement a normal *acquisition* review process. Preference will be given to *artworks* which do not necessitate an expedited review process.

8.2.13 Selection Process for the Artist and/or Artwork: The method for the selection of the *artist* and/or *artwork*.

8.2.14 Community Feedback: The feedback about the *artwork* from the community.

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8.2.15 Restrictions: The restrictions, if any specified by the donor or seller. Preference will be given to *artworks* that are unrestricted.

8.2.16 Commemorative Significance: The importance, as widely recognized by a diverse population of San Diego's citizens, of the person or event which is the subject of a proposed memorial.

8.2.17 Fair Exchange: For the *acquisition* of an *artwork* through exchange, the significance and *fair market value* of the *artwork* being released from the *Civic Art Collection* and the *fair market value* of the *artwork* to be acquired should be compared.

8.2.18 Fair Purchase Price: For the *acquisition* of *artworks* through purchase, the fairness of the purchase price and purchase price relative to the importance of the *artwork* to the *Civic Art Collection* should be evaluated.

SECTION 9 DEACCESSION AND DISPOSAL

9.1 Deaccession and Disposal: It is the intention of the City to acquire *artworks* for the *Civic Art Collection* with such care that deaccessioning *artworks* is seldom necessary. However, periodic evaluation of the collection and judicious deaccessioning may strengthen the quality and value of the *Civic Art Collection* over time. Deaccessioning should be cautiously applied only after careful and impartial evaluation of the *artwork* to avoid the influence of fluctuations of taste and the premature *disposal* of an *artwork* from the collection.

9.1.1 In general, an *artwork* will not be deaccessioned within five years after it is accessioned into the collection, unless the *artwork* has been acquired for the express purpose of being sold or special circumstances apply.

9.1.2 An accessioned *artwork* may be evaluated for *deaccession* at any time. *Deaccession* evaluations shall be initiated by *Commission* staff. *Commission* staff may recommend *deaccession* evaluations as part of a regular review of the collection at least once every five years or at the request of the *artist* who created the *artwork*, that *artist's* designated heir(s) or legally recognized representative(s), or other stakeholders.

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9.1.3 To initiate a *deaccession* evaluation, *Commission* staff will prepare a report, which may include, but is not limited to: information about the *artwork* and *artist*; information about the site; any applicable restrictions; any applicable legal provisions; comments and opinions from the community, the City Department which has jurisdiction over the *artwork* site, and/or the *artist*; and recommendations from *Commission* staff on whether to *deaccession* and a preferred method of *disposal*. The report may also include recommendations from *Commission* staff on remedies for any anticipated loss or site damage which may be caused by *artwork disposal*.

9.1.4 *Commission* staff will present the report to the *Commission*, which may require that the report also be reviewed by standing or ad hoc committees of the *Commission*. *Commission* staff will determine whether notification to the *artist*, donor or any other stakeholder is required in advance of the presentation to the *Commission*. Parties responsible for reviewing the report may request to view the subject *artwork* during the *deaccession* evaluation and *Commission* staff will coordinate such viewings. Following a review of the report and any recommendations from standing or ad hoc committees, the *Commission* will make recommendations to the Executive Director on whether to *deaccession* and a preferred method of *disposal*.

9.1.5 The Executive Director will make the final decision on whether to *deaccession* and a method of *disposal*. Should the method of *disposal* initially authorized by the Executive Director become unfeasible, the Executive Director will authorize an alternate method of *disposal*.

9.1.6 Procedures for the *deaccession* of an *artwork* by an alternate process may be implemented at the discretion of the Executive Director.

9.1.7 Where state, federal, or international laws such as the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113 [d]) or the California Art Preservation Act of 1978 (Civil Code 987) affect the *disposal* of certain *artworks*, the City shall act in accordance with those laws. Where legal agreements affect the *deaccession* and/or *disposal* of certain *artworks*, the City shall act in accordance with those agreements.

9.1.8 Where mandatory restrictions apply to *artworks* acquired through donation, those restrictions will be observed unless deviation from those restrictions is authorized by the donor, the donor's official legal designee, or a

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court of competent jurisdiction. Reasonable efforts will be made to comply with any non-binding restrictions.

9.2 Deaccession Criteria: Criteria for deaccessioning *artworks* from the *Civic Art Collection* may include, but are not limited to:

9.2.1 Public Safety: The *artwork* poses hazards or threats to public safety or public health and/or poses a potential liability for the City in some other way.

9.2.2 Cost: The total amount of monetary outlay required to exhibit, operate, maintain and/or conserve the *artwork* is determined to be in gross excess of its *fair market value* or an unreasonable financial burden to the City.

9.2.3 Availability of Resources: The funds, exhibition and storage space, real property for siting the *artwork*, and/or the staff support considered necessary for managing the *artwork* is determined to be an unreasonable financial burden to the City.

9.2.4 Relevance: The *artwork* has little or no relationship to the City's collecting mission and the scope of the *Civic Art Collection*.

9.2.5 Excellence: The authenticity and level of aesthetic quality, workmanship and conceptual content is determined to be insufficient.

9.2.6 Significance: The *artwork* is not considered important in an *artist's* body of work or in art history.

9.2.7 Redundancy: The *artwork* is duplicative in a large holding of *artwork* of that type, category or by that *artist*.

9.2.8 Condition: The *artwork* has been damaged beyond reasonable repair, has deteriorated beyond reasonable conservation, or is actively decomposing in a manner that directly and negatively affects the *artwork's* site and/or other City assets.

9.2.9 Maintenance: The *artwork* requires excessive or unreasonable maintenance or conservation; or the *artwork* consistently fails to operate properly.

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9.2.10 Security: The security of the *artwork* cannot be sustained.

9.2.11 Relationship to Site: Changes in the ownership, use, character or design of the site have occurred which affect the integrity of or access to the *artwork*. Also, the weather or other environmental conditions at the site are causing dramatic damage to the *artwork*.

9.2.12 Legal and Ethical Considerations: The provenance of the *artwork* is unknown or unverified; the copyrights to the *artwork* are unknown or unverified; the City's ownership or control of the *artwork* breaks state, federal or international laws and conventions; the City does not have a clear, legal title to the *artwork*.

9.2.13 Community Feedback: The *artwork* has received documented and unabated adverse reaction from a measurably large number of citizens and/or organizations based within the community where the *artwork* is located and/or the *artwork* can reasonably be perceived as a public nuisance.

9.3 Methods of Disposal: In determining which method to use for the *disposal* of a deaccessioned *artwork*, *Commission* staff and the *Commission* shall consider the best interests of the City and the public it serves.

9.3.1 Donation: The City may dispose of a deaccessioned *artwork* through donation to a collecting institution which finds the deaccessioned *artwork* relevant to its collecting mission.

9.3.2 Exchange: The City may dispose of a deaccessioned *artwork* through an exchange for another *artwork*.

9.3.3 Sale: The City may dispose of a deaccessioned *artwork* through sale. Pursuant to San Diego Municipal Code section 26.0701 et seq., the method of sale shall be either administered by or approved by the City's Purchasing Agent. If the City opts to sell the deaccessioned *artwork* at a public auction, the City may contract with a licensed auction house for the purpose of conducting the sale. *Commission* staff shall have input on any agreement between the City and a licensed auction house.

9.3.3.1 Pursuant to San Diego Municipal Code section 26.0701 et seq., *Commission* staff will submit a report on the recommendation for the sale

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of a deaccessioned *artwork* to the Mayor, City Council and City Manager prior to initiating the sale when the *artwork* has an estimated *fair market value* of \$250,000 or more.

9.3.4 Destruction: The City may dispose of a deaccessioned *artwork* through intentional destruction. Some conditions which may merit the intentional destruction of an *artwork* include damage beyond repair, deterioration beyond conservation, the undamaged parts of a damaged *artwork* hold negligible value, or destruction of the *artwork* is the most reasonable way to prevent unauthorized use of the *artwork*. Where state, federal, or international laws such as the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113 [d]) or the California Art Preservation Act of 1978 (Civil Code 987) affect the destruction of certain *artworks*, the City shall act in accordance with those laws. Where legal agreements affect the destruction of certain *artworks*, the City shall act in accordance with those agreements.

SECTION 10 REMOVAL OR MODIFICATION

10.1 Removal or Modification: An accessioned *artwork* may be evaluated for removal or modification at any time. Conditions which may precipitate an evaluation for removal or modification may include, but are not limited to, threats to public safety or public health, undue financial burdens on the City or site changes.

10.1.1 Where state, federal, or international laws such as the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113 [d]) or the California Art Preservation Act of 1978 (Civil Code 987) affect the removal or modification of certain *artworks*, the City shall act in accordance with those laws. (For the purposes of this policy, the term "modification" also means "alteration.") Where legal agreements affect the removal or modification of certain *artworks*, the City shall act in accordance with those agreements.

10.1.2 Where mandatory restrictions apply to *artworks* acquired through donation, those restrictions will be observed unless deviation from those restrictions is authorized by the donor, the donor's official legal designee, or a court of competent jurisdiction. Reasonable efforts will be made to comply with any non-binding restrictions.

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10.1.3 Removal: Evaluations for removal shall be initiated by *Commission* staff. *Commission* staff may recommend such evaluations as part of a regular review of the collection at least once every five years or at the request of City Department directors, the *artist* who created the *artwork*, that *artist's* designated heir(s) or legally recognized representative(s), or other stakeholders. When *Commission* staff identifies an *artwork* for removal, *Commission* staff will recommend one of the following evaluation processes:

10.1.3.1 Deaccession and disposal. See section 9 herein.

10.1.3.2 Relocation. See section 11 herein.

10.1.3.3 Outgoing loan of artwork. See section 13 herein.

10.1.4 Modification: Evaluations for modification shall be initiated by *Commission* staff. *Commission* staff may recommend such evaluations as part of a regular review of the collection at least once every five years or at the request of City Department directors, the *artist* who created the *artwork*, that *artist's* designated heir(s) or legally recognized representative(s), or other stakeholders. To initiate an evaluation for modification, *Commission* staff will prepare a report, which may include, but is not limited to: information about the *artwork* and *artist*; information about the current site; any applicable restrictions; any applicable legal provisions; comments and opinions from the community, the City Department which has jurisdiction over the current site, the City Departments which have jurisdiction over the proposed sites, and/or the *artist*; and recommendations from *Commission* staff on whether to modify the *artwork* and a preferred plan for modification.

10.1.4.1 *Commission* staff will present the report to the *Commission*, which may require that the report also be reviewed by standing or ad hoc committees of the *Commission*. *Commission* staff will determine whether notification to the *artist*, donor or any other stakeholder is required in advance of the presentation to the *Commission*. Parties responsible for reviewing the report may request to view the subject *artwork* during the evaluation and *Commission* staff will coordinate such viewings. Following a review of the report and any recommendations from standing or ad hoc committees, the *Commission* will make recommendations to the Executive Director on whether to modify the *artwork* and a preferred plan for modification.

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10.1.4.2 When modification is recommended, the Executive Director will make the final decision on whether to modify the *artwork* and how to do so.

10.1.5 Procedures for evaluating whether to remove or modify an *artwork* by an alternate process may be implemented at the discretion of the Executive Director.

10.1.6 When an *artwork* presents a hazard or an imminent threat to public safety, public health, or property, the Executive Director may authorize immediate removal or modification of the *artwork* when no legal provisions prevent such action.

10.1.7 The process for evaluating whether to remove *artworks* does not apply to *portable artworks*, temporary *artworks*, temporary exhibits of *artwork* or *artworks* which must be removed to undergo conservation and will be reinstalled in the same location upon completion of the conservation.

SECTION 11 RELOCATION

11.1 Relocation: An accessioned *artwork* may be evaluated for relocation when *Commission* staff has identified the *artwork* for removal and has recommended relocation. Conditions which may precipitate an evaluation for relocation may include, but are not limited to, the following:

Public Safety: The *artwork* poses hazards or threats to public safety or public health and/or poses a potential liability for the City in some other way.

Condition: The *artwork* is actively decomposing in a manner that directly and negatively affects the *artwork's* site and/or other City assets.

Security: The security of the *artwork* cannot be sustained.

Relationship to Site: Changes in the ownership, use, character or design of the site have occurred which affect the integrity of or access to the *artwork*. Also, the weather or other environmental conditions at the site are causing dramatic damage to the *artwork*.

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Community Feedback: The *artwork* has received documented and unabated adverse reaction from a measurably large number of citizens and/or organizations based within the community where the *artwork* is located.

11.1.1 To initiate an evaluation for relocation, *Commission* staff will prepare a report, which may include, but is not limited to: information about the *artwork* and *artist*; information about the current site; information about the proposed sites and their adherence to the site selection criteria contained in section 12 herein; any applicable restrictions; any applicable legal provisions; comments and opinions from the community, the City Department which has jurisdiction over the current site, the City Departments which have jurisdiction over the proposed sites, and/or the *artist*; and recommendations from *Commission* staff on whether to relocate the *artwork* and a preferred site for relocation.

11.1.2 *Commission* staff will present the report to the *Commission*, which may require that the report also be reviewed by standing or ad hoc committees of the *Commission*. *Commission* staff will determine whether notification to the *artist*, donor or any other stakeholder is required in advance of the presentation to the *Commission*. Parties responsible for reviewing the report may request to view the subject *artwork* during the evaluation and *Commission* staff will coordinate such viewings. Following a review of the report and any recommendations from standing or ad hoc committees, the *Commission* will make recommendations to the Executive Director on whether to relocate the *artwork* and a preferred site for relocation.

11.1.3 When relocation is recommended, the Executive Director will make the final decision on whether to relocate the *artwork* and where to relocate the *artwork*. Should the new site for the relocation of the *artwork* initially authorized by the Executive Director become unfeasible, the Executive Director may initiate the relocation evaluation process again.

11.1.4 Procedures for evaluating whether to relocate an *artwork* by an alternate process may be implemented at the discretion of the Executive Director.

11.1.5 The process for evaluating whether to relocate *artworks* does not apply to *portable artworks*, temporary artworks, temporary exhibits of *artwork* or *artworks* which must be removed to undergo conservation and will be reinstalled in the same location upon completion of the conservation.

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SECTION 12 SITE SELECTION CRITERIA

12.1 Site Selection Criteria: *Public places* are limited and valuable resources, therefore *artworks* must enhance and add lasting value to the spaces they occupy. When *collections management activities* such as the *acquisition* of a donated *artwork*, the relocation of an *artwork*, or the installation of a temporary exhibit of *artwork* requires the selection of a site, the location shall be evaluated using criteria which may include, but are not limited to:

12.1.1 Ownership: Any site recommended for the exhibition of an *artwork* must be owned or controlled by the City, the San Diego Redevelopment Agency, or corporations operating on behalf of the San Diego Redevelopment Agency.

12.1.2 Public Safety: Any site recommended for the exhibition of an *artwork* must not pose hazards or threats to public safety or health.

12.1.3 Security: Any site recommended for the exhibition of an *artwork* must be secure to preserve the integrity of the *artwork* and to prevent the theft of or damage to the *artwork*.

12.1.4 Maintenance: Any site recommended for the exhibition of an *artwork* should be able to be maintained and operated by City staff in a routine manner and with standard equipment.

12.1.5 Accessibility: Any site recommended for the exhibition of an *artwork* should be visible to a broad, public audience and must address the rights of people with disabilities to obtain equal access to City services, programs, buildings, and facilities. Sites for *artworks* will be selected to comply with applicable titles of the Americans with Disabilities Act of 1990 and Council Policy 100-04 Americans with Disabilities Act/City Contractors.

12.1.6 Context: Any site recommended for the exhibition of an *artwork* must be socially, culturally, historically, environmentally, physically, and/or functionally appropriate. Both existing and planned contexts will be evaluated.

12.1.7 Support of City Departments: Any site recommended for the exhibition of an *artwork* should have the support of the City Department which has

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jurisdiction over the site. Input from any advisory bodies which are responsible for making recommendations concerning the use of *public places* will also be considered.

12.1.8 Community Support: Any site recommended for the exhibition of an *artwork* should have the support of the community which will interact with the *artwork*. *Commission* staff will determine, on a case-by-case basis, the process for gathering community input and feedback on sites for *artworks*.

12.1.9 Adherence to Relevant Plans: Any site recommended for the exhibition of an *artwork* should adhere to existing community plans and land use plans such as the City's General Plan.

SECTION 13 LOANS, TEMPORARY CUSTODY AND ABANDONED PROPERTY

13.1 Loans: Borrowing *artworks* is one method the City may utilize to meet its mission of providing meaningful aesthetic and cultural experiences for San Diego's residents and visitors. Lending *artworks* is part of the City's responsibility to make the *Civic Art Collection* accessible to the widest possible audience.

13.1.1 Incoming Loans of Artwork: The City may accept *incoming loans of artwork*.

13.1.1.1 To initiate an *incoming loan of artwork*, *Commission* staff must receive a completed application from the party proposing the loan. Applications are provided by *Commission* staff. In cases where *Commission* staff solicits the loan, *Commission* staff must complete the application.

13.1.1.2 *Commission* staff will analyze the application and prepare a report, which may include, but is not limited to: information about the *artwork* and *artist*; information about any proposed sites; any applicable restrictions; any applicable legal provisions; comments and opinions from the community, the City Departments which have jurisdiction over the proposed sites, and/or the *artist*; and recommendations from *Commission* staff on whether to authorize the *incoming loan of artwork*.

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13.1.1.3 *Commission* staff will present the report to the *Commission*, which may require that the report also be reviewed by standing or ad hoc committees of the *Commission*. *Commission* staff will determine whether notification to any stakeholders is required in advance of the presentation to the *Commission*. Parties responsible for reviewing the report may request to view the subject *artwork* during the evaluation and *Commission* staff will coordinate such viewings. Following a review of the report and any recommendations from standing or ad hoc committees, the *Commission* will make recommendations to the Executive Director on whether to authorize the *incoming loan of artwork*.

13.1.1.4 The Executive Director will make the final decision on whether to authorize the acceptance of an *incoming loan of artwork*.

13.1.1.5 Procedures for evaluating whether to authorize an *incoming loan of artwork* by an alternate process may be implemented at the discretion of the Executive Director.

13.1.1.6 *Incoming loans of artwork* shall be evaluated by *Commission* staff and the *Commission* using the criteria given in section 8.2 herein and, when applicable, the site selection criteria in section 12 herein.

13.1.1.7 *Incoming loans of artwork* shall be incorporated into the *Civic Art Collection* for the duration of the loan but are not considered *acquisitions*.

13.1.1.8 *Incoming loans of artwork* which remain in the City's custody past the date of the loan termination or which have no record of the loan termination date may eventually undergo *disposal* or may be processed as a donation to the City.

13.1.1.8.1 At the discretion of the Executive Director, the lender of an *incoming loan of artwork* which remains in the City's custody past the date of the loan termination may be charged a storage fee by the City.

13.1.2 Outgoing Loans of Artwork: The City may loan *artworks* from the *Civic Art Collection* for use in exhibitions, research and education. In general, the City lends *artworks* to other agencies, organizations or institutions and only lends

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artworks to commercial galleries, private individuals, or companies when to do so is likely to elevate the value and/or significance of the *Civic Art Collection*.

13.1.2.1 To initiate an *outgoing loan of artwork*, *Commission* staff must receive a written request from the party requesting the loan. The request should include reasons for the request; any details of the exhibition; dates for the proposed loan; proposed transportation arrangements; information about other sites where the *artwork* will be exhibited on tour; proposed security and insurance arrangements; and/or any other relevant details. Research related requests should also stipulate expected results.

13.1.2.2 *Commission* staff will analyze the request and prepare a report including the information contained in the request along with recommendations from *Commission* staff on whether to grant the request.

13.1.2.3 *Commission* staff will present the report to the *Commission*, which may require that the report also be reviewed by standing or ad hoc committees of the *Commission*. *Commission* staff will determine whether notification to the *artist* or any other stakeholder is required in advance of the presentation to the *Commission*. Parties responsible for reviewing the report may request to view the subject *artwork* during the evaluation and *Commission* staff will coordinate such viewings. Following a review of the report and any recommendations from standing or ad hoc committees, the *Commission* will make recommendations to the Executive Director on whether to loan the *artwork*.

13.1.2.4 The Executive Director will make the final decision on whether to loan the *artwork*.

13.1.2.5 Procedures for evaluating whether to loan an *artwork* by an alternate process may be implemented at the discretion of the Executive Director.

13.1.2.6 At the discretion of the Executive Director, a processing fee for *outgoing loans of artwork* may be charged by the City.

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13.1.3 Interdepartmental Loans of Artwork: An *interdepartmental loan of artwork* is the loan of an *artwork* from the *Civic Art Collection* for exhibition or storage in other City Departments and City agencies. *Interdepartmental loans of artwork* are subject to the provisions in and will be processed according to Administrative Regulation - Management of the Civic Art Collection.

13.2 Temporary Custody: *Artworks* may be placed in the temporary custody of the City for purposes including, but not limited to, consideration of a loan or *acquisition*.

13.3 Unclaimed Loans or Abandoned Property: Where state, federal and international laws affect unclaimed loans or abandoned property, the City shall act in accordance with those laws.

SECTION 14 TEMPORARY EXHIBITS OF ARTWORK

14.1 Temporary Exhibits of Artwork: The City may authorize temporary exhibits of *artwork* in *public places*.

14.1.1 To initiate a temporary exhibit of *artwork*, *Commission* staff must receive a completed application from the party requesting the exhibit. Applications are provided by *Commission* staff.

14.1.2 *Commission* staff will analyze the application and prepare a report, which may include, but is not limited to: information about the *artwork*, *artist* and exhibition concept; information about proposed sites; any applicable restrictions; any applicable legal provisions; comments and opinions from the community, the City Departments which have jurisdiction over the proposed sites, and/or the *artist*; and recommendations from *Commission* staff on whether to authorize the temporary exhibit of *artwork*.

14.1.3 *Commission* staff will present the report to the *Commission*, which may require that the report also be reviewed by standing or ad hoc committees of the *Commission*. *Commission* staff will determine whether notification to any stakeholders is required in advance of the presentation to the *Commission*. Parties responsible for reviewing the report may request to view the subject *artwork* during the evaluation and *Commission* staff will coordinate such viewings. Following a review of the report and any recommendations from

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standing or ad hoc committees, the *Commission* will make recommendations to the Executive Director on whether to authorize the temporary exhibit of *artwork*.

14.1.4 The Executive Director will make the final decision on whether to authorize the temporary exhibit of *artwork*.

14.1.5 Procedures for evaluating whether to authorize the temporary exhibit of *artwork* by an alternate process may be implemented at the discretion of the Executive Director.

14.1.6 Temporary exhibits of *artwork* shall be evaluated by *Commission* staff and the *Commission* using the criteria given in section 8.2 herein and, when applicable, the site selection criteria in section 12 herein.

14.1.7 Any temporary exhibit of *artwork* proposed for exhibition in *public places* for one year or longer will be processed as an *incoming loan of artwork*.

SECTION 15 COLLECTION CARE

15.1 Collection Care: Care of the collection is a continuing responsibility accepted by the City on behalf of the public it serves. The purpose of collection care is to preserve *artworks* and the collection as a whole. Care of the collection will progressively aim towards best museum standards of practice.

15.1.1 Ordinary Artwork Maintenance: Crucial to the success of *ordinary artwork maintenance* and preventive conservation is the provision of a stable environment for *artworks*, whether on exhibit or in storage, whenever possible. Temperature and relative humidity, light, atmospheric pollutants will be monitored and regulated, whenever possible. *Artworks* will be moved and handled by qualified art handlers. Materials used for packaging and housing the City's collections will be stable and non-reactive, as will materials used for constructing exhibit mounts and supports.

City Departments are responsible for *ordinary artwork maintenance* in accordance with San Diego Municipal Code section 26.0701 et seq. and Administrative Regulation - Management of the Civic Art Collection. In order to ensure that City staff understands the specific *artwork* maintenance requirements, *Commission* staff may prepare instructions and schedules and/or conduct periodic workshops on maintenance needs and practices in

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consultation with professional art conservators, as needed. If there is no recognized City Department with jurisdiction over a site where an *artwork* is located, the *Commission* will be responsible for the *ordinary artwork maintenance*.

15.1.2 Periodic Inventory and Condition Assessment: *Commission* staff will conduct an inventory and condition assessment of the *Civic Art Collection* at least once every five years to ensure that all *artworks* are maintained in the best possible condition.

15.1.3 Extraordinary Artwork Maintenance: The *Commission* is responsible for *extraordinary artwork maintenance*. On the basis of the periodic inventory and condition assessment, a prioritized *extraordinary artwork maintenance* and conservation plan, including estimated costs, when appropriate, and funding sources, when available, will be generated by *Commission* staff at least once every five years.

15.1.3.1 *Commission* staff will present the plan to the *Commission*, which may require that the report also be reviewed by standing or ad hoc committees of the *Commission*. Parties responsible for reviewing the plan may request to view the subject *artworks* during the evaluation and *Commission* staff will coordinate such viewings. Following a review of the plan and any recommendations from standing or ad hoc committees, the *Commission* will make recommendations to the Executive Director on whether to implement the plan in whole or in part.

15.1.3.2 Procedures for evaluating whether to perform *extraordinary artwork maintenance* on an *artwork* by an alternate process may be implemented at the discretion of the Executive Director.

15.1.4 Insurance: The City maintains a fine arts floater on its insurance policy, which covers *artworks* in the *Civic Art Collection* and *artworks* on loan to or in the custody of the City. *Commission* staff will process claims related to *artworks* in accordance with the City's insurance policies.

15.1.5 Emergency Preparedness: *Commission* staff will develop preparedness plans for the care of *artworks* in an emergency.

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SECTION 16 DOCUMENTATION

16.1 Documentation: Accurate documentation of the *Civic Art Collection* is an essential element in the sound management of the City's collection. It provides the foundation for knowing what is in the City's holdings, tracking *collections management activities*, and allowing easy retrieval of information. Documentation is maintained in electronic and paper formats, housed in the office of the *Commission* and managed by *Commission* staff.

SECTION 17 ACCESS AND INTELLECTUAL PROPERTY

17.1 Access: Whenever possible, the *artworks* in the *Civic Art Collection* will be visible to a broad, public audience. Access to the *Civic Art Collection* may be provided through programs, publications, the City's website, and loans among other alternatives. Exhibition of the collection will progressively aim towards best museum standards of practice for access and interpretation. *Commission* staff is responsible for implementing reasonable and appropriate steps to ensure that exhibition of the collection complies with applicable titles of the Americans with Disabilities Act of 1990 and Council Policy 100-04 Americans with Disabilities Act/City Contractors.

17.1.1 Exhibition Signage and Recognition: *Commission* staff will aim to identify *artworks* during exhibition by a conspicuous plaque or label which may include, but is not limited to: the *artist's* name, *artwork* title, creation date, medium, the name of the owner, and the name of the donor or credit to the source, when applicable.

17.1.2 Research and Study: The City will make its collection and records available to students and scholars for research and study. *Commission* staff reserves the right to limit access to certain *artworks* based on condition.

17.2 Intellectual Property: In many instances, the City may not have copyright or other proprietary rights in an *artwork*.

17.2.1 Pursuant to San Diego Municipal Code section 26.0701 et seq., *Commission* staff will seek to acquire a license to make or cause to be made, reproductions or adaptations of *artworks* in the *Civic Art Collection* when necessary.

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17.2.2 The City reserves the right to evaluate requests for images of and information about *artworks* in the collection. When the City authorizes use of images of *artworks* in the collection, and at the discretion of the Executive Director, a usage fee may be charged by the City.

SECTION 18 RESOURCES FOR COLLECTIONS MANAGEMENT ACTIVITIES

18.1 Resources for Collections Management Activities: *Collections management activities* may be funded through a variety of sources including, but not limited to, the following:

18.1.1 Public Art Fund: Pursuant to San Diego Municipal Code section 26.0701 et seq., *collections management activities* may be paid for out of the *Public Art Fund*.

18.1.2 Capital Improvements Program Project Budgets: When authorized by the City, *collections management activities* may be funded by allocations from *Capital Improvements Program project budgets*.

18.1.3 City Departments' Budgets: Pursuant to San Diego Municipal Code section 26.0701 et seq., *ordinary artwork maintenance* will be funded by City Departments.

18.1.4 Endowments Accompanying Donations or Loans: In some cases, a donor or lender may be asked to provide an endowment for the care of the donation or *incoming loan of artwork* for the duration of the donation or loan.

18.1.5 Other Resources: *Commission* staff may develop fundraising programs and apply for grants, as needed. Pursuant to San Diego Municipal Code section 26.0701 et seq., 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 or making of reproductions or adaptations thereof, less any payments due, shall be deposited into the *Public Art Fund*.

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SECTION 19 POLICY REVIEW AND REVISION

19.1 Policy Review and Revision: Monitoring the implementation of the policies contained herein is the responsibility of *Commission* staff. To maintain the validity and usefulness of this policy, *Commission* staff may initiate the review of and propose revisions to this policy at any time. Proposed revisions shall be reviewed by the *Commission* and will take effect only when authorized by the Executive Director.


 Victoria L. Hamilton
 Executive Director

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 Commissioners
 Commission Committee Members