

1 [Board Response - Civil Grand Jury Report - Where There's Smoke... The Need to Strengthen  
2 the Art Commission's Stewardship of San Francisco's Cultural Legacy]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**  
4 **and recommendations contained in the 2011-2012 Civil Grand Jury report entitled**  
5 **"Where There's Smoke... The Need to Strengthen the Art Commission's Stewardship of**  
6 **San Francisco's Cultural Legacy" and urging the Mayor to cause the implementation of**  
7 **accepted findings and recommendations through his/her department heads and**  
8 **through the development of the annual budget.**

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10 WHEREAS, Under California Penal Code Section 933 et seq., the Board of  
11 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
12 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

13 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or  
14 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a  
15 county agency or a department headed by an elected officer, the agency or department head  
16 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the  
17 response of the Board of Supervisors shall address only budgetary or personnel matters over  
18 which it has some decision making authority; and

19 WHEREAS, The 2011-2012 Civil Grand Jury Report entitled "Where There's  
20 Smoke...The Need to Strengthen the Art Commission's Stewardship of San Francisco's  
21 Cultural Legacy" is on file with the Clerk of the Board of Supervisors in File No. 120793, which  
22 is hereby declared to be a part of this resolution as if set forth fully herein; and

23 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond  
24 to Finding Nos. 1, 9, 10, 13, 17, 18, 19, 23, 24, 27, 34, 35, 36, 37, and 38 as well as  
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1 Recommendations 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 22, and 23 contained in the  
2 subject Civil Grand Jury report; and

3 WHEREAS, Finding No. 1 states: “The City, through SF AC and GFTA, devotes public  
4 resources to art and cultural programs in more generous amounts, per capita, than any other  
5 municipality in the United States;” and

6 WHEREAS, Finding No. 9 states: “The Civic Art Collection is a vast assemblage of  
7 tangible art and artifacts, representing a substantial cultural and financial asset of the City and  
8 County;” and

9 WHEREAS, Finding No. 10 states: “Promotion of the Collection as an attraction of the  
10 City is limited;” and

11 WHEREAS, Finding No. 13 states: “The inventory and cataloging function of the SFAC  
12 is delegated to at least a single paid staff member and two interns which is insufficient;” and

13 WHEREAS, Finding No. 17 states: “The maintenance budget for the Collection is  
14 grossly inadequate to the task of preservation of the Collection;” and

15 WHEREAS, Finding No. 18 states: “Art maintenance is more appropriately an  
16 operating rather than capital cost as it is a day-to-day responsibility of SF AC;” and

17 WHEREAS, Finding No. 19 states: “Art maintenance is inappropriately treated as a  
18 capital expense by City government;” and

19 WHEREAS, Finding No. 23 states: “SF AC has not given the support and maintenance  
20 of the Cultural Centers the priority the Charter requires;” and

21 WHEREAS, Finding No. 24 states: “SF AC has not addressed the long-term funding,  
22 stability and safety needs of the Cultural Centers;” and

23 WHEREAS, Finding No. 27 states: “The District Attorney has failed to respond to  
24 Sunshine Complaint No. 11023;” and

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1           WHEREAS, Finding No. 34 states: “For general operating and SF AC Gallery exhibition  
2 expenses, SF AC relies on public funds that are designated by Charter for ‘maintenance of a  
3 symphony orchestra ...;” and

4           WHEREAS, Finding No. 35 states: “Since 1935, SF AC has chosen the San Francisco  
5 Symphony as recipient of those funds;” and

6           WHEREAS, Finding No. 36 states: “SF AC is without legal or practical recourse if SFS  
7 revoked its annual contribution of 40% of those funds given to SFAC;” and

8           WHEREAS, Finding No. 37 states: “The manner in which SFAC funds its operations by  
9 a giveback donation of SFS monies creates, at the least, an appearance of fiscal impropriety  
10 and violates the intent of the 1935 Charter amendment;” and

11           WHEREAS, Finding No. 38 states: “GFTA funds the San Francisco Symphony for over  
12 \$600,000 annually for operating expenses;” and

13           WHEREAS, the Recommendation No. 1 states: "To improve the governance of the  
14 department, increase the number of at-large Commissioners to eight members, through  
15 Charter amendment;” and

16           WHEREAS, the Recommendation No. 2 states: "As an alternative, establish a Citizens  
17 Advisory Committee of seven members, appointed by the Mayor, to provide expert guidance  
18 in governance and administration, aid in nongovernmental fundraising, and increase the  
19 community stature of the department;” and

20           WHEREAS, the Recommendation No. 3 states: "Encourage the creation of a non-profit  
21 organization dedicated to raising funds to meet program and operational needs;” and

22           WHEREAS, the Recommendation No. 8 states: "Human and material resources  
23 adequate to the task be devoted to the rapid completion of the inventory, appraisal, and  
24 cataloging of the Collection;” and

1           WHEREAS, the Recommendation No. 9 states: "Re-designate maintenance and  
2 conservation of the Collection as an operating expense of the SF AC rather than a capital  
3 budget item;" and

4           WHEREAS, the Recommendation No. 10 states: "Redirect and dedicate \$1 million,  
5 over two years, of the Grants for the Arts/Hotel Tax Fund on a one-time basis to the Arts  
6 Commission to fund the inventory, maintenance, storage, de-accessioning, exhibition and  
7 installation of the *existing* Collection located in the City, at San Francisco International Airport,  
8 and at other City properties;" and

9           WHEREAS, the Recommendation No. 11 states: "Designate Hotel Tax Funds from the  
10 initial \$1 million for the development of educational print, on-line and phone app materials to  
11 showcase the existing Civic Art Collection located in the City, at San Francisco International  
12 Airport, and at other City properties to make the Collection more accessible to City residents  
13 and visitors;" and

14           WHEREAS, the Recommendation No. 12 states: "Designate Hotel Tax Fund monies of  
15 1% of the value of the Collection (up to \$900,000) on an annual basis for the maintenance  
16 and care of the Collection;" and

17           WHEREAS, the Recommendation No. 13 states: "Clarify ownership and maintenance  
18 responsibilities for art and statuary on Rec & Park property;" and

19           WHEREAS, the Recommendation No. 14 states: "Complete a SF AC-Rec & Park  
20 agreement to ensure compensation for maintenance of art in the City's parks is adequate to  
21 support that task and does not impair conservation and maintenance elsewhere;" and

22           WHEREAS, the Recommendation No. 15 states: "SF AC hold public hearings about  
23 the Cultural Centers and their short- and long-term funding (for programs and facility  
24 maintenance), facility, and safety needs to develop an action plan to secure the Cultural  
25 Centers;" and

1           WHEREAS, the Recommendation No. 17 states: "Move the Street Artists Program to  
2 the Office of Small Business;" and

3           WHEREAS, the Recommendation No. 18 states: "The District Attorney respond to  
4 Sunshine Complaint No. 11023;" and

5           WHEREAS, the Recommendation No. 22 states: "The Arts Commission/Symphony  
6 Agreement comply with the intent of the Charter, and the full amount of the tax revenues go  
7 toward Symphony operating expenses;" and

8           WHEREAS, the Recommendation No. 23 states: "Redirect Hotel Tax Fund money  
9 allocated to the SFS by GFTA to the SF AC;" and

10          WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of  
11 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
12 Court on Finding Nos. 1, 9, 10, 13, 17, 18, 19, 23, 24, 27, 34, 35, 36, 37, and 38 as well as  
13 Recommendations 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 22, and 23 contained in the  
14 subject Civil Grand Jury report; now, therefore, be it

15          RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the  
16 Superior Court that it {agrees/disagrees} 1, 9, 10, 13, 17, 18, 19, 23, 24, 27, 34, 35, 36, 37,  
17 and 38, for reasons as follows \_\_\_\_\_; and, be it

18          FURTHER RESOLVED, That the Board of Supervisors reports that it  
19 {agrees/disagrees} Recommendations 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 22, and 23,  
20 for reasons as follows \_\_\_\_\_; and, be it

21          FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the  
22 implementation of accepted findings and the recommendation through his/her department  
23 heads and through the development of the annual budget.

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