

FILE NO. 992319

ORDINANCE NO. 24-00

1 [Administrative Code Revision, Chapters 27 & 28]
 2 ORDINANCE AMENDING CHAPTERS 1, 2A, 10, 27 AND 28 OF PART I OF THE SAN
 3 FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY RENUMBERING
 4 SECTIONS 1.16, 10.115, 10.116-4, 28.1, 28.2, 28.3, 28.4, 28.5, 28.6, 28.7, 28.8, 27.1, 27.2,
 5 27.3, 27.4 AND 27.9 AS SECTIONS 2A.150.1, 2A.155.2, 2A.155.3, 2A.155.4, 2A.155.5,
 6 2A.155.6, 2A.155.7, 2A.155.9, 2A.155.10, 2A.155.11, 2A.155.12, 2A.165, 2A.165.1, 2A.165.2,
 7 2A.165.3 AND 2A.165.4, RESPECTIVELY, AND AMENDING THE SAME, BY
 8 RENUMBERING SECTIONS 2A.156 AND 2A.161 AS SECTIONS 2A.155.1 AND 2A.160.1,
 9 RESPECTIVELY, BY ADDING SECTION 2A.155.8, AND BY REPEALING SECTIONS 28.10,
 10 28.11, 28.12, 28.13, 28.14, 28.15, 27.3-1, 27.5, 27.6, AND 27.8, TO CONSOLIDATE
 11 PROVISIONS RELATING TO THE ARTS AND CULTURE DEPARTMENTS OF THE CITY,
 12 INCLUDING THE ARTS COMMISSION, THE FINE ARTS MUSEUMS, THE ACADEMY OF
 13 SCIENCES, AND THE WAR MEMORIAL, TO UPDATE OUT-DATED PROVISIONS,
 14 ELIMINATE OBSOLETE AND REDUNDANT PROVISIONS, AND CORRECT
 15 REFERENCES.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

21 / / /
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 23 / / /
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SUPERVISOR, KAUFMAN, NEWSOM, BECERRIL
BOARD OF SUPERVISORS

1 Section 1. Chapter 1 of the San Francisco Administrative Code is hereby amended by
2 renumbering Section 1.16 as Section 2A.150.1 and amending it to read as follows:

3 **SEC. 2A.150.1 ((1.16)). ARTS COMMISSION; ADDITIONAL RESPONSIBILITIES**
4 **((RESPONSIBILITY OF ART COMMISSION FOR CATALOGING, CARE, AND**
5 **MAINTENANCE, THE SALE OR EXCHANGE AND THE MAKING OF REPRODUCTIONS**
6 **OF PUBLIC ART MEDIA)). (a) Cataloging, Care and Maintenance of Public Art Media.**

7 The cataloging, care and maintenance of all sculptures, statues, murals, paintings and other
8 art media belonging to the City and County of San Francisco, other than and excepting those
9 located on properties under the jurisdiction and control of the San Francisco Unified School
10 District, the M. H. de Young Memorial Museum, the California Palace of the Legion of Honor,
11 the California Academy of Sciences and the Recreation and Park Commission, shall be under
12 the jurisdiction of the Arts ((Art)) Commission.

13 (b) **Agreement with Recreation and Park Commission.** The Arts ((Art))
14 Commission shall be authorized to enter into agreement with the Recreation and Park
15 Commission, upon such terms as may be mutually agreed, for the cataloging, care and
16 maintenance of any or all of the above media located on properties under the jurisdiction of
17 the Recreation and Park Commission.

18 (c) **Authorization for Sale of Works of Art.** When the Arts ((Art)) Commission
19 determines that it would be advantageous to the City and County, a work of art under the
20 jurisdiction of the Arts ((Art)) Commission may be sold or exchanged as hereinafter set forth.

21 The Arts ((Art)) Commission may execute and accept all deeds of conveyance
22 necessary and proper to effect a duly authorized sale or exchange. A work of art to be sold or
23 exchanged shall be cataloged, listed and described with reasonable certainty and a copy of
24 such catalog shall be furnished to the purchaser of supplies.

25 (d) **Exchange of Works of Art.** The Arts ((Art)) Commission may exchange a work

1 of art on such terms as the Arts ((Art)) Commission, by a 2/3 vote of the members of the Arts
2 ((Art)) Commission, determines appropriate; provided that any exchange is subject to the
3 approval of the purchaser of supplies.

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

10 (f) **Sale at Other Than Public Auction.** A work of art under the jurisdiction of the
11 Arts ((Art)) Commission may be sold by private sale under the following circumstances:

12 (1) If the work is offered at public auction and no bids are received, or if the bids are
13 rejected; or

14 (2) If the Arts ((Art)) Commission determines, by a 2/3 vote of the members of the
15 Arts ((Art)) Commission, that the work may be sold on terms more advantageous to the City
16 and County if sold through private sale. Any contract for the private sale of a work of art is
17 subject to the approval of the Purchaser. A work of art on which bids have been rejected shall
18 not thereafter be sold through private sale for less than the amount of the highest bid
19 received.

20 (g) **Reproductions or Adaptations.** The Arts ((Art)) Commission may license the
21 making of reproductions or adaptations of works of art under its jurisdiction.

22 (h) **Disposition of Proceeds from the Sale or Exchange of a Work of Art or of a**
23 **Reproduction or Adaptation Thereof.** All moneys received from the sale of a work of art
24 under the jurisdiction of the Arts ((Art)) Commission, or from the licensing of the making of a
25 reproduction or adaptation thereof, shall be placed in the public art media fund as provided for

1 in Section 10.117-1 of the San Francisco Administrative Code. The monies in this fund
2 attributable to the sale or exchange of a work of art shall be used exclusively for the purpose
3 of acquiring or maintaining one or more other works of art for the same public building or
4 purpose for which the original work was acquired.

5
6 Section 2. Chapter 2A of the San Francisco Administrative Code is hereby amended
7 by renumbering Section 2A.156 as Section 2A.155.1.

8 **SEC. 2A.155.1 ((2A.156)). FINE ARTS MUSEUMS; ACCOUNTS AND**
9 **REPORTS.** The Fine Arts Museums shall keep a full account of all property, money, receipts
10 and expenditures, and a record of all Board of Trustees proceedings.

11
12 Section 3. Chapter 10 of the San Francisco Administrative Code is hereby amended
13 by renumbering Section 10.115 as Section 2A.155.2 and amending it to read as follows:

14 **SEC. 2A.155.2 ((10.115)). FINE ARTS MUSEUMS; ACHENBACH GIFT.** The City
15 and County accepts from Moore S. and Hazel J. Achenbach the gift of a collection of etchings,
16 engravings, lithographs and other forms of graphic art and drawings, consisting of
17 approximately 75,000 works of art. Such collection shall be placed in suitable quarters in the
18 buildings maintained by the California Palace of the Legion of Honor and shall remain in the
19 custody, management, supervision and operation of and by the California Palace of the
20 Legion of Honor. Portions of the collection shall be on exhibition for the inspection of the
21 public during all times that the main building of the California Palace of the Legion of Honor is
22 open.

23 In accepting the gift, provision will be made for the California Palace of the Legion of
24 Honor to engage a curator and assistant curators for the collection, subject to the conditions
25 herein elsewhere set forth, who shall be persons experienced in the collection and exhibition

1 of graphic arts. They need not be residents of City and County, nor be subject to the civil
2 service provisions of the Charter of the City and County. Their duty shall be to supervise the
3 maintenance of the collection and designate the times when and the portions thereof to be
4 placed on exhibition. Such other assistant curators shall be provided by the California Palace
5 of the Legion of Honor for the proper maintenance, management, supervision, operation and
6 storage of the collection.

7 In the event that the California Palace of the Legion of Honor should at any time fail to
8 carry out the intent and conditions under which the gift is made, the objects of art shall revert
9 to and become the property of the donors or the survivor, or in the event of their death, of
10 such corporation, association or individual as the donors may designate, either in their joint
11 wills or in the will of the survivor as between them, or in a joint declaration of trust that may be
12 made during the lifetime of the donors, or in a declaration of trust that may be made by the
13 survivor as between the donors. For the purposes of carrying out the intent of this Section, the
14 Mayor is hereby authorized to enter into a contract with Moore S. and Hazel J. Achenbach
15 and execute any and all other papers or documents required for its accomplishment.

16 The collection shall be known and referred to at all times as the Achenbach Foundation
17 For Graphic Arts.

18 The provisions of this Section shall be subject to the budget and fiscal provisions of the
19 Charter of the City and County.

20
21 Section 4. Chapter 10 of the San Francisco Administrative Code is hereby amended
22 by renumbering Section 10.116-4 as Section 2A.155.3 and amending it to read as follows:

23 **SEC. 2A.155.3 ((10.116-4)). FINE ARTS MUSEUMS; ACCEPTANCE OF GIFTS,**
24 **DEVISES AND BEQUESTS ((BY THE FINE ARTS MUSEUMS OF SAN FRANCISCO))**. The
25 Board of Trustees of the Fine Arts Museums of San Francisco is hereby authorized to accept

1 gifts, devises and bequests of objects of art or other articles to the M. H. de Young Memorial
2 Museum, the California Palace of the Legion of Honor or the Fine Arts Museums solely for
3 exhibition purposes when the acceptance of the same entails no expense on the part of the
4 board beyond the ordinary care and maintenance of such objects of art or other articles.

5 All gifts, devises and bequests of objects of art or other articles heretofore made to the
6 aforesaid museums which entail no expense beyond the ordinary care and maintenance
7 thereof for exhibition purposes are hereby accepted for the purposes for which they have
8 been given.

9 Nothing in this Section shall be considered to approve or ratify the acceptance in the
10 past or in the future of any gift, devise or bequest made to the aforesaid museums, the
11 administration of which gifts, devises or bequests entails any expense beyond the care and
12 maintenance of the objects of such gifts, devises or bequests for exhibition purposes.

13
14 Section 5. Chapter 28 of the San Francisco Administrative Code is hereby amended
15 by renumbering Section 28.1 as Section 2A.155.4 and amending it to read as follows:

16 **SEC. 2A.155.4 ((28.1)). FINE ARTS MUSEUMS; ((AUTHORIZATION FOR)) SALE,**
17 **EXCHANGE OR TRANSFER OF WORKS OF ART.** When, in the judgment of the Board of
18 Trustees of The Fine Arts Museums of San Francisco, works of art or other articles in the
19 possession of the museums are no longer fit for exhibition purposes in said museums, such
20 works of art or other articles may be sold, exchanged or transferred as hereinafter set forth.
21 Such works of art or other articles to be sold, exchanged or transferred shall be catalogued,
22 listed and described with reasonable certainty, ((and a copy of such catalogue shall be
23 furnished to the Purchaser.))

1 Section 6. Chapter 28 of the San Francisco Administrative Code is hereby amended
2 by renumbering Section 28.2 as Section 2A.155.5 and amending it to read as follows:

3 **SEC. 2A.155.5 ((28.2)). FINE ARTS MUSEUMS; EXCHANGE OF WORKS OF ART.**

4 The Board of Trustees may exchange such works of art or other articles for other works of art
5 or other articles of equivalent value_ ((, each such exchange to be subject to the approval of
6 the Purchaser.)) The said Trustees may execute and accept all deeds of conveyance
7 necessary and proper to effect such exchange.

8
9 Section 7. Chapter 28 of the San Francisco Administrative Code is hereby amended
10 by renumbering Section 28.3 as Section 2A.155.6 and amending it to read as follows:

11 **SEC. 2A.155.6 ((28.3)). FINE ARTS MUSEUMS; PUBLIC AUCTION.** The said

12 Trustees may ((, with the approval of the Purchaser of Supplies,)) cause said works of art or
13 other articles to be sold at public auction to the highest and best bidder, and may contract with
14 a licensed auctioneer for the purpose of conducting the sale or sales. The contract shall
15 specify the compensation to be paid for the auctioneer's services and set forth the terms and
16 conditions under which the sale or sales are to be conducted. ((Each such contract shall be
17 approved by the Purchaser of Supplies.))

18 ((The compensation to be paid the auctioneer shall not exceed the sum of 20 percent
19 of the total amount realized on any sale and the compensation shall include all costs incurred
20 by the auctioneer incident to said sale. All of said sales shall be for cash and all cash
21 received by the auctioneer or other person making the sale shall be delivered to the Trustees
22 immediately upon receipt thereof by said auctioneer or other person making the sale;
23 provided, however, that the auctioneer may accept a deposit of 10 percent of the amount of
24 the sale price of any work of art or other article sold upon acceptance of bid, the balance of
25 the price to be paid within five days from the date of sale. No work of art or other article sold

1 shall be delivered until the full price thereof is paid. Each auctioneer retained to conduct a sale
2 shall furnish an adequate surety bond.))

3
4 Section 8. Chapter 28 of the San Francisco Administrative Code is hereby amended
5 by renumbering Section 28.4 as Section 2A.155.7 and amending it to read as follows:

6 **SEC. 2A.155.7 ((28.4)). FINE ARTS MUSEUMS; PRIVATE SALE IN LIEU OF**
7 **AUCTION ((IF NO BIDS OR UNSATISFACTORY BIDS))**. Should no bids be received, or if
8 bids are received and rejected as unsatisfactory, or if the high bid fails for reasons beyond the
9 control of the Trustees, the work of art or other article may thereafter be sold by ((informal))
10 private sale by the Trustees((, with the approval of the Purchaser of Supplies)); provided, that
11 works of art or other articles on which bids have been rejected shall not thereafter be sold for
12 amounts less than the amount the Trustees would have realized on ((of)) the highest
13 responsible ((high)) bid which was received.

14
15 Section 9. Chapter 28 of the San Francisco Administrative Code is hereby amended
16 by adding Section 2A.155.8 to read as follows:

17 **SEC. 2A.155.8. FINE ARTS MUSEUMS; OTHER MEANS OF SALE.** The Trustees
18 may sell works of art or other articles through the museum's store, at a fundraising event, or a
19 similar publicly-accessible venue when the Trustees determine, based upon reasonable
20 independent information, that such sale is likely to realize a market value greater than what is
21 expected at public auction.

22
23 Section 10. Chapter 28 of the San Francisco Administrative Code is hereby amended
24 by renumbering Section 28.5 as Section 2A.155.9 and amending it to read as follows:
25

1 **SEC. 2A.155.9 ((28.5)). FINE ARTS MUSEUMS; ((DISPOSITION OF)) MONEYS**
2 RECEIVED FOR SALE OF WORKS OF ART. All moneys received from the sale of any work
3 of art or other article sold pursuant to the provisions of this Article shall be placed in the trust
4 fund of The Fine Arts Museums of San Francisco. Deposits in said trust fund shall be under
5 the jurisdiction of the Boards of Trustees. Said deposits in said trust fund shall be used for the
6 purchase of other works of art and other articles to be exhibited in The Fine Arts Museums of
7 San Francisco.

8
9 Section 11. Chapter 28 of the San Francisco Administrative Code is hereby amended
10 by renumbering Section 28.6 as Section 2A.155.10 and amending it to read as follows:

11 **SEC. 2A.155.10 ((28.6)). FINE ARTS MUSEUMS; TRANSFER OF WORKS OF ART.**

12 (a) The collections of the Fine Arts Museums of San Francisco contain certain objects which
13 are no longer appropriate to the collections. Many such objects are of scientific, social, cultural
14 or historic value, but of little monetary value and therefore not appropriate for sale or
15 exchange. The Board of Trustees nonetheless has a duty of care towards these objects and
16 must expend funds for the storage and conservation of the items. It is in the interest of the
17 City and County of San Francisco that these objects, under appropriate circumstances, be
18 transferred to other public and nonprofit institutions for preservation, study and display,
19 thereby relieving the City of the responsibility and expense of storing and preserving these
20 objects.

21 (b) The Board of Trustees may transfer title to a work of art or other article in The
22 Fine Arts Museums' collections to another public or nonprofit institution when the transfer is in
23 the public interest. A transfer to another institution is deemed to be in the public interest where
24 the Board of Trustees makes the following findings:

25 (1) The object is no longer appropriate to The Fine Arts Museums' collections; and

1 (2) The scientific, social, cultural and/or historical value of the object outweighs its
2 monetary value; and

3 (3) The object is more likely to be preserved, studied and available to the public if it
4 is transferred to the recipient institution than if it remains with The Fine Arts Museums of San
5 Francisco or is sold.

6 (c) Where it is found to be in the public interest to transfer any object which is of
7 historical or other interest to San Francisco, the object will first be offered to a San Francisco
8 public or nonprofit institution.

9 (d) No work of art or other article in The Fine Arts Museums' collections may be
10 transferred to another institution unless the transfer is approved by a majority of the members
11 of the Board of Trustees. The Trustees may execute all deeds of conveyance necessary and
12 proper to effect such transfer.

13
14 Section 12. Chapter 28 of the San Francisco Administrative Code is hereby amended
15 by renumbering Section 28.7 as Section 2A.155.11 and amending it to read as follows:

16 **SEC. 2A.155.11 ((28.7)). APPLICATION ((OF THIS ARTICLE)) TO THE ASIAN ART**
17 **COMMISSION.** The powers and duties set forth in Sections 2A.155.4 ((28.1)) through
18 2A.155.10 ((28.6)) authorizing the Board of Trustees of the Fine Arts Museums to sell,
19 exchange or transfer works of art or other articles shall also be applicable to the Asian Art
20 Museum with respect to works of art or other articles in its possession. Funds from the sale of
21 objects in the Asian Art Museum's possession shall be placed in the general art acquisition
22 fund of the Asian Art Museum and shall be under the jurisdiction of the Asian Art Commission.
23

24 Section 13. Chapter 28 of the San Francisco Administrative Code is hereby amended
25 by renumbering Section 28.8 as Section 2A.155.12 and amending it to read as follows:

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS

1 **SEC. 2A.115.12 ((28.8)). APPLICATION ((OF THIS ARTICLE)) TO THE SAN**
2 **FRANCISCO AIRPORT COMMISSION.** The powers and duties set forth in Section 2A.155.4
3 **((28.1)) through 2A.155.10 ((28.6))** authorizing the Board of Trustees of the Fine Arts
4 Museums to sell, exchange or transfer works of art or other articles shall also be applicable to
5 the San Francisco Airport Commission with respect to objects in its possession. Funds from
6 the sale of objects in the Airport Museum's possession shall be placed in the Airport
7 Museum's trust fund within the Airport Revenue Fund and shall be under the jurisdiction of the
8 Airport Commission. Nothing in this Section is intended to limit or abridge the Arts
9 Commission's authority with respect to works of art as set forth in Charter Section 5.103 and
10 Administrative Code Section 2A.150.

11
12 Section 14. Chapter 28 of the San Francisco Administrative Code is hereby amended
13 by repealing Section 28.10.

14 **((SEC. 28.10. ESTABLISHMENT OF COMMITTEE.** There is hereby established as a
15 part of the government of the City and County of San Francisco a committee to be known as
16 the Committee of Asian Art and Culture.

17 The Committee shall consist of 27 members to be appointed by the Mayor. Nine of the
18 members who are first appointed shall be designated to serve for terms of one year; nine for
19 two years; and nine for three years from the dates of their appointment. Thereafter, members
20 shall be appointed by the Mayor for a term of office of three years except that all of the
21 vacancies occurring during a term shall be filled for the unexpired term. A member shall hold
22 office until a successor has been appointed and qualified. The members of the Committee are
23 hereby designated as officers of the City and County but they shall serve without
24 compensation. Committee members need not be residents of the City and County.
25

1 In filling vacancies in office occurring on the Committee by reason of resignation,
2 expiration of term, or other cause, the Mayor shall solicit nominations from the Committee and
3 shall give due consideration to such nominees in filling such vacancies to the end that
4 members of the Committee shall be substantially representative of the fields of Asian art and
5 culture by reason of their knowledge, experience, education, interest or activity therein.))
6

7 Section 15. Chapter 28 of the San Francisco Administrative Code is hereby amended
8 by repealing Section 28.11.

9 ((SEC. 28.11. CHAIR. The Mayor shall designate a member of the Committee to serve
10 as its first chair for a term of two years; and, thereafter, the Committee shall elect a
11 chair from among its members. The term of office of the chair shall be for two years. Chairs of
12 the Committee may serve more than one term of office.))
13

14 Section 16. Chapter 28 of the San Francisco Administrative Code is hereby amended
15 by repealing Section 28.12.

16 ((SEC. 28.12. GOVERNMENT OF COMMITTEE. The Committee shall adopt bylaws
17 providing for the conduct of its affairs and the distribution and performance of its business.
18 Such bylaws shall provide for the appointment of an executive committee and for its authority
19 to act on behalf of the whole committee and for such other subcommittees as the whole
20 committee may deem desirable.))
21

22 Section 17. Chapter 28 of the San Francisco Administrative Code is hereby amended
23 by repealing 28.13.

24 ((SEC. 28.13. AUTHORITY, FUNCTION AND PURPOSES. It shall be the authority,
25 function and purpose of the Committee to:

1 (a) Develop and administer a center of Asian art and culture in the City and County
2 of San Francisco;

3 (b) Create a charitable foundation or other legal entity for the purposes of
4 developing the center of Asian art and culture;

5 (c) Collaborate with Asian art societies, universities and other institutions and
6 organizations interested in Asian art, languages, religion, history, philosophy and culture in
7 order to extend and deepen the activities necessary to establish the center of Asian art and
8 culture as the outstanding center of Asian art and culture in the Western world;

9 (d) Promote, establish and develop an acquisition fund to be expended for the
10 acquisition of paintings, sculpture, bronzes, ceramics and other works of Asian art to amplify
11 and to develop the City and County collections of Asian art; and

12 (e) Control and manage the City and County collections of Asian art with the Avery
13 Brundage Collection as the nucleus, as provided in the second supplemental agreement with
14 Avery Brundage, Mrs. Elizabeth D. Brundage and the Avery Brundage Foundation, and in
15 accordance with the management agreement to be entered into between the Committee and
16 the Board of Trustees of the M. H. de Young Memorial Museum, a copy of which agreement is
17 on file with the Clerk of this Board of Supervisors.))

18
19 Section 18. Chapter 28 of the San Francisco Administrative Code is hereby amended
20 by repealing Section 28.14.

21 ((SEC. 28.14. ASIAN ART COMMISSION. The Committee of Asian Art and Culture
22 established by this Article shall hereafter be officially known and designated as the Asian Art
23 Commission, which commission shall have and exercise the same authority, functions and
24 purposes as set forth in this Article for the Committee of Asian Art and Culture.))

1 Section 19. Chapter 28 of the San Francisco Administrative Code is hereby amended
2 by repealing Section 28.15.

3 ((SEC. 28.15. ASIAN ART MUSEUM OF SAN FRANCISCO. That institution now
4 administered by the Asian Art Commission and now officially known and designated as the
5 Center of Asian Art and Culture shall hereafter be officially known and designated as the
6 Asian Art Museum of San Francisco and all references in the San Francisco Administrative
7 Code or any other ordinance or resolution of the City and County of San Francisco to the
8 Center of Asian Art and Culture shall mean the Asian Art Museum of San Francisco.))
9

10 Section 20. Chapter 2A of the San Francisco Administrative Code is hereby amended
11 by renumbering Section 2A.161 as Section 2A.160.1.

12 **SEC. 2A.160.1 ((2A.161)). ACADEMY OF SCIENCES; MEMORIAL BUILDINGS.**
13 Particular buildings or improvements or portions thereof may be named in memory of persons
14 designated by the California Academy of Sciences.
15

16 Section 21. Chapter 27 of the San Francisco Administrative Code is hereby amended
17 by renumbering Section 27.1 as Section 2A.165 and amending it to read as follows:

18 **SEC. 2A.165 ((27.1)). WAR MEMORIAL; "TRUSTEES" DEFINED.** As used in
19 Sections 2A.165.1 through 2A.165.3 ((this Chapter)), the word "Trustees" shall mean the
20 Board of Trustees of the War Memorial and Performing Arts Center of the City and County.
21

22 Section 22. Chapter 27 of the San Francisco Administrative Code is hereby amended
23 by renumbering Section 27.2 as Section 2A.165.1 and amending it to read as follows:

24 **SEC. 2A.165.1 ((27.2)). WAR MEMORIAL; POWERS OF TRUSTEES SUBJECT TO**
25 **CHARTER.** The Board of Trustees of the War Memorial and Performing Arts Center, in

1 exercising the powers granted to it under ((Section 3.610)) Article V of the Charter, relative to
2 the construction, administration, management, superintendence and operation of the War
3 Memorial and Performing Arts Center of the City and County, shall do so subject to the
4 provisions of this Chapter.

5
6 Section 23. Chapter 27 of the San Francisco Administrative Code is hereby amended
7 by renumbering Section 27.3 as 2A.165.2 and amending it to read as follows:

8 **SEC. 2A.165.2 ((27.3)). WAR MEMORIAL; JURISDICTION ((CONSTRUCTION;
9 **COST; ADMINISTRATION**)). (a) The Trustees shall ((construct a building or)) have
10 jurisdiction over the buildings and grounds ((for a War Memorial)) of the War Memorial Opera
11 House and War Memorial Veterans Building on the real property located in the City and
12 County bounded by Van Ness Avenue, Grove, Franklin and McAllister Streets. ((The cost of
13 the memorial shall be borne out of, but not to exceed the total proceeds of the memorial hall
14 bond issue, together with such other and further sums as may be now or hereafter available,
15 including all interest received by the City and County on moneys in the fund, all of which are
16 hereby appropriated for such purposes.))**

17 (b) ((As the sites described in the Agreement to Proceed with Construction of the
18 San Francisco Performing Arts Center Concert Hall and Rehearsal Hall and Lease of Land,
19 dated October 24, 1977 and amended May 22, 1980, between the City and County and the
20 Sponsors of San Francisco Performing Arts Center, Inc. are accepted by the City and County;
21 or on January 1, 1982, whichever occurs earlier, they and the facilities located thereon shall
22 be subject to the War Memorial Trust and to the jurisdiction of the War Memorial Board of
23 Trustees. The three sites described in this agreement include all of)) The Trustees shall also
24 have jurisdiction over the Louise M. Davies Symphony Hall and Harold L. Zellerbach
25

1 Rehearsal Hall, including all of the buildings and grounds on the real property bounded by
2 Van Ness Avenue and Hayes, Franklin and Grove Streets.

3 ((c) The Trustees of the War Memorial shall have charge of the construction,
4 administration, management, superintendence and operation of the War Memorial and of the
5 grounds set aside therefor, and all of its affairs, and may enter into contracts for such
6 purposes.))

7
8 Section 24. Chapter 27 of the San Francisco Administrative Code is hereby amended
9 by repealing Section 27.3-1.

10 ((SEC. 27.3-1. **MANAGEMENT, SUPERINTENDENCE AND OPERATION.** The
11 Trustees shall, subsequent to the construction of the War Memorial, and during the
12 construction thereof, administer, manage, superintend and operate the War Memorial and the
13 grounds set aside therefor, and all of its affairs.))

14
15 Section 25. Chapter 27 of the San Francisco Administrative Code is hereby amended
16 by renumbering Section 27.4 as section 2A.165.3 and amending it to read as follows:

17 **SEC. 2A.165.3 ((27.4)). WAR MEMORIAL; ACCEPTANCE OF GIFTS, ETC.;**
18 **SPECIAL FUND.** No gifts, devises or bequests, other than unconditional gifts, devises and
19 bequests of cash, shall be accepted by the City and County for the War Memorial and
20 Performing Arts Center without the consent of a majority of the Trustees. ((present at a
21 meeting of the Trustees. Such Trustees are hereby empowered to receive and accept any
22 cash or property.)) Any gifts, devises or bequests received by the Trustees on behalf of the
23 City and County for any purposes connected with the War Memorial and Performing Arts
24 Center, or incident thereto, shall be set aside in a special fund for the use and benefit of the
25 War Memorial and Performing Arts Center.

1
2 Section 26. Chapter 27 of the San Francisco Administrative Code is hereby amended
3 by repealing Section 27.5.

4 ((SEC. 27.5. ENGAGEMENT OF EMPLOYEES. The Trustees shall engage such
5 employees, bonded or otherwise, as may be necessary for the conduct of the property and
6 affairs of the War Memorial.))

7
8 Section 27. Chapter 27 of the San Francisco Administrative Code is hereby amended
9 by repealing Section 27.6.

10 ((SEC. 27.6. SALARIES. The salaries, wages and compensation of the Managing
11 Director and Secretary of the War Memorial and of all other employees shall be subject to
12 standardization as provided in Section 8.401 of the Charter. Pending the standardization of
13 wages, salary and compensation, there shall be paid to the employees at least the minimum
14 entrance salary, wage or compensation paid for similar services by the City and County. If
15 there are any positions or places or employment created by the Trustees not common with
16 others in the government of the City and County, then the compensation to be paid to the
17 employees shall be fixed by the Trustees.))

18
19 Section 28. Chapter 27 of the San Francisco Administrative Code is hereby amended
20 by repealing Section 27.8.

21 ((SEC. 27.8. STATEMENT OF RECEIPTS AND DISBURSEMENTS. Upon the
22 completion of the War Memorial, the Trustees shall cause to be filed a complete statement
23 showing all receipts and disbursements of the Trustees and the same shall be open for
24 inspection by the public in the office of the Controller. Such statement shall show the number
25 of employees of the Trustees.))

1
2 Section 29. Chapter 27 of the San Francisco Administrative Code is hereby amended
3 by renumbering Section 27.9 as Section 2A.165.4, and amending it to read as follows:

4 **SEC. 2A.165.4 ((27.9)). PURCHASES OF MATERIALS AND SUPPLIES.** Purchases
5 of materials, supplies and equipment required by the Trustees shall be made in accordance
6 with the provisions of this Code ((Section 7.100 of the Charter)); provided, however, that
7 specifications may be prepared under the direction of the Trustees for all equipment required
8 by the Trustees and for material or supplies peculiar to the War Memorial operations and not
9 in common use in other departments of the City and County. The Trustees may designate the
10 particular brand, kind or make of any equipment which may be necessary in the conduct of
11 the War Memorial.

12
13
14 APPROVED AS TO FORM:

15 LOUISE H. RENNE, City Attorney

16
17
18 By:



MIRIAM STOMBLER
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 992319

Date Passed:

Ordinance amending Administrative Code Chapters 1, 2A, 10, 27 and 28 by renumbering Sections 1.16, 10.115, 10.116-4, 28.1, 28.2, 28.3, 28.4, 28.5, 28.6, 28.7, 28.8, 27.1, 27.2, 27.3, 27.4, and 27.9 as Sections 2A.150.1, 2A.155.2, 2A.155.3, 2A.155.4, 2A.155.5, 2A.155.6, 2A.155.7, 2A.155.9, 2A.155.10, 2A.155.11, 2A.155.12, 2A.165, 2A.165.1, 2A.165.2, 2A.165.3, and 2A.165.4, respectively, and amending the same, by renumbering Sections 2A.156 and 2A.161 as Sections 2A.155.1 and 2A.160.1, respectively, by adding Section 2A.155.8, and by repealing sections 28.10, 28.11, 28.12, 28.13, 28.14, 28.15, 27.3-1, 27.5, 27.6, and 27.8 to consolidate provisions relating to the arts and culture departments of the City, including the Arts Commission, the Fine Arts Museums, the Academy of Sciences, and the War Memorial, to update out-dated provisions, eliminate obsolete and redundant provisions, and correct references.

February 7, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

February 14, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

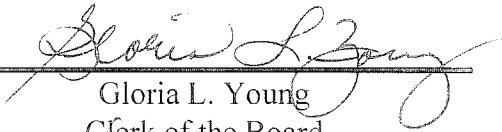
Absent: 1 - Brown

File No. 992319

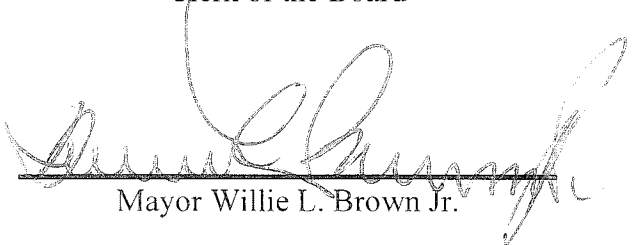
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 14,
2000 by the Board of Supervisors of the City
and County of San Francisco.

FEB 25 2000

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.