POLICIES and GUIDELINES for the CIVIC ART COLLECTION of the CITY and COUNTY of SAN FRANCISCO UNDER THE JURISDICTION OF THE SAN FRANCISCO ARTS COMMISSION
Updated May 20, 2026

APPROVED RESOLUTION #0601-26-095

CONTENTS

1. DEFINITIONS
2. CHARTER RESPONSIBILITIES OF THE SAN FRANCISCO ARTS COMMISSION
3. ACQUISITION OF ARTWORK THROUGH ART ENRICHMENT, PUBLIC ART TRUST, OR OTHER SOURCES OF FUNDING DEDICATED TO THE PURPOSE OF ACQUIRING ARTWORK FOR THE PURPOSE OF PUBLIC DISPLAY
4. PUBLIC ART PROGRAM GUIDELINES
5. ACQUISITION OF ARTWORKS THROUGH GIFTS (Including guidelines for gifts of commemorative plaques)
6. COLLECTIONS MANAGEMENT: ROLES AND RESPONSIBILITIES
7. COLLECTIONS MANAGEMENT: DEACCESSION, REMOVAL, ALTERATION, AND DESTRUCTION POLICIES AND PROCEDURES
8. COLLECTION MANAGEMENT: CIVIC ART COLLECTION LOANS

Introduction:
In accordance with the City Charter Section 5.103, the San Francisco Arts Commission is charged to "encourage artistic awareness, participation and expression…promote the employment of artists and those skilled in the crafts…and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco."

SFAC's Land Acknowledgement: The San Francisco Arts Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the ancestors, elders and relatives of the Ramaytush Community and by affirming their sovereign rights as First Peoples. As a department dedicated to promoting a diverse and equitable Arts and Culture environment in San Francisco, we are committed to supporting the traditional and contemporary evolution of the American Indian community.

SFAC's Racial Equity Statement: The San Francisco Arts Commission is committed to creating a city where all artists and cultural workers have the freedom, resources and platform to share their stories, art and culture and where race does not predetermine one's success in life. We also acknowledge that we occupy traditional and unceded Ohlone land. Fueled by these beliefs, we commit to addressing the systemic inequities within our agency, the City and County of San Francisco and the broader arts and culture sector. This work requires that we focus on race as we confront the inequities of the past, reveal inequities of the present and develop effective strategies to move all of us towards an equitable future.

Purpose: This document establishes policies and procedures for the acquisition, placement, and stewardship of works of art in the Civic Art Collection (Collection) of the City and County of San Francisco (CCSF). All artworks owned by CCSF (not under the jurisdiction of the City Fine Arts Museums) are under the jurisdiction of the San Francisco Arts Commission (SFAC), whether acquired through the Art Enrichment Ordinance, Gifts or Bequests or by any other method and are governed by the following policies. In the formulation and adherence to these policies, the Arts Commission is guided by the principles of the Americans for the Arts' (a national arts advocacy organization) recommendations outlined in the following reports and incorporated here by reference, Best Practices for Public Art Projects (2016) and Cultural Equity in in the Public Art Field (2020), as well as other equitable practices in the arts and culture field.

Mission:
The mission of the Civic Art Collection is to promote a rich, diverse and stimulating cultural environment in order to enrich the lives of the city's residents, visitors and employees, and to enhance the city's image both nationally and internationally. The San Francisco Arts Commission is committed to acquiring and preserving works of art in the Collection that have recognized artistic merit and cultural or historical significance. In accordance with our agency's mission and values, we seek to acquire and preserve a civic art collection that presents diverse racial, social and cultural perspectives. Acquisition by the City and County of San Francisco implies a commitment to the preservation, protection and display of the artwork for the public benefit.

Goals of the Civic Art Collection:

1. Artwork acquired for the Collection should reflect outstanding artistic merit, which may be judged by such measures as: originality of concept and artistic vision; the degree to which the work engages the viewer emotionally, intellectually, spiritually and the quality of craftsmanship or mastery of skills and techniques. Artistic merit may also be accredited to artwork that reflects a significant or direct relationship between artist and distinct racial or cultural communities.
    a. Objects accepted into the Collection must be of known authorship and be accepted based on their value as works of art.
    b. Objects whose primary identity is that of an historical, architectural, or religious artifact should not be included in the Collection.
2. Artwork accepted into the Collection should be able to be permanently exhibited in an appropriate site, and be able to be maintained by the Commission for public display according to the guidelines herein.
3. The City's Collection should be diverse in its representation of artists and artistic styles. To that end, the Commission strives to acquire artwork that is reflective of the Commission's racial and gender equity values and goals. The artwork should reflect the regions many cultures and the Commission should be mindful of avoiding Eurocentric bias in the acquisition of artwork for the Collection.
4. The City's Collection should emphasize Bay Area artists, styles and movements, but should also seek to include the work of artists nationally and internationally so that local culture may be seen within a global context.
5. Artwork acquired and accepted into the Collection should be appropriate in scale, media and imagery for its intended display location, and be relevant within the racial, cultural, historical, social/political and environmental context of its location within the community.

1. DEFINITIONS:

- **Accession**: The formal process used to accept an artwork into the Civic Art Collection and record an item as a Collection Object.

- **Administrative Code**: Administrative Code of the City and County of San Francisco. May be modified by a majority vote of the Board of Supervisors.

- **Arts Commission**: Charter mandated department governed by 15 members appointed by the mayor, in addition to one ex-officio member. The make-up, function, powers, and duties of the Arts Commission are defined in the City Charter Section 5.103 and further defined in Sections 2A.150 and 2A.150.1of the Administrative Code.

- **Artist**: Individual artist, team of individual artists, or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts.

- **Artist Fees**: Artist fees refer to that portion of the project budget reserved for payment to the artist for their design services, project management and overhead costs. Fees do not include other labor, materials, travel, and per diem allowances for out-of-town artists.

- **Art Enrichment**: For the purposes of this document, Art Enrichment refers to works of art purchased or commissioned with funds generated by the Art Enrichment Ordinance, Section 3.19 of the Administrative Code, ordinance defines "Art Enrichment" as the acquisition, installation of original works of art, or temporary installation of the same, on public property for aesthetic and cultural enhancement of civic spaces and engagement of the public with the creative work of artists.

- **Art Enrichment Ordinance**: Refers to Section 3.19 of the San Francisco City Administrative Code. The ordinance mandates that 2% of total gross estimated construction cost of a wide range of civic construction shall be allocated for acquisition of artwork, with specified exemptions (see Appendix A).

- **Art Enrichment Allocation Report**: A form submitted by a City department with a capital improvement project (CIP) prior to being scheduled for Civic Design Review that provides basic project information, the total construction budget, and the art enrichment allocation based on that budget.

- **Art Project Budget**: That portion of the Public Art Project budget reserved for the direct design and implementation of the artwork, exclusive of Arts Commission administrative fee and conservation allocation.

- **Artwork or Work of Art**: For the purpose of these guidelines, Artwork, or Work of Art, is defined as a work in any media that is the result of the unique creative expression of an artist.

- **Capital Improvement Project (CIP)**: The construction or alteration of a building, above ground structure, new park, or transportation improvement project as defined in the Art Enrichment Ordinance.

- **CIP Manager**: The Client Agency or DPW staff person charged with managing the Capital Improvement Project.

- **City**: City and County of San Francisco, a municipal corporation.

- **City Charter**: The City Charter of the City and County of San Francisco. Provisions of the City Charter may be changed only by a vote of 2/3rds of the voters.

- **Civic Art Collection (Collection)**: The Civic Art Collection is comprised of artworks that have been accessioned by the Arts Commission on behalf of the City and County, or are otherwise under the jurisdiction of the Commission.

- **Civic Art Collection and Public Art Program (CAC/PAP) Director**: Reports to the Director of Cultural Affairs and oversees and directs the implementation of the Commission's Civic Art Collection and Public Art Program.

- **Civic Art Collection Project Manager (CACPM)**: The CACPM manages the maintenance and conservation of artworks in the Collection and assists with the implementation of the Civic Art Collection and Public Art Program.

- **Civic Design Review Committee (CDRC)**: The Civic Design Review Committee is a subcommittee of the Arts Commission. The CDRC implements the Charter mandate for the Arts Commission to review the design of any structure placed on public property. Civic Design Review approval is awarded in three phases: Phase 1 for Schematic Design, Phase 2 for Design Development, and Phase 3 for Construction Documents.

- **Client Agency**: The City department conducting the capital improvement project that generates art enrichment funds and the recipient of the artwork purchased or commissioned by the Arts Commission with these funds for a particular capital improvement project.

- **Conservation**: See "Preservation." For the purposes of this document, the terms "conservation" and "preservation" are used interchangeably.

- **Contract Monitoring Division**: City department that monitors City contracts to insure equitable participation of Local Business Enterprises (LBE).

- **Deaccession**: The formal process of removing accessioned objects permanently from the Civic Art Collection.

- **Director of Cultural Affairs**: The Director of Cultural Affairs is the Chief Executive Officer of the San Francisco Arts Commission.

- **Department of Public Works (PW)**: City department charged with overseeing City capital improvement projects, including architectural and engineering design and construction management.

- **Implementation Budget**: All costs associated with project implementation exclusive of design costs, such as artist and consultant fees, engineering/architectural services, taxes and permit fees. The implementation budget includes fabrication, transportation, installation, insurance, bonding, related labor and materials costs.

- **Maintenance**: As defined in Sec. 429.1 Definitions of the Planning Code; "Maintenance" shall mean a minimally invasive, routine and regularly scheduled activity that may involve the removal of superficial dirt or debris build-up on the surface of the artwork or the cleaning and repair of non-art support material such as a pedestal or plaque. For the purposes of this document, this definition shall apply generally whenever "maintenance" of artwork is referenced.

- **Memorial**: Something established to remind people of a person or event. This could be an object, a day, an event, or a space, but is not always monument.

- **Minimum Competitive Amount**: As defined in Section 21.02 of the San Francisco Administrative Code.

- **Monument**: Structures, sculptures or other objects erected to commemorate a person or an event.

- **Plaque**: For the purpose of this document "plaque" refers to identification signage affixed on or near an artwork that identifies the title, artist, media, etc.

- **Preservation**: As per Section 429.1 of the Planning Code, "Preservation shall mean the protection of cultural property through activities that minimize chemical and physical deterioration and damage, and that prevent loss of informational content. The primary goal of preservation is to prolong the existence of cultural property, and should be undertaken or overseen by a professional conservator." For the purposes of this document, the terms preservation and conservation are used interchangeably, and the definition above shall apply generally whenever "conservation" or "preservation" is used.

- **Proposal Honorarium**: Payment made to each public art project finalist for a proposal

- **Proposal**: The Artist's design proposal for a project that typically includes drawings and/or models illustrating the project and how it will fit into the site, project description and budget, typically requested from a limited number of finalists as a means of providing the basis for final artist selection.

- **Public Art Fund**: Despite the name, this fund has no direct connection with the Public Art Program. Established in Section 10.100-30 of the Administrative Code, the Public Art Fund is "established as a category six fund to receive all revenue from programs, events, and sale or use of works of art which are under the supervision and control of the Arts

Commission."

- **Public Art Program**: The Arts Commission program that administers the purchase and/or commissioning of artworks for public display acquired as a result of the Art Enrichment Ordinance, Public Art Trust or from any other funds designated for that purpose.

- **Public Art Project**: An original work of art commissioned or purchased for installation on public property for aesthetic and cultural enhancement of civic spaces and engagement of the public with the creative work of artists.

- **Public Art Program Associate (PAPA)**: Arts Commission staff member who performs a wide variety of duties in the management, coordination, and implementation of public art projects and programs in support of the Civic Art Collection and Public Art Program.

- **Public Art Project Manager (PAPM)**: Arts Commission staff member who is assigned to manage specific public art projects for the Commission's Public Art Program. The work of the PAPM is further defined in Section 3. 2. 6.

- **Public Art Trust (PAT) or Arts Commission Public Artwork Trust Fund**: Established by Ordinance No. 62-12, the San Francisco Administrative Code was amended by adding Section 10.200-29 to Section 429 of the Planning Code (see Appendix B). The ordinance allows developers subject to the 1% Public Art Fee of the Planning Code to deposit a portion of the 1% fee into the Public Art Trust to be administered by the Arts Commission for the purposes of creation, installation, exhibition, conservation, preservation and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within a half mile of the project boundary.

- **Registrar**: Arts Commission staff member who performs a wide variety of professional registration and administrative duties in support of the Civic Art Collection and Public Art Program.

- **Review Panel**: An ad hoc panel whose charge is to review potential candidates and/or art proposals and make a recommendation to the Arts Commission for the selection of an artist(s) and/or art proposal(s). Arts professionals serving on the panel are approved by the Commission.

- **Senior Public Art Program Manager (SPAPM):** Arts Commission staff member who assists with management of the public art program, manages public art and collections projects, and oversees the work of the PAPMs and PAPA. The work of the SPAPM is further defined in Section 3. 2. 6.

- **Senior Registrar**: Arts Commission staff member who is responsible for the care, maintenance, and management of the Civic Art Collection, the maintenance of records and other documents related to the Collection, and oversees the work of the CACPM and Registrar.

- **Visual Arts Committee (VAC)**: The sub-committee of the Arts Commission that reviews and approves all programs, activities, acquisitions, design proposals and public art projects related to the visual arts within the jurisdictional purview of the Arts Commission.

- **Work of Art**: "Work of Art" – see "Artwork"

2. CHARTER RESPONSIBILITIES OF THE SAN FRANCISCO ARTS COMMISSION: City Charter Section 5.103 and Administrative Code Section 2A.150 assign the following powers, responsibilities and duties to the Arts Commission relative to the Civic Art Collection:

2.1. Arts Commission Approval of Design of Public Structures:

2. 1. 1. Arts Commission shall approve the designs for all public structures, private structures that extend over or upon any public property and yards, courts, setbacks or usable open spaces which are an integral part of any such structures (City Charter).

2. 2. Arts Commission Approval of Design and Location for Works of Art:

2. 2. 1. Approve the design and location of all works of art before they are acquired, transferred to or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County (City Charter).

2. 2. 2. No work of art shall be contracted for, placed or erected on property of the City and County or become the property of the City and County by purchase, gift or otherwise, except for any museum or art gallery, unless such work of art, or a design or model of the same as required by the Arts Commission, together with the proposed location of such work of art, shall first have been submitted to and approved by the Commission. The term "work of art"…shall comprise paintings, murals, decorations, stained glass, statues, bas relief or other sculptures; monuments, fountains, arches or other structures of a permanent or temporary character intended for ornament or commemoration. No existing work of art in the possession of the City and County shall be removed, relocated or altered in any way without the approval of the Commission, except as otherwise provided herein (Administrative Code).

2. 3. Arts Commission Supervision and Control of Expenditures:

2. 3. 1. The Arts Commission shall supervise and control the expenditures of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts (City Charter).

2. 3. 2. The Arts Commission shall supervise and control the expenditure of all appropriations made by the Board of Supervisors for music and the advancement of art or music (Administrative Code).

2. 4. Arts Commission Supervision of Policy Connected with the Arts: The Commission shall exercise all reasonable policy connected with the arts as may hereafter be assigned to it by ordinance or executive action (Administrative Code).

2. 5. No Abridgment of Rights of Museums, Academy of Sciences or Library Commissions:

2. 5. 1. Nothing in this (Charter) section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care (City Charter).

2. 5. 2. Nothing (in the Administrative Code) shall be construed to limit or abridge the legal powers of the governing boards of the War Memorial, the Fine Arts Museums or the Asian Art Museum (Administrative Code).

3. ACQUISITION OF ARTWORK THROUGH ART ENRICHMENT, PUBLIC ART TRUST, OR OTHER SOURCES OF FUNDING DEDICATED TO THE PURPOSE OF ACQUIRING ARTWORK FOR THE PURPOSE OF PUBLIC DISPLAY.

3. 1. Enabling Legislation:

3. 1. 1. Section 3.19 of the Administrative Code (Art Enrichment Ordinance)

3. 1. 2. Section 10.100-29 of Section 429 of the Planning Code (Arts Commission Public Artwork Trust Fund)

3. 1. 3. City Charter; Section 5.103; Article VIII Sec. 2A 150 of Administrative Code

3. 1. 4. Chapter 21.04(a)(b)(4) of the Administrative Code (Departments Purchasing Authority)

3. 2. Roles and Responsibilities:

3. 2. 1. Arts Commission: By City Charter Section 5.103 the Arts Commission must approve the design and location all works of art before they are acquired, transferred or sold by the City and County. The Visual Arts Committee, a subcommittee of the Full Arts Commission, recommends actions, which are then submitted to the Full Arts Commission for approval by Resolution.

3. 2. 2. Visual Arts Committee (VAC): The responsibility of the Visual Arts Committee is to review and make recommendations to the Full Arts Commission relative to the purchase and/or commissioning of artworks. Duties include, but are not limited to the following:

- Establish and approve Public Art Program mission, curatorial and programmatic goals, policies and guidelines.
- For each new public art project, approve the project parameters, including artist selection process and selection criteria, project budget and Review Panel composition.
- Review and approve Review Panel recommendations and submit to the Full Arts Commission for a Resolution.
- Approve proposals (design and budget) for works of public art at each stage of development: conceptual proposal, design development and construction documents.
- Approve completed works of art as installed, and recommend Arts Commission acceptance of the work into the Civic Art Collection.

- If at any point the Committee does not give its approval for any of the above, the Committee shall take action as defined under Section 4.9, Recourse.

3. 2. 3. Civic Design Review Committee: Relative to the Public Art Program, the responsibilities of the Civic Design Review Committee supporting staff include, but are not limited to the following:

- Ensure that Civic Design Review applicants have submitted a completed Art Enrichment Allocation Form and Civic Art Collection Report prior to first phase of review and initiated discussion with the Public Art staff regarding opportunities for artist involvement (see Appendix C).
- Non-compliance on the part of the Client Agency with the art enrichment requirement may result in refusal by the Civic Design Committee to schedule future required reviews.
- At the request of the Visual Arts Committee, the Civic Design Committee may review proposals for artwork that may have architectural or urban design implications and make recommendations and comments to the Visual Arts Committee as needed.
- When proposed public art projects have overlapping jurisdiction or interests, a joint meeting of the Visual Arts and Civic Design Review Committees may be scheduled at the request of either committee, the Full Arts Commission, or Public Art staff in order to ensure integration of art and architecture.

3. 2. 4. Director of Cultural Affairs: The Director of Cultural Affairs, as the senior executive for the Arts Commission, has broad authority for directing the operations of the agency. In regard to the Public Art Program, the Director has the responsibility of working with Public Art Program staff to develop a vision for the curatorial and programmatic goals of the PAP, and for ensuring that these are in concert with the broader mission and goals of the Arts Commission.

3. 2. 4. 1. In accordance with Commission Resolution #0507-12-143 the Director may take the following actions without further approval from the Commission:

- May approve contracts, purchase orders, or direct payment vouchers not exceeding $100,000 for services provided by a wide range of vendors, including but not limited to: artists, contractors, consultants, printers, graphic designers, photographers, signage fabricators and photo labs, whose services do not require design approval from the Commission.
- May approve contract modifications and additional project expenses not exceeding $100,000 that are within the project budget, unless design approval is required by the Commission.
- May approve the start-up of new art enrichment projects including determination of overall project parameters.
- May approve short-listed candidates recommended by Review Panels.
- May authorize entering into design contracts not to exceed $100,000.

3. 2. 4. 2. In accordance with Commission Resolution # 0507-12-142, the Director may take the following actions without further approval from the Commission:

May approve contracts, purchase orders or direct payment vouchers up to $500,000 with conservators, art technicians, or other qualified contractors for the purpose of performing conservation, maintenance and repair on works of art in the City's art collection.
May approve contracts, purchase orders, or direct payment vouchers up to $500,000 with art service providers for transportation, storage, installation, de-installation of artwork, construction of cases, vitrines and framing, and other similar work related to the care and maintenance of the City's collection that does not require design approval from the Commission.

3. 2. 5. Civic Art Collection and Public Art Program (CAC/PAP) Director: The CAC/PAP Director shall work with the Director of Cultural Affairs to develop a vision for the curatorial and programmatic goals of the CAC/PAP and ensure that these are in concert with the broader mission and goals of the Arts Commission. The CAC/PAP Program Director duties include oversight of all aspects of implementation of the CAC/PAP programs.

3. 2. 6. The Senior Public Art Program Manager (SPAPM) assists with program management, policy development, financial analysis and oversight of all aspects of the program. This position requires the management of art projects at various stages of development and supervises the work of staff, including the Public Art Project Managers (PAPMs) and the Public Art Program Associate (PA). The Public Art Project Manager (PAPM) manages permanent and temporary public art projects; works with the client department, community and Commission to develop project plans; implements and administers artist selection processes; executes contracts and monitors compliance; coordinates public art project with CIP design team, general contractor, artist and artist's subcontractors; develops and monitor budgets; and otherwise provides all phases of project management from inception to completion.

3. 2. 7. Senior Registrar: Under the supervision of the CAC/PAP Director, the Senior Registrar manages the Civic Art Collection and is responsible for overseeing the stewardship for the artworks in the Civic Art Collection. For artworks being considered for acquisition, the Senior Registrar provides materials and maintenance assessments during the development of artwork proposals that may enter the Civic Art Collection. The Senior Registrar submits a motion requesting Resolution to the Visual Arts Committee for formal acceptance of a completed work of art into the Civic Art Collection. The Senior Registrar assigns an accession number to artworks accepted into the Collection, catalogues the artwork within the program's collection management database, and maintains project records and important documents as part of the CAC archives. The Senior Registrar oversees the work of the Civic Art Collections Project Manager (CACPM) and the Registrar.

3. 2. 8. Client Agency: The Client Agency, or the Client Agency in conjunction with the Public Works, have the following responsibilities to the Public Art Project:

3. 2. 8. 1. Client Agency shall allocate 2% of the total gross estimated construction cost for eligible capital improvement projects per Section 3.19 of the Administrative Code. The Client Agency shall provide the Arts Commission with an estimated Art Enrichment Allocation prior to being scheduled for the first phase of review by Civic Design. The Client Agency shall submit the Art Enrichment Allocation Report, signed by the CAC/PAP Director, as part of its application for the first phase of review. The final art enrichment allocation will be determined by the estimated construction cost at the completion of Construction Documents; verification of final art enrichment allocation must be received prior to the Client Agency being calendared for Civic Design Phase 3 Approval.

3. 2. 8. 2. Arts Commission Approval of Allocation: The Arts Commission must approve the art enrichment allocation from a particular capital appropriation, or any alternative use of the art enrichment funds as specified in Section 4.1.4. If the Client Agency determines that 2% of the construction cost is inappropriate for Art Enrichment, it may, in accordance with paragraph (a) of the Art Enrichment Ordinance, submit its recommendation regarding the art enrichment budget and the basis for its determination to the Art Commission for review. If the parties cannot resolve the matter, the Arts Commission shall submit the matter to the Mayor for resolution within 60 days of the recommendation being made. Failure of the Commission to submit the matter to the mayor within 60 days shall be deemed as the Commission's acceptance of the recommendation of the Client Agency.

3. 2. 8. 3. The Client Agency shall meet with the CAC/PAP Director to discuss the Art Enrichment Program prior to being calendared for the first phase of review from the Civic Design Committee.

3. 2. 8. 4. The Client Agency shall complete and submit the Art Enrichment Allocation Report and Civic Art Collection Report to the Civic Design Committee Coordinator prior to being scheduled for the first phase of review at Civic Design.

3. 2. 8. 5. The Client Agency shall provide the following information to the PAPM regarding eligible capital construction projects:

- Verify to the Arts Commission that 2% of the total construction cost has been allocated for the Art Enrichment Program.
- Facility location and function.
- Provide the amount of the construction appropriation, supported by a line item budget.
- Assign an Agency representative to be the Art Commission's liaison on the project.
- Provide the name and contact information for each firm and consultant on the Design team, including, but not limited to the architect and structural engineer of record.
- Provide the commission with a project timeline and a construction timeline.
- Identify the funding source, i.e. bond funds, state grants, etc.
- Identify any existing artwork on the project site.

3. 2. 8. 6. Include the allocation for the Art Enrichment Program in the gross estimated construction budget as required by the Art Enrichment Ordinance.

3. 2. 8. 7. Where there is existing artwork on the site the Client Agency shall 1) Include the cost of any required protection, removal, storage and re-installation or relocation of existing artwork on the project site in the construction budget; 2) Apply to the Arts Commission for approval of any plans to relocate, alter or destroy an existing artwork (see section 7.5, Alteration, Modification or Destruction of Artwork.)

3. 2. 8. 8. The Arts Commission and the artist shall be credited in all media releases, announcements or any public document concerning the artwork and included and acknowledged at the facility dedication.

3. 2. 9. Capital Improvement Project (CIP) Manager: The CIP Manager shall:

Ensure the participation and cooperation of the architectural design team, project management team, and General Contractor in coordinating the inclusion and integration of the public art projects within the greater CIP. Services related to coordination of the public art project within the greater CIP shall be considered basic services and not charged separately to the Public Art project budget. Such basic coordination services shall include, but not be limited to the following:

- Schedule and attend coordination meetings with the Arts Commission staff and artists, architectural team and/or General Contractor. The CIP Manager will ensure that a designated representative of the Client Agency and/or Project Management team will attend all meetings with the architectural design team and/or the General Contractor relative to the art enrichment project.

- Transfer Funds: The Client Agency shall transfer the total art enrichment allocation to the Arts Commission at inception of coordination with the Public Art Program on public art project planning, unless otherwise reviewed and approved by PAP/CAC Director.

- Remaining Art Enrichment Funds: Remaining Art Enrichment funds will be retained by the Arts Commission for conservation of artwork at the project site or other sites under the Client's jurisdiction. In the event that the funds are general obligation bond funds, or other funds that expire, the Client Agency will endeavor to find a different source of funds to allow for the continued conservation of artwork in the Civic Art Collection.

- Provide the PAPM with all available relevant site plans, locations of utilities, site restrictions, site history and other materials and information necessary to produce the Public Art Project Plan, the Request for Qualifications (RFQ) and provide artists with information as necessary to develop their proposals. It is acknowledged that such materials may be when offered, in-progress and not definitive delineation of the current and/or eventual status (of the materials.) As the status evolves, the SFAC will be provided with appropriate iteration thereof.

- Facilitate review and approval of the Public Art Project Plan with the Client Agency and design team. Once approved, the Project Plan provides the framework for which the public art project is executed. Assist with community input in development of plan and outreach of RFQ, identify Client Representative(s) to serve on review panels. Client Representative should be authorized to make decisions on artist selection on behalf of the Client Agency.

- Provide the PAPM with complete and accurate design and construction schedule information as it becomes available to allow the artwork design to be planned for and integrated into project documents. Ensure that the General Contractor include site work relative to the art project and artwork installation in the master construction schedule.

- Ensure that any work relative to the Public Art Project that is to be performed by the General Contractor is integrated into the contract bid documents and that the PAPM is provided with a copy of a draft of the bid documents pertaining to the artwork for review, comment and approval prior to their being issued.

- Ensure SFAC and SFAC's contractors have access to the construction site to perform their work. Arts Commission shall ensure that staff and Commission contractors undertake any required safety training and adhere to site safety protocols.

- Notify the SFAC of any issues, problems, conflicts or concerns that might necessitate a change in the design of a proposed artwork.

- Incorporate the artwork into the general building permit, to the extent that the artist has produced sufficient drawings and calculations necessary to obtain a permit. If the development of the artwork has not progressed sufficiently to be included as part of the building permit package managed by PW (and/or Client Agency), the SFAC shall be responsible for obtaining a separate permit so as not to delay the overall project schedule.

- Manage communications between the SFAC PAPM and Design Team, Client Agency, and General Contractor during design and construction, including but not limited to SFAC approval of General Contractor-provided samples and mock-ups, response to RFI's, and access to construction site by project artist and/or subcontractors for installation of artwork. Ensure that the SFAC staff be copied on all correspondence, emails and/or meeting notes.

- CIP Manager shall direct all questions for the SFAC project artist(s) or SFAC subcontractors to the SFAC PAPM; the CIP Manager shall not communicate directly with SFAC project artist(s) or SFAC subcontractors.

Where the SFAC is requesting additional services specific to the artwork, such as additional structural engineering design, or architectural design that reasonably might be considered above and beyond basic services, the CIP Manager shall assist the SFAC in negotiating an additional services proposal from the Design Team, the cost of which may be charged to the Art Enrichment allocation. Such additional service proposals shall be presented to the SFAC as soon as they are identified, but no later than 50% Design Development, and must be approved by SFAC prior to services being provided.

4. PUBLIC ART PROGRAM GUIDELINES

4. 1. Art Enrichment, Public Art Trust, or Public Art Funding from any other source

4. 1. 1. Funding Allocation:

4. 1. 1. 1. Art Enrichment ("AE"): In accordance with Section 3.19 of the Administrative Code, allocations will represent 2% of the gross estimated construction cost, excluding the cost of the proposed artwork. Exemptions to this requirement are itemized in Section 3.19 of the Administrative Code.

4. 1. 1. 2. Public Art Trust: Commercial Development in specified districts are subject to 1% Public Art Fee. Developers of Non-Residential Developments are required to spend $500,000 or $750,000 of that fee on the property depending on whether the development has more or less than 3,000 sq.

ft. of open space. After this minimum requirement is met, the Developer may elect to use any remaining balance of the Public Art Fee either (a) on the development site; (b) to contribute the entire remaining balance to the Public Art Trust; or (c) divide the remainder between on-site use and contribution to PAT.

4. 1. 1. 3. Funds provided from other sources: Charter Section 5.100 provides that the governing boards of the arts and culture departments may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance. As a general principal, PAP funding from other sources, public or private, shall be administered under the policies and procedures incorporated in these guidelines.

4. 1. 2. Commission control of funds: Both Arts Enrichment Ordinance and PAT, and authority granted under the City Charter stipulate that the Arts Commission shall supervise and control the expenditure of all AE and PAT, or other dedicated funds for art.

4. 1. 3. Administrative Fee: Both AE Ordinance and PAT stipulate that the Arts Commission may allocate up to 20 percent of the funds for all necessary and reasonable administrative costs incurred in connection therewith unless such administrative fee is limited or prohibited by the funding source. Administrative costs include:

- Public Art staff salaries and benefits.
- PAP office overhead (Percentage of Administrative staff salaries and benefits, office space rental costs, equipment, office supplies, telephone, periodicals, photocopies) and non-project related local field (parking, public transit, local travel) and other general administrative costs. The percentage of agency overhead charged to the PAP is calculated annually based on number of FTE staff charged to the program.

4. 1. 4. Maintenance and Conservation Funds:

4. 1. 4. 1. Art Enrichment Funds: As per Section 3.19 of the Administrative Code: When permitted by the funding source, the Arts Commission may set aside and expend up to ten percent of the total art enrichment allocation for each project for maintenance and conservation of artworks in the Civic Art Collection. Unless prohibited by the funding source, such maintenance and conservation funds may be expended on the maintenance and conservation of any artwork in the Civic Art Collection at the discretion of the Arts Commission. In the case where the project has limited public access, or generates funds insufficient to acquire new artwork, or cannot otherwise be used judiciously for that purpose, the Arts Commission may use the entire project Art Enrichment allocation for maintenance and conservation as per these guidelines (Section 4.1.5 “Aggregation of Funds/Use of Funds at a location other than the CIP Site”). Funds set aside pursuant to this Section may be invested in an interest-bearing account when the total of such funds set aside exceeds $10,000.

4. 1. 4. 2. Public Art Trust Funds: As per Section 429.5 of the Planning Code: Funds contributed to the Public Art Trust may be used for the conservation, preservation, and restoration, but not maintenance of temporary and permanent public works of art in the public realm within the geographic restrictions of this section.

4. 1. 5. Aggregation of Funds/Use of Funds at a location other than the CIP Site:

4. 1. 5. 1. Regarding Art Enrichment Funds: As per Section 3.19: When mutually agreed upon by the Arts Commission, the City department from whose capital project the art enrichment allocation was obtained, and any other City department with jurisdiction over a proposed alternative site, and where permitted by the funding source, the Arts Commission shall have the authority to aggregate art enrichment funds for use on an alternative City property.

4. 1. 5. 2. Regarding Public Art Trust Funds: Funds contributed to the Public Art Trust may be used at any site within the geographic restrictions of Planning Code Section 429.

4. 1. 6. Allowable Expenditures:

4. 1. 6. 1. Use of Bond Funds: Art Enrichment funds derived from bond fund sources have certain restrictions:

- Use for Capital Purposes: Bond funds must be used for the construction of "real property" and as such, Artwork funded with bond funds must be permanently sited and have a useful life of at least three to five years, but ideally for the life of the building where the artwork is located.
- Fixtures, Furnishings and Equipment (FF&E) are not eligible for bond funding. For the art enrichment program, this may mean that portable artworks not permanently affixed to the site may not be eligible for use of bond funds.
- Use of Bond Funds for Conservation: Bond funds may be used for activities that substantially prolong the life of the City's assets. While routine maintenance is not a bond-eligible expense, bond funds may be used to conserve permanently sited artworks within the Civic Art Collection. Graffiti removal substantially extends or prolongs the useful life of the artwork and as such is an allowable use of bond funds, per the advice of the City Attorney.
- Expiration of Bond Funds: Bond funds must be expended on a City-owned asset during the project period, which is typically within three years of the funds becoming available for the project. Any unspent bond funds revert to the Client Agency managing the bond program so that the program may be closed out. As noted in Section 3.2.9, in the event there are unspent bond funds to be returned to the Client Agency, Client Agency will endeavor to identify an alternative source of funds to allow for the continued conservation of artwork in the Civic Art Collection.
- Additional Limitations: The specific language of the bond measure may include additional specific limitations. Possible limitations should be verified with the Client Agency on a project by project basis.

4. 1. 6. 2. Art Project Budget: In general, any expense which is directly related to the artist selection and artwork design, fabrication and installation of the artwork, including but not limited to the following:

- Artist's fee for professional design, execution and installation of the art work(s) as described in the artist's budget, including any and all labor, materials, bonding, permits, or any other costs directly related to the implementation of the art project.
- Frames, mattes, pedestals, and devices necessary for the security, preservation and display of the artwork.
- Competition and Review Panel expenses, including postage, photocopies and printing, panel refreshments and honoraria for Review Panel jurors and artist finalists for public art commissions.
- Public presentation expenses.
- Project-related local field, long distance travel and messenger expenses.
- Project-related photography.
- Identification plaque installed per Commission specifications.
- Fire retardant and/or graffiti resistant treatments or other sealers or coatings as required.
- Insurance as required by the City.
- Plumbing, electrical and mechanical devices or equipment which are an integral part of the artwork.
- Consultant fees for other costs relative to the art project, such as architectural fees, engineering, cost estimates, lighting design, and other services as identified and as approved by the Arts Commission.
- Design and/or materials modifications to the capital improvement project necessitated by the art project. In the case where these changes/modifications increase the base cost of the capital improvement project, the art project will be credited with the base cost, and only the premium incurred by the art project will be charged to the art budget; i.e., if the original building material in an area was estimated to be $20 a sq. ft., and the art project calls for an upgrade of material to $30 a sq. ft., only the difference of $10 a sq. ft. may be charged to the art project. The amount of the base cost should be identified and specified in the Project Plan.
- Sales Tax (when applicable), and fees for required licenses and permits.
- Audio and video recordings or any other educational or informational materials necessary to help make the artwork programmatically accessible to the disabled and other members of the public.
- Any other expenses as deemed appropriate by the Arts Commission for the design, fabrication, transportation, installation and public accessibility of the artwork.

4. 1. 7. Exclusions: In general, art funds may not be expended for the following:

- Art objects that are mass produced and of standard design. However, limited editions signed by the artist of original prints, cast sculpture, photographs, etc., may be included.
- Decorative, ornamental, functional elements, or architectural features of the building not designed by the artist (unless for the security of the work or to ensure public safety).
- Artworks designed by the architect
- Expenses related to the ongoing operation of the artwork such as electrical, water or mechanical service required to activate the work and utility costs.

4. 1. 8. Project Donations: Project donations of labor, materials or funding must be approved by the Commission. An increase in project scope enabled by donations shall be evaluated for impact on staff resources. All donations which increase the artist's project budget must be matched by a proportional overhead amount to cover the increased administrative expenses.

4. 2. Public Art Project Plan:

4. 2. 1. Arts Commission Approval of Public Art Project Plan: In general practice, the commencement of each new public art project, the Project Manager in consultation with the Program Director shall develop a Public Art Project Plan. The plan should identify the art opportunities, project scope, budget, selection process, level of community involvement and timeline. Approval of the Public Art Project Plan by the Client Agency and Arts Commission authorizes staff to proceed with implementing the plan.

4. 2. 2. Director of Cultural Affairs Approval of Art Plan: As per Arts Commission Resolution #0507-12-143, the Director of Cultural Affairs may approve start up of new art enrichment projects, including determination of overall project parameters where the budget does not exceed $100,000 and where design approval is not required.

4. 3. Eligibility:

4. 3. 1. Eligible Artwork: For the purposes of these guidelines, all forms of original creations (or limited editions) of visual art are eligible for acquisition through the Public Art Program.

4. 3. 2. Eligible Artists: All professional, practicing artists who reside in the United States or have representation from a U.S. based organization willing to contract with the Arts Commission on the artist's are eligible to apply for City public art commissions.

4. 3. 3. Geographic Eligibility: As per City Attorney's direction, there are no restrictions on geographic eligibility. However, depending upon the specific needs of the agency or project, the Arts Commission may decide to limit or deny travel and per diem costs within the project budget on a project by project basis. Certain projects may also require the artist to attend meetings in San Francisco on short notice or frequently.

4. 3. 4. Ineligible Applicants:

- Arts Commissioners and Arts Commission staff members or members of their immediate family are not eligible for City public art commissions as long as they respectively serve on, or are employed by, the Arts Commission.
- Elected or Appointed City officials or members of their family are not eligible for consideration for public art commissions.
- City staff are not eligible for consideration for public art commissions.
- Members of the Project Architect's firm, or members of their immediate family, are not eligible for consideration as project artists.
- Artists who, at the time of application, already have two active contracts with the Commission are ineligible.

4. 4. Criteria:

4. 4. 1. Selection Criteria for Artists and Artwork: Artists and artwork will be selected in accordance with the Mission and Goals of the Civic Art Collection and in accordance with the criteria below.

Artworks in all media may be considered. Criteria to be used when considering when scoring an artist's application for a commission and/or acquisition of artwork by either purchase or commission shall include, but not be limited to the following considerations. Per City contracting requirements, artist applicants who are registered as a Local Business Enterprise will be given a rating bonus of 10% relative to other applicants.

- Artistic Merit: Artistic Merit may be judged by such measures as originality of concept and artistic vision; the degree to which the work engages the viewer emotionally, intellectually, spiritually; the quality of craftsmanship or mastery of skills and techniques. Artistic merit may also be credited to artwork that reflects a significant or direct relationship between the artist and distinct racial or cultural communities.
- Relevant Skills & Experience: Review Panels and the Commission shall consider the assessed ability of an artist to successfully implement a proposed project, such as the ability to work constructively with other project stakeholders, meet deadlines, willingness to resolve issues as they arise, and generally manage the demands of the project. Cultural competency and/or significant connection between the artist and the project constituency, or experience that may particularly qualify an artist to meet project goals may also be considered.
- Meet Project Goals: The proposed artwork (or the assessed ability of an artist to design a proposal) meets the specific goals of the project as defined in the Project Plan and/or RFQ or RFP as approved by the Commission.
- Artwork is Appropriate to the Site: The artwork or proposed artwork is appropriate for its intended display location in terms of scale, media, design or imagery and is judged to be relevant within the context of the surrounding community, and is compatible with the mission and operations of the client department.
- Feasibility, Maintainability: Proposed objects shall be evaluated relative to their feasibility and evidence of the artist's ability to successfully complete the work as proposed. Factors to be considered include, but are not limited to: project budget, timeline, and the artist's experience. Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism and weathering, and to the cost and amount of ongoing maintenance and/or repair anticipated.
- Contributes to the Quality of the Civic Art Collection: The artwork is judged to support and improve the city's collection in terms of artistic quality and diversity of artists represented. The Arts Commission is committed to acquiring art works that reflect diversity in style, scale, media, and artistic sources as well as diverse cultural communities and perspectives. The Arts Commission also encourages exploratory types of work as well as established art forms.
- Public Safety and Accessibility: Artwork shall be evaluated to ensure that it does not present a hazard to public safety and complies with the Americans with Disability Act (ADA) and with all other applicable building codes.
- Duplication: Artists will be asked to warrant, as a condition of their agreement with the City, that the artwork commissioned or purchased is unique and an edition of one, and shall not be duplicated unless it is part of a limited edition or otherwise stated to the contrary in the artist's contract with the Commission.

4. 4. 2. Site Criteria: The Commission shall consider the following when selecting and approving a site for the installation of artwork:

- Visibility and prominence of the artwork site
- Public accessibility of the artwork, including ADA compliance
- Public Safety
- Interior and exterior traffic patterns
- Relationship of proposed artwork to existing or future architectural features, natural features and urban design
- Function of the facility
- Facility users and surrounding community and interaction of users and community members with proposed artwork
- Future development plans for area
- Overall program goal or concept
- Landscape design
- Relationship of proposed artwork to existing art works within the site vicinity
- Environmental impact
- Social context of artwork (intended use of the work, if any)

4. 5. Artist Recruitment:

4. 5. 1. Request for Qualifications (RFQ) or Request for Proposals (RFP): The RFQ or RFP shall be based on the approved project plan and contain the following information:

- Project description and goals
- Project parameters and scope-of-work
- Application deadline and project timeline
- Application procedure and submittal requirements
- Selection procedure
- Criteria for selection of artist and/or artwork
- Budget

4. 5. 2. The Recruitment Plan: The PAPM shall develop a recruitment plan to ensure the commission will be advertised to a broad and diverse group of artists.

4. 6. Artist Review Panels:

4. 6. 1. Review Panels; City Requirements: As per city contracting requirements, more than 50% of every contractor review panel must be made up of panelists from outside of the contracting department. The contract manager (PAPM) may not be on the review panel. For the purposes of the Public Art Program, this applies to both the pre-qualification panel and the final review panel meetings. Review panels are public meetings and must be posted and conducted accordingly.

4. 6. 2. Artist Qualification Panel and Composition: The purpose of the Artist Qualification Panel is to review all project applicants to develop a short list (usually between 15 - 30 applicants) deemed most qualified for the project opportunity. This qualified list is submitted for further review to the Artist Review Panel. The Artist Qualification Panel shall consist of a Public Art Project staff member (cannot be the project PAPM) and two panelists from outside the department. The outside reviewers may also serve on the Artist Review Panel.

4. 6. 3. Artist Review Panel Composition: Review Panel composition may vary based upon the project's budget size, but the majority of the panel should consist of arts professionals. The reviewers who served on the Qualification panel (other than PAP staff) may serve on the Review Panel for continuity. The following represent typical composition of review panels; but representation may be varied if warranted by the circumstances of a particular project.

4. 6. 3. 1. For Project Budgets under the Minimum Competitive Amount:

One (1) representative of the Client Agency

- Up to three (3) arts professionals. When possible, arts professionals should be representative of the community or constituency affected by the project
- One (1) community or stakeholder representative

4. 6. 3. 2. For Project Budgets equal to or over the Minimum Competitive Amount :

- One (1) Representative of the Client Agency
- Up to four (4) arts professionals of recognized professional stature. When possible, arts professionals should be representative of the community or constituency affected by the project
- One (1) or more community members or other project stakeholders
- Representative of the Design Team (such as the project architect); optional at the discretion of the CAC/PAP Director

4. 6. 4. Arts Commission Approval of Arts Professional Panelists: Arts professionals eligible to serve on the Public Art Program Review Panels are approved by the Director of Cultural Affairs. Arts professionals may include curators, artists, and arts administrators such as collections managers and public art project managers. The PAPM will make a good faith effort to assemble Review Panels that have a balance of gender and racial representation and to include panelists that have a meaningful connection to the project site or project goals. In general, panelists will be drawn from the Bay Area, but occasionally, the PAPM may want to employ an out-of-town panelist for either reasons of expertise, or to provide an outside perspective.

4. 6. 5. Conflict of Interest: Persons who are family members, or who have or had a financial relationship with a candidate within the previous 12 months, and/or who would benefit financially from the selection of a particular artist or artwork are ineligible to score the work of those candidates and must recuse themselves from participation in the consideration of that candidate. Perspective panelists will fill out a conflict of interest form prior to be approved for service on a Review Panel, and must declare any such conflict of interest. Some associations, while not meeting the level of disqualifying conflict of interest, should nonetheless be stated for the record. If a panelist does have a conflict of interest with a particular candidate(s), the PAPM will follow steps outlines in paragraph 4.6.10, Panel Contingency.

4. 6. 6. Role and Duties of a Review Panel: In accordance with the approved Project Plan, the Review Panel will be asked to review and evaluate the following: 1) candidates applying for a public art commission 2) proposals for public art commissions submitted by finalist candidates or 3)

make recommended selections of existing artworks for purchase. The role and duties of the Review Panel are as follows:

- Review applicants, proposals, and other artworks being considered and score them according to the established criteria with the goal of recommending a specified number of proposals or artworks to the Commission for purchase or implementation.
- Panelists are expected to undertake review and scoring fairly and judiciously.
- Panelists are expected to bring their expertise to the process, such as knowledge of art and artists, architecture, culture of the community or constituents, or other special knowledge relevant to the project, and share it with other panelists to better inform their work. Panelists are expected to engage in this discussion with due consideration and courtesy to other panelists.
- The panel will undertake its work in accordance with Arts Commission policies and procedures; all panel recommendations must be approved by the Arts Commission. There may be other city departments that must approve recommendations as well.
- If the Review Panel selects finalists for further review, the same panel will reconvene for this review.

4. 6. 7. Role of Panel Advisors: Panel advisors are non-voting stakeholders who bring their expertise to the project and participate in panel discussions. Advisors may include SFAC staff, architect, other City staff, or community-based arts organization representatives with relevant expertise or meaningful connection to the project site or constituency. Advisor participation must be approved in advance by SFAC.

4. 6. 8. Identification and Recruitment of Panelists: PAPMs will identify and recruit review panelists. Individuals interested in serving as review panelists may be asked to submit a resume and references. Community representatives will be identified in consultation with the Client Agency and community organizations in the vicinity of the project.

4. 6. 9. Panelist Compensation: Other City agency commissioners, City employees and project team consultants who serve as panel members will do so without compensation. Compensation will be paid to arts professional panel members at the rate of $50 per hour. Community members who serve on the panel may also be compensated for service.

4. 6. 10. Panel Contingency: In the case where a panelist cancels participation at such a late date that the panel cannot be rescheduled and a replacement panelist cannot be identified, or if a panelist must leave the meeting early, or if a panelist has a conflict of interest relative to a particular candidate, the Public Art Project shall have the following recourse:

- If the panelist is an arts professional, member of the CIP design team, or representative of the community, the panel may proceed as scheduled. That panel member may be replaced by a member of the public art program staff or executive staff.
- If the client representative cannot attend and cannot provide an alternate, the CAC/PAP Director, in consultation with the Director of Cultural Affairs or Arts Commissioner representative on the panel, will determine whether or not the panel meeting will need to be canceled and rescheduled.

4. 7. Scoring:

- Panelist's score sheets are public documents and in accordance with City administrative code, each panelist's name must be on their score sheet, and score sheets must be collected and retained by staff after the completion of each panel review.
- Scoring criteria is outlined in Section 4.4.1, Selection Criteria for Artists and Artwork.
- Scoring shall result in a numerical score for each applicant. Results of numerical score shall determine whether or not the applicant proceeds to the next level.
- Applicants who are registered as a Local Business Enterprise will receive a rating bonus as per Section 14B of the Administrative Code.

4. 8. Recourse: The issuance of an RFQ and convening of a review panel does not constitute an agreement by the Commission that any contract will actually be entered into by the City. At any stage, the selection of an artist or project proposal may be interrupted by a majority vote of the appropriate body. If this occurs, the following options are available.

4. 8. 1. The Review or Qualification Panel may:

- Determine that the candidate pool has an insufficient number of qualified candidates and decline to select an artist or finalists.
- Determine that none of the finalists' proposals meet the project criteria and decline to make a selection.
- Recommend that finalists be asked for further clarification or redesign of their proposals.
- Recommend that another group of finalists be selected.
- Panel recommendations shall be submitted to the Visual Arts Committee for approval.

4. 8. 2. Visual Arts Committee may:

- Determine that the candidate pool has an insufficient number of qualified candidates and decline to select an artist or finalists.
- Determine that none of the finalist's proposals meet the project criteria and decline to approve finalists.
- Ask panel for clarification
- Request that finalists be asked for further clarification or redesign of their proposals and request panel reconvene.
- Reject panel's recommendations
- Develop new program
- Convene new panel
- Abandon project entirely and/or rescind previous approvals

4. 8. 3. Full Arts Commission may:

- Request clarification from VAC
- Reject VAC's recommendations
- Request new panel from VAC
- Request new program from VAC
- Abandon project entirely, and/or rescind previous approval

4. 9. Public Participation in the Artist Selection Process: Public Participation shall include:

- Staff shall attend one or more community meetings to give a presentation about the Public Art Program, and to gather input from the community about artwork themes and attributes, at the beginning of the project planning phase as part of a regularly scheduled client-community meeting relating to the general construction project.
- Community shall be apprised that Review Panel meetings are open to the public and that interested persons are welcome to attend. A community representative shall serve on the Review Panel per the Public Art Project Plan.
- Proposals shall be publicly displayed on the SFAC website and may be displayed at or near the project site depending upon the nature of the project.
- Members of the public interested in commenting on any publicly displayed proposals are invited to provide written comments to be shared with the Review Panel and/or Visual Arts Committee meeting where the proposals will be reviewed.

4. 10. Proposal Development, Review and Approval:

4. 10. 1. Proposal Memorandum of Understanding: Finalists for commissions must enter into an informal agreement ("Proposal Memorandum of Understanding") with the Commission to develop a site-specific proposal for the public art project opportunity. The Proposal Memorandum of Understanding details the proposal requirements, submittals, timeline and proposal fee amount.

4. 10. 2. Staff Review of Artwork Proposals: In order to ensure that artists propose feasible and durable artwork of the highest aesthetic quality, staff shall review the development of artwork proposals prior to any public display or submission to the Review Panel. Staff shall share any concerns about the proposal with the artist. Any staff concerns related to the quality and feasibility of the proposals not addressed by the artist in the final proposal shall either result in the termination of the proposal process with the artist, or shall be included in the staff report to the panel and/or the VAC.

4. 10. 3. Public Display of Proposals: Proposals shall be posted on the Arts Commission website for 2 weeks to allow for public comment. Proposal boards may also be placed on public view at an accessible public location in the neighborhood, as defined in the Project Plan or otherwise determined in coordination with the Client. Public comment shall be summarized and provided to the Review Panel for their consideration. Public comment is not a vote and should not be intended as an accurate representation of the community's preference.

4. 10. 4. The proposal chosen by the Review Panel shall be submitted to the VAC for approval; VAC recommendations shall be submitted to the Full Arts Commission for approval by Resolution. In addition to the Arts Commissions, other reviews and approvals by appointed or elected bodies or individuals may be necessary.

4. 11. Contractual Agreements and Purchase Orders:

- Commission approval of contractual agreement and purchase orders: For commissions, the Arts Commission shall contract with artists using the City contract developed by the Arts

Commission and City Attorney specifically for this purpose. For purchases of existing artwork, the Arts Commission shall enter into a purchase agreement with the artist or gallery and enter into a copyright agreement with the artist.

- The Commission shall approve the contract or purchase order amount for all artwork commissions or purchases, or modifications of the same, except where that authority has been delegated to the Director of Cultural Affairs under Resolution No. 0507-12-143.
- Compliance with State Law regarding Artwork classified as a Public Work: For artwork that is classified as a public work under California State law, the Commission shall contract separately with licensed contractors for installation of artwork and otherwise comply with all prevailing wage, bonding, and other requirements pertaining to the construction of a public work.

4. 11. 1. Chapter 21 of the Administrative Code governs how City departments purchase goods, general services and professional services, and Chapter 6 of the Administrative Code governs how City departments procure design, consulting and construction management services for work that is classified as a Public Work under state law.

4. 11. 2. Bi-annual Pre-qualified Pool: The Purchasing Department allows departments to establish bi-annual pre-qualified pools for vendor selection, which allows the department to limit the competition for contracts to firms within the pre-qualified pool. The Public Art Program may establish a pre-qualified pool of artists to be considered for projects with budgets up to any contract ceiling limits approved by the Commission. The RFQ for the pre-qualified pool must be issued every two years. The Arts Commission shall determine the contract values eligible for each pre-qualified pool established.

4. 11. 3. Sole Source: Arts Commission must receive Sole Source approval by the Purchaser in order to enter into an agreement with any vendor that has not been selected through the required competitive selection process. The Sole Source approval process is detailed in Administrative Code, Section 21.5. Examples of Sole Source contracts previously awarded include contracts with an artist to repair their artwork, or perform a modification or extension of their artwork.

4. 12. Artist's Fee Policy: It is the policy of the San Francisco Arts Commission to pay professional fees for all creative work requested from artists. The Commission's charge of public accountability requires a consistent policy for awarding equitable artist fees for public art projects. Because the particular circumstances for each project vary, the Commission must consider a number of factors in determining whether or not an artist's proposed fee is appropriate including the overall project budget, the scope of work and length of artist involvement, and the documented market value for similar examples of the Artist's work.

4. 12. 1. Soft Costs vs. Hard Costs: As a general guideline soft costs of the Public Art project should not exceed 25% of the project budget. Soft costs are defined as all artist and consultant fees and expenses (such as overhead, studio operation, and other labor) not directly tied to actual purchase of materials, fabrication, transportation or installation the artwork). Design fees of the CIP architects, and consultants, even if not included in the Artist's contract, are included in this formula.

4. 12. 2. Proposal Honorarium: Proposal honoraria are non-contractual payments made to artists for proposals made for specific sites as part of the selection process. While payment of honoraria does not transfer title of the proposal to the Commission without an agreement in writing, the Commission reserves the right of first refusal to purchase the proposal at fair market value. Below is the recommended fee range, though amounts may vary depending on the complexity of the proposal and/or project. Fees are based on the expected artist's contract amount. The proposal honorarium amounts do not include travel expenses that may be incurred by artists to participate in the orientation or final review panel.

Artwork Budget	Honorarium
Up to $75,000	1.5% or not less than $1,000
$75,000 - $200,000	1.5% ($1,125-$3,000)
$200,001 - $500,000	1%-1.5% ($2,000-$7,500)
$500,001 - $800,000	.5%-1% ($2,500-$8,000)
$800,001 plus	.5% ($4,000 and up)

4. 13. Non-reimbursable Artist Costs:

- Artist's Agents: The Arts Commission will deal directly with the artist; some aspects of a project may be delegated by the artist to their agent or representative if the artist so authorizes. All relationships and financial arrangements between artists and their agents, representatives and galleries must be undertaken by the parties alone. The Arts Commission assumes no responsibility for payment of fees and commissions, nor will it adjudicate differences between the parties. The payment of commissions or fees is the sole responsibility of the artist and must be deducted from the artist's fee. Under no circumstance will the Arts Commission increase the Artist's fee or the project budget to accommodate for the payment of gallery or agent fees.
- Legal Counsel: The cost of legal counsel to review and/or negotiate contacts with the Arts Commission, or for any other purpose may not be a budget line item charged to the Arts Commission.
- Insurance Not Required by the Arts Commission: The cost of premiums for any insurance not specifically required by the Commission may not be a line item expense charged to the Arts Commission.

4. 14. Project Completion:

At the completion of each project, the following procedures shall be followed to facilitate the transfer of project responsibility from the Public Art Program to the Civic Art Collection.

Commission Resolution Approving Artwork as Installed: When an artwork has been created as part of a contractual agreement, the Commission shall approve the artwork as installed by Resolution upon the completion of the project. Such Resolution acknowledges that the artwork has been fabricated and installed in accordance with the contract documents and design approved by the Commission.

- Collection's Survey Forms: As a condition of final payment to the artist, the artist must complete a Collection's Survey Form, which documents fabrication methods, artistic intent, and maintenance requirements.

- Acceptance of the Artwork into the Civic Art Collection: Upon project completion the Senior Registrar shall prepare a Resolution for Commission approval accepting the artwork into the Civic Art Collection.
- Transfer of Files: Upon completion of the project, the PAPM will turn over the project files to the Senior Registrar.

5. ACQUISITION OF ARTWORKS THROUGH GIFTS
(Including guidelines for gifts of commemorative plaques)

5. 1. Enabling Legislature: Charter Section 5.100 provides that "the governing boards of the arts and culture departments may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance."

5. 2. Eligibility:

- Gifts works of art that meet the criteria expressed in the Mission and Goals of the Civic Art Collection and any additional criteria outlined under this section.
- Gifts of commemorative plaques that meet the criteria expressed in this section.

5. 3. Procedure for Making of Gift of Art or Commemorative Plaque to the City: The following guidelines govern the procedure by which proposed gifts of works of art or commemorative plaques are considered for acceptance by the Arts Commission.

5. 3. 1 Donor Provides Written Proposal: The prospective donor of a gift of a work of art or commemorative plaque must submit a written proposal or letter of intent to the Director of Cultural Affairs. The proposal shall include information on the artist, written description of the artwork (size, materials, etc.) and photograph or drawing of the artwork, and proposed site, if any. The proposal shall be evaluated by the criteria for acceptance provided in section 5.6 below.

5. 3. 2. Consultation with Staff: The Director of Cultural Affairs shall refer the item to the appropriate Commission staff member to consult with the donor about the proposed gift prior to the proposal being submitted to the Arts Commission for action. After review of the project, staff shall prepare a written report to the Visual Arts Committee of the Arts Commission and provide the committee with a recommendation to either accept or decline the gift.

5. 3. 3. City Department Approval: For works of art proposed for installation on sites under the jurisdiction of other City departments, a letter of approval from the head of the department must accompany the proposal. Donors must comply with any guidelines the department has in regard to the acceptance of gifts of art. For proposed gifts of art to the Airport, the proposal shall be submitted to the Arts Commission for referral to the Airport Art Steering Committee for review and recommendation prior to submittal of the proposal to the Airport and Arts Commissions.

5. 3. 4. Visual Arts Committee Approval: The gift proposal shall be submitted to the appropriate Commission committee for review and action. All proposed gifts of works of art shall be reviewed by the Visual Arts Committee. The Committee may recommend to accept or decline the proposed

gift. Committee recommendations are forwarded to the Full Arts Commission for final action by Resolution.

5. 3. 5. Civic Design Committee Approval: Commemorative plaques shall be reviewed by the Civic Design Committee. The Committee may recommend to accept or decline the proposed gift. Committee recommendations are forwarded to the Full Arts Commission for final action by Resolution

5. 3. 6. Arts Commission: Upon recommendation of the appropriate committee, the acceptance by the City of the gift of artwork or commemorative plaque is submitted to the Full Arts Commission for approval by Resolution. Per City Charter Section 5.100, the Arts Commission may "accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance."

5. 4. Additional Requirements for Proposals for Gifts of Large Scale Artworks: Proposals for large scale artworks or public monuments require careful consideration and may require several meetings and significant public comment before a final decision can be made. Whenever possible the actual work of art should be presented to the committee. Proposals for large or monumental works should include:

- A maquette or rendering of the three-dimensional work or a complete drawing of the two-dimensional work and photographs that demonstrate the relationship of the artwork to the architecture and/or site.
- A site plan that shows the proposed location of the artwork, a photograph of the proposed installation site and surrounding environment.
- Material samples for the artwork and any relevant construction materials.
- Construction Documents: Utility connections, site modifications, structural reinforcements or other engineering requirements or site modifications should be described in the gift proposal and reflected in the construction plans and specifications. The donor/sponsor is responsible for providing and submitting engineering and architectural plans, as required according to the Unified Building Code or as requested by the Commission. Such plans must be prepared, signed and stamped by the appropriate design professional licensed in the state of California.
- Review of Fabrication and Installation: Works of art that are accepted from maquettes or drawings will be subject to Commission review throughout fabrication and installation. Specific plans for site design, installation, maintenance and protection will be submitted for approvals. The completed artwork may not deviate in any way from the proposal approved by the Commission unless the Commission approves the change by Resolution. Deviation from the approved design may be cause for rejection of the gift.
- For monuments and memorials, donor must also engage community members directly connected to the stories relevant to the monument or memorial. Community
- input should be provided on the monument and memorial itself, its placement and its contextualization (signage, programming, and other educational components).
- Donor will provide engagement process to SFAC staff for input and feedback. A summary of results from community outreach and input will be presented as part of a

- written proposal submitted by the donor prior to Visual Arts Committee approval as described in 5.3.4.

5. 5. Costs Associated with the Gift: All costs associated with the gift must be borne by the donor. Costs may include, but are not limited to, the costs associated with design, engineering, building permits, fabrication, installation, general insurance and maintenance. The donor/sponsor will also be responsible for the design and cost of a pedestal, identification plaque, base, structural support and landscaping of site and must provide a maintenance endowment for the artwork. The Commission may also require an administrative fee to cover costs associated with staff coordination and oversight of the project.

5. 5. 1. Maintenance Endowment: An endowment fund adequate to ensure the continued care of gifts of art shall be required for all outdoor artworks and may be required for indoor artworks to maintain the gift in a condition satisfactory to the donor and the Commission. The amount of the maintenance endowment shall be negotiated with the donor on a project to project basis. Scale, material, location, value of the work and potential for vandalism will be considered in determining the maintenance endowment.

5. 6. Criteria for Acceptance: Gift acceptance and placement should be in accordance with adopted policy and current or historic use or master plans and should be consistent with general Arts Commission collection goals. The location and design of the gift should be appropriate for the user and context of the proposed site.

- Project Costs: Acceptance is contingent on receipt of payment from the owner for all costs associated with the gift, including transportation, installation, and maintenance endowment and staff time.
- Quality: The consideration of highest priority is the inherent quality of the artwork itself.
- Compatibility with Site Context: Proposed works of art must be compatible in scale, material, form, and content with their surroundings.
- Community Impact: The social context of the work shall be considered, including the impact on adjacent communities and communities that have been historically marginalized due to white supremacy, colonization, patriarchy, genocide, and slavery.
- Media: All forms of visual art executed in permanent materials may be considered. Works may be either portable or permanently attached.
- Permanence: Due consideration shall be given to the structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.
- Adherence to Collection Policy of Special Collections: Proposed gifts to facilities that already have significant collections of artwork, such as San Francisco International Airport and Moscone Convention Center, shall be rigorously evaluated in terms of their context within the existing collection. Gifts shall also be evaluated for their adherence to any special criteria for inclusion in these collections.
- Public Liability: Each work shall be examined for unsafe conditions or factors that may bear upon public liability.
- Duplication: It shall be the policy of this Commission to accept unique, one of a kind works of art with the noted exception of prints, photographs or a desirable high quality limited edition work of art by a renowned artist.

5. 6. 1. Commemorative Gifts: Monument and Memorial gifts will also be judged to the following additional criteria:

- The person or event being memorialized is determined to be significant enough to merit such an honor. The person so honored shall have been deceased for a minimum of five years. Events shall have taken place at least five years prior to consideration of a proposed memorial gift. Entity proposing the monument or
- memorial must include justification of merit as a part of their proposal.
- The monument or memorial represents people and stories that have been historically marginalized and underrepresented, due to white supremacy, colonization, patriarchy, genocide, and slavery.
- The artist creating the monument or memorial has a meaningful connection to the person, community, or the event being memorialized.
- Represents broad community values.
- The monument or memorial possesses aesthetic and storytelling qualities that will be meaningful to future generations.
- The location under consideration is an appropriate setting for the monument or memorial; in general, there should be some specific geographic justification for the
- monument or memorial being located in a specific site and to the City and County of San Francisco.

5. 6. 2. Placement/Site: The following criteria shall be used in evaluating the proposed site:

- Enhancement of the proposed site
- Public Safety
- Impact on mental health and wellbeing of adjacent community members and those most affected by the artwork's historical and cultural context.
- Relationship to existing planned architectural, natural and landscape features
- Future development plans for the area (if known)
- Relationship to existing artwork within the proposed site vicinity
- Environmental impact
- Public accessibility to the work.

5. 6. 3. Additional Criteria for Acceptance of Gifts of Artwork to be Sited at San Francisco International Airport: The following policies are in addition to the Arts Commissions general policies regarding proposed gifts of art to the City. All the requirements of the Arts Commissions general policies are incorporated herein by reference. In considering proposed gifts for permanent installation at the Airport, the following special criteria shall also apply:

- The proposed artwork fall within the defined focus of the Airport's collection, which is contemporary fine art by recognized artists. Emphasis is on the representation of Bay Area artists.
- Priorities for acquisition, as defined in the Assessment and Recommendations Report (1995) prepared by Katherine Holland and Karen Tsujimoto, shall apply when considering the acceptance of gifts for the collection at the Airport.

- Special care shall be given to determining whether or not there is an appropriate site to install the artwork and maintenance and conservation needs of the artwork within the Airport environment.

5. 6. 4. Additional Criteria for Acceptance of Gifts of Artwork for City Hall

5. 6. 4. 1. General: The the following are special guidelines for gifts of artwork to City Hall, originally approved by Resolution #0406-09-096:

- In accordance with City Charter Section 5.103, all gifts of artwork are subject to the review and approval of the Arts Commission and shall be consistent with the Arts Commission's Gift Policy Guidelines.
- The Arts Commission does not accept gifts of artwork with specified conditions.
- The only gifts of artwork that will be considered for placement in City Hall are commemorative busts.
- The subject of the commemorative bust must have been either an elected official and served in office as the Mayor or a member of the Board of Supervisors or an individual whose contributions to the history of the City are well documented and established.
- The Arts Commission reserves the right to relocate or remove any bust or commemorative artwork at any time. The final decision regarding the placement of a commemorative bust will rest with the Arts Commission.
- All new installations, relocations and removal of busts are subject to the approval of the Arts Commission.
- Any gifts of a commemorative bust to the Arts Commission must be accompanied by a maintenance endowment the amount of which shall be determined by the Arts Commission as a condition of its acceptance.
- The Arts Commission shall consult with the Mayor's Office before finalizing any decision regarding the installation, relocation and/or removal of any commemorative busts.
- When possible, if an existing bust is to be relocated, the Arts Commission shall make its best effort to consult with or advise individuals and/or communities that may be associated with the subject of the bust to be relocated.
- An informational presentation of the proposed design and location for the commemorative bust will be made to the City Hall Preservation Advisory Commission.

5. 6. 4. 2. Design

- All commemorative busts must be of an appropriate scale and quality as determined by the Arts Commission. The scale of all commemorative busts shall be at least life sized to include the head and shoulders of the person. The approximate size of pedestal and bust shall be 75 inches. The proposed site for the commemorative bust should be determined prior to its final design and fabrication.
- All proposed gifts of commemorative busts must be executed by artists with relevant skills and expertise.
- All commemorative busts shall consist of a stone pedestal (granite, limestone or marble) and a bronze bust.
- The pedestal must be clad with stone on all sides. A plywood or felt backing is not acceptable.

- Signage should be incorporated into pedestal base and may not be applied to the adjacent wall surface.
- The artists must be credited on either the pedestal or the bronze bust.
- Installations must be designed to be stable and secure without being bolted to the floor of City Hall.
- The total weight of the proposed commemorative bust and pedestal must be reviewed and approved by the City Hall Building Engineer prior to fabrication.

5. 6. 4. 3. Considerations for Site Selection

- The Mayor's Rotunda shall be reserved for busts of individuals who have served as Mayor of the City and county of San Francisco.
- The Board of Supervisor's Ceremonial Rotunda shall be reserved for busts of individuals who served as a member of the Board of Supervisors of the City and County of San Francisco.

5. 6. 4. 4. Future sites for commemorative busts shall be evaluated by the following criteria:

- Public Access
- Visibility of artwork
- Quality of natural and existing light
- Prominence of site within architectural hierarchy of building
- Architectural symmetry and balance
- Use of the site for programs and special events
- Impact on mental health and community wellbeing
- Ability to ensure the safety and protection of the artwork
- Historical and social context
- Office served by individual being commemorated

5. 6. 4. 5. Fees

- A Maintenance Endowment shall be required for each new commemorative bust to provide funds for routine cleaning and conservation of the work. The Arts Commission shall consult with a professional conservator to determine annual maintenance costs.
- The Arts Commission shall be paid a fee of $1,000 for reasonable administrative expenses incurred in facilitating the review, acceptance and placement of the commemorative bust.

5. 6. 4. 6. Other Required Reviews and Approvals

- City Hall Facilities Management Office
- City Hall Preservation Advisory Commission

5. 7. Removal, Relocation or Deaccessioning of Gifts of Art. In accepting a gift of a work of art or commemorative plaque, the Commission shall not be bound by any agreement with the donor that restricts the Commission's ability to act in the best interests of the City and County of San Francisco. Nothing in the acceptance of a gift of artwork shall prevent the Arts Commission from approving subsequent removal, relocation or deaccessioning of such gifts if it serves the City's best interest to do so. The Arts Commission shall deaccession and dispose of works of art in its

collection in accordance with both the Commission's Deaccessioning policies and as in accordance with the requirements of the Administrative Code, Section 10.100.30.

6. COLLECTIONS MANAGEMENT: ROLES AND RESPONSIBILITIES

6. 1. Arts Commission: In accordance with the CCSF Administrative Code Sec. 2A.150.1, the Arts Commission provides for the additional responsibilities for the care of the City's Collection.

6. 1. 1. Cataloging, Care and Maintenance of Public Art Media: The cataloging, care and maintenance of all sculptures, statues, murals, paintings and other art media belonging to the City and County of San Francisco, other than and excepting those located on properties under the jurisdiction and control the San Francisco Unified School District, the M.H. de Young Memorial Museum, the Asian Art Museum, the California Palace of the Legion of Honor, the California Academy of Sciences and the Recreation and Park Commission, shall be under the jurisdiction of the Arts Commission.

6. 1. 2. Agreement with Recreation and Park Commission: The Arts Commission shall be authorized to enter into agreement with the Recreation and Park Commission, upon such terms as may be mutually agreed, for the cataloging, care and maintenance of any or all of the above media located on properties under the jurisdiction of the Recreation and Park Commission.

6. 1. 3. Authorization of the Sale or Exchange of Works of Art: The Arts Commission by a 2/3 vote is authorized to sell or exchange works of art under its jurisdiction under the terms specified under Sec. 2A.150.1, described here under Section 7.3, Deaccessioning.

6. 1. 4. Reproductions or Adaptations: The Arts Commission may license the making of reproductions or adaptations of works of art under its jurisdiction. Note: While the Administrative Code allows the Arts Commission to license the making of reproductions, the Arts Commission must confirm that it has license from the artist who holds the copyright to make reproductions or adaptations of a work of art.

6. 2. Visual Arts Committee: The Visual Arts Committee reviews Collections issues and makes recommendations to the Full Arts Commission relative to all aspects of the management of the Collection that require Commission Resolution, including, but not limited to the approval to deaccession artwork through sale or exchange, or authorize the removal, alteration, or destruction of any artwork under the Commission's jurisdiction.

6. 3. Senior Registrar: The Senior Registrar shall coordinate the care and maintenance of the Collection, including:

- Developing and maintaining an inventory of the Collection maintenance needs
- Identifying funds for maintenance and conservation needs and applying for grants
- Contracting for and managing maintenance and conservation contracts
- Maintaining an inventory of the City's collection

6. 4. Director of Cultural Affairs: The Director of Cultural Affairs may authorize the emergency removal, alteration or destruction of an artwork without Commission approval under the conditions specified under Section 7.2.1. The Director of Cultural Affairs is also given authority

under Arts Commission Resolution 0507-12-142 to approve contracts, purchase orders, or direct payment vouchers up to $500,000 with conservators, art technicians, or other qualified contractors for the purpose of performing conservation, maintenance and repair on works of art in the City's art collection; approve contracts, purchase orders, or direct payment vouchers up to $500,000 with art service providers for transportation, storage, installation, de-installation of artwork, construction cases, vitrines and framing, and other similar work related to the care and maintenance of the City's collection that does not require design approval from the Commission.

7. COLLECTIONS MANAGEMENT: REMOVAL, ALTERATION, AND DESTRUCTION AND DEACCESSION POLICIES AND PROCEDURES

7. 1. Overview of Collection's Policy: It is the objective of the Commission to acquire works of art of the highest quality. Acquisition by the City and County of San Francisco implies a commitment to the preservation, protection and display of the artwork for the public benefit. Acquisition implies permanency within the collection, as long as the work maintains its physical integrity, identity and authenticity, vigilance for any harmful impacts of white supremacy, colonialism, patriarchy, genocide and slavery, and remains useful to the purposes of the people of the City and County of San Francisco. When any of these conditions no longer prevail, the Arts Commission may consider removal from public display and/or deaccessioning.

7. 2. Removal from Public Display: If the artwork is removed from public display, the Arts Commission may consider the following options for disposition of artwork:

- Relocation of Public Display: If the Commission decides that an artwork must be removed from its original site, and if its condition is such that it could be re-installed, the Commission will attempt to identify another appropriate site. If the artwork was designed for a specific site, the Art Commission will attempt to relocate the work to a new site consistent with the artist's intention. If possible, the artist's assistance will be requested to help make this determination.
- Store object until a new site has been identified or the Commission decides to deaccession the artwork.
- Sale or Trade of Object after deaccession.

7. 2. 1. Provisions for Emergency Removal: In the event that the structural integrity or condition of an artwork is such that, in the opinion of the Art Commission's Director of Cultural Affairs, the artwork presents an imminent threat to public safety, the Director may authorize its immediate removal, without Commission action or the artist's consent, by declaring a State of Emergency, and have the work placed in temporary storage. The artist and the Arts Commissioners must be notified of this action within 30 days. The Commission will then consider options for disposition: repair, reinstallation, maintenance provisions, relocation, recontextualizing, or deaccessioning, as noted in section 7.2. In the event that the artwork cannot be removed without being altered, modified, or destroyed, and if the Artist's Agreement with the City and County has not waived his/her rights under the California Art Preservation Act and the 1990 Visual Artists' Protection Act, the Director must attempt to gain such written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the Director shall proceed according to the advice of the City Attorney

7. 3. Deaccessioning:

7. 3. 1. Statement of General Policy: The Arts Commission shall deaccession and dispose of works of art in its collections only in the public interest and as a means of improving the quality of the collections. The Arts Commission shall deaccession and dispose of works of art in its collections only in the public interest (including decreasing cultural harm, increasing the visibility and representation of BIPOC perspectives, stories, histories and artists) and as a means of improving the quality of the collections.

7. 3. 2. General Guidelines for Disposition of a Work of Art: In considering various alternatives for the disposition of deaccessioned objects, the Arts Commission should be concerned that:

The manner of disposition is in the best interests of the Arts Commission and the public it serves. Preference should be given to retaining artwork that is a part of the historical, cultural, or scientific heritage of San Francisco and California and does not uphold tenets of white supremacy, patriarchy, and/or colonialism.

Consideration should be given to placing the art objects, through gift, exchange, or sale, in another tax-exempt public institution wherein they may serve the purpose for which they were acquired initially by the Arts Commission. Should this not be an option, consideration for artwork to be returned to the Artist(s) or community will be explored.

Objects may not be given or sold privately to City employees, officers, members of the governing authority, or to their representatives, except as specified below.

7. 3. 3. Conditions: A work of art may be considered for removal from public display and/or deaccessioning if one or more of the following conditions apply:

- The artwork does not fit within the Arts Commission's mission, goals, or guidelines for the Civic Art Collection.
- The artwork presents a threat to physical public safety.
- The artwork presents a threat to the mental health and wellness of the public.
- Condition or security of the artwork cannot be guaranteed, or the Arts Commission cannot properly care for or store the work.
- The artwork requires excessive or unreasonable maintenance, or has faults in design or fabrication.
- The condition of the artwork requires restoration in gross excess of its aesthetic value, or is in such a deteriorated state that restoration would prove either unfeasible, impractical or misleading.
- No suitable site for the artwork is available, or significant changes in the use or character of design of the site affect the integrity of the work.
- The artwork interferes with the operations of the Client Agency.
- Sustained adverse public reaction over an extended period of time (2 years or more).
- Egregious historical oversight, and/or revelation of new, significant information about the artwork, monument, or memorial, and what or whom it represents. The work is judged to have little or no aesthetic and/or historical or cultural value or upholds tenets of white supremacy, patriarchy, and/or colonialism.
- Recontextualization would not adequately counter the artwork's commemoration of an event or individual that caused significant cultural harm.

- The Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- The artwork can be sold to finance, or can be traded for, a work of greater importance.
- Written request from the artist has been received to remove the artwork from public display.
- The artwork is duplicative in a large holding of work of that type or of that artist.
- The artwork is fraudulent or not authentic.
- The artwork is rarely or never displayed.

7. 3. 4. Process: The following steps shall be followed for artwork being considered for deaccessioning:

7. 3. 4. 1. Absence of Restrictions: Before disposing of any objects from the Civic Art Collection, reasonable efforts shall be made to ascertain that the Commission is legally free to do so. Where restrictions are found to apply, the Arts Commission shall comply with the following:

- Mandatory restrictions shall be observed unless deviation from their terms is authorized by a court of competent jurisdiction.

- Objects to which restrictions apply should not be disposed of until reasonable efforts are made to comply with the restrictive conditions. If practical and reasonable to do so, considering the value of the objects in question, the Arts Commission should notify the donor if it intends to dispose of such objects. If there is any question as to the intent of force of restrictions, the Arts Commission shall seek the advice of the City Attorney.

7. 3. 4. 2. Arts Commission Staff Report: The Arts Commission staff shall prepare a report which includes a staff evaluation and recommendation along with the following information:

City Attorney's Opinion: The City Attorney shall be consulted regarding any restrictions that may apply to a specific artwork.

- Rationale: An analysis of the reasons for deaccessioning and its impact on the Collection and the artist, and an evaluation of the artwork.

- Community Opinion: If pertinent, public and agency feedback on the dispensation of artwork in question. For Monuments and Memorials, develop a public outreach plan.

- Independent Appraisal or other documentation of the value of the artwork: Prior to disposition of any object having a value of $10,000 or more, Arts Commission staff should obtain an independent professional appraisal, or an estimate of the value of the artwork based on recent documentation of gallery and auction sales.

- Related Professional Opinions: In cases of where deaccessioning or removal is recommended due to deterioration, threat to public safety, ongoing controversy, or lack of artistic quality, it is recommended that the Commission seek the opinions of independent professionals qualified to comment on the concern prompting review (conservators, engineers, architects, critics, safety experts, community members, etc.).

- History:
    - Provide written correspondence, press and other evidence of public debate.
    - Original Acquisition method and purchase price.
    - For Monuments and Memorials: Historic analysis of subject, artist and intent.
    - For Monuments and Memorials: Analyze symbolic impact of location.
    - For Monuments and Memorials: Social and wellbeing impacts.
    - Options for Disposition.
    - Replacement Costs.

7. 3. 5. Visual Arts Committee Hearing: The recommendation to deaccession a work of art will be considered by the Visual Arts Committee as part of the Committee's regular or special meeting. The Committee shall make its recommendation to the Full Arts Commission.

7. 3. 6. Arts Commission Hearing and Resolution: The Commission must approve by Resolution the Visual Arts Committee's recommendation that a work of art under its jurisdiction should be deaccessioned.

7. 4. Sale or Exchange of Artwork: In accordance with Sec. 2A.150.1 of the San Francisco Administrative code, when the Commission determines that it would be advantageous to the City and County, a work of art under its jurisdiction may be sold or exchanged as follows:

7. 4. 1. Exchange: The Arts Commission may exchange a work of art on such terms as the Arts Commission, by a 2/3 vote of the members of the Commission determines appropriate, provided that any exchange is subject to the approval of the Purchaser.

7. 4.1. 1. The new work of art received in the exchange must follow the Criteria for Acceptance as denoted in section 5.6.

7. 4. 2. Sale at Public Auction: A work of art under the jurisdiction of the Commission may be sold at public auction to the highest and best bidder and the Arts Commission may contract with a licensed auctioneer for the purpose of conducting the sale or sales. The contract shall specify the compensation to be paid for the auctioneer's services and set forth the terms and conditions under which the sale or sales are to be conducted. Each such contract shall be approved by the Purchaser.

7. 4. 3. Private Sale: If the artwork is offered at public auction and no bids are received, or if the bids are rejected, or if the Arts Commission determines, by a 2/3 vote of the members that the work may be sold on terms more advantageous to the City if sold through private sale. Any contract for the private sale of a work of art is subject to the approval of the Purchaser. A work of art on which bids have been rejected shall not thereafter be sold through private sale for less than the amount of the highest bid received.

7. 4. 4. Proceeds from Sale of Artwork: In accordance with Section 10.100.30 of the San Francisco Administrative Code, all proceeds from any sale or auction, less any payment due the artist under the California Resale Royalties Act, shall be credited to the Public Arts Fund, and the monies contributed to the fund from the sale, exchange or exhibition of a work of art under the jurisdiction

of the Arts Commission shall be expended exclusively for the purpose of acquiring or maintaining works of art for the same public location for which the original work of art was acquired.

- Adequate Records: An adequate record of the conditions and circumstances under which objects are deaccessioned and disposed of should be made and retained as part of the Collections Management records.

- California Resale Royalties Act: The Commission shall abide by the California Resale Royalties Act (Civil Code section 986) with respect to notification of the sale of any work of art which is sold for more than $1,000, and payment of 5% of the sale price for any work of art which is sold for more than the Commission paid for the artwork provided that the artist can be located by reasonable means. If the artist cannot be found, the Resale Royalty will revert to the California Arts Council in accordance with state law.

7. 5. Alteration, Modification, or Destruction of Artwork: It is the primary responsibility of the Art Commission to preserve and protect the artwork in the Civic Art Collection under its management for the people of the City and County of San Francisco. However, under certain conditions, and in accordance with the constraints of the California Art Preservation Act (Civil Code 987), known as CAPA, and the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113 (d), known as VARA, or in the case where the Artist has waived their rights under CAPA and VARA, in accordance with the City's contractual agreement with the artist, the Commission may authorize actions that would alter, modify or destroy an artwork.

7. 5. 1. Conditions: Removal and disposal, destruction, alteration or modification of an artwork may be considered under the following circumstances:

- The artwork has faults of design or fabrication, or is damaged so that repair or remedy is impractical, unfeasible or an unjustifiable allocation of resources.

- The artwork poses a threat to public safety, social and mental wellbeing, historical harm, upholds tenets of white supremacy, patriarchy, and/or colonialism, or in some other way poses a potential liability for the City and County of San Francisco. In the event that the condition of the artwork represents an eminent safety hazard, and cannot be removed without risk of damage or destruction, the Director of Cultural Affairs will proceed in accordance with the provisions specified under "Emergency Removal."

- Alteration or modification of an artwork for recontextualization should be considered when the following apply: recontextualization could provide a significant opportunity for learning; the artwork and site allow recontextualization to be done in a way that significantly changes the experience and visual impact of the artwork; and individuals or stories depicted in the artwork have complex legacies (i.e., the figure may be seen as harmful to one marginalized community but celebrated by another).

- The Commission deems it necessary in order for the City and County to exercise its responsibilities in regard to public works and improvements, or in furtherance of the City's operations, or for any other good cause.

7. 5. 2. Options: If, for any of the above reasons, the City and County of San Francisco finds it necessary to pursue plans that would modify, remove, destroy or in any way alter an artwork, and the Arts Commission approves such action, then the Arts Commission shall make a reasonable effort to notify public and the artist of the City's intent and outline possible options, which include, but are not limited to the following:

- Transfer of Title to the Artist: The artist will be given the first option of having the title to the artwork transferred to themselves. If the artist elects to pursue title transfer, they are responsible for the object's removal and all associated costs.

- Disclaim Authorship: In the case where the City contemplates action which would compromise the integrity of the artwork, the artist shall be given the opportunity to disclaim authorship and request that their name not be used in connection with the given work.

- Alteration, Modification or Destruction: If alteration, modification, or destruction of an artwork is protected under the California Art Preservation Act, or the Visual Artists Rights Act of 1990 is contemplated, the Commission must secure a written waiver of the artist's rights under this section. In the case of an emergency removal that may result in destruction or irreparable damage, the Director will act in accordance with the advice of the City Attorney.

8. COLLECTION MANAGEMENT: CIVIC ART COLLECTION LOANS

8. 1. Enabling Legislation: Charter Section 5.100 provides that "the governing boards of the arts and culture departments may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance."

8. 2. Loan Programs: Loans of artwork from the Civic Art Collection are administered as two distinct projects by PAP/CAC staff – The Inter-office Loan Program and the Institutional Loan Program.

8. 2. 1. The Inter-office Loan Program: The Arts Commission loans artwork from the Civic Art Collection that is not permanently sited or architecturally integrated to other city departments for display in publicly accessible spaces. The borrowing department must meet and agree to certain criteria and will be considered for approval based on the following:

- Request, in writing, addressed to the Senior Registrar detailing the number and type of artwork desired, the facility and environment in which it will be displayed, contact information for responsible parties, and project timeline.

- Artwork on loan to city departments must be displayed in areas that are accessible to the public such as lobby's, conference rooms, hallways and common areas. Artwork is not permitted to be displayed in private offices.

- Borrowing Department assigns, a staff liaison to assist in administration of the loan and ensure staff buy-in with the display of artwork in work spaces.

- Borrowing Department agrees to undertake all costs for packing, transporting, and installing artwork, as well as Arts Commission staff administration of the loan. Standard fees for this service shall be established by the Director of Cultural Affairs, and reviewed and modified as necessary. This applies to both the initial installation as well as the return of artwork to the Arts Commission at the end of the loan period.

- The Borrower agrees to accept fiscal responsibility for repairs if damage to artwork is caused by the borrower's negligence. Only staff and contractors of the Arts Commission are authorized to handle, install, and relocate loaned works of art.

- Requests are reviewed by collections staff, with final approval given by the Director of Cultural Affairs.

- Execution of Loan Agreements and possible Memoranda of Understanding between the Arts Commission and Borrowing Department signed by the Director of said Department and countersigned by the Senior Registrar.

- The Arts Commission reserves the right to recall any object(s) with sufficient notice to the borrower for its own purposes. Upon routine inventories and inspections, should the Arts Commission determine that an object has been damaged or mistreated, the Arts Commission reserves the right to remove it without notice.

8. 2. 2. The Institutional Loan Program: The Arts Commission considers written loan requests of artwork in the Civic Art Collection from accredited institutions, or those whose staff and facilities are similarly qualified. The borrowing institution must meet certain criteria and will be considered for approval based on the following:

- Request, in writing, addressed to the Director of Cultural Affairs detailing the artwork desired for loan, it's significance pertaining to planned exhibition, the facilities in which it will be exhibited, and project timeline.

- Requests are considered on an individual basis and the Arts Commission's decision to lend is based upon the pertinence of the artworks to the content of the exhibition, whether the loan furthers the programs mission to display artwork for the public benefit, in addition to the availability, condition and fragility of the artwork in question.

- Borrower agrees to undertake all costs for packing, transporting, handling and insuring the artwork in transit to and from all venues and during exhibition of the artwork. Borrower agrees to any additional fee structure negotiated to cover cost of loan administration on behalf of the Arts Commission.

- Execution of Loan Agreements and Memoranda of Understanding between the Arts Commission and Borrower.

- Institutional Loan requests are presented for approval at the Visual Arts Committee meeting, with staff recommendation, and require resolution of the Full Arts Commission in order to proceed.

APPENDIX A
Sec. 3.19. Appropriation for Art Enrichment of Proposed Public Buildings, Above-Ground Structures, Parks and Transportation Improvement Projects

APPENDIX B
Sec. 429. Artworks, Options to Meet Public Art Fee Requirement, Recognition of Architect and Artists, and Requirements

APPENDIX C
Art Enrichment Allocation Report and Civic Art Collection Report (dated May 20, 2022)