

FILE NO. 98-1412

ORDINANCE NO. 291-98

1 [MUSEUMS]

2 AMENDING ARTICLE XII, CHAPTER X, PART I OF THE SAN FRANCISCO MUNICIPAL
3 CODE (ADMINISTRATIVE CODE) BY AMENDING CHAPTER 28, ARTICLE I THEREOF BY
4 ADDING SECTIONS 28.7 AND 28.8 TO PROVIDE THAT THE ASIAN ART MUSEUM AND
5 THE SAN FRANCISCO AIRPORT MUSEUMS MAY SELL, EXCHANGE OR TRANSFER
6 WORKS OF ART OR OTHER ARTICLES UNDER CERTAIN CIRCUMSTANCES.

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

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

9 Section 1. Chapter 28, Article I of the San Francisco Code is hereby amended by
10 adding Sections 28.7 and 28.8 to read as follows:

11
12 ARTICLE I

13 SALE, EXCHANGE OR TRANSFER OF WORKS OF ART

14 **SEC. 28.1. AUTHORIZATION FOR SALE, EXCHANGE OR TRANSFER OF WORKS**

15 **OF ART.** When, in the judgment of the Board of Trustees of The Fine Arts Museums of San
16 Francisco, works of art or other articles in the possession of the museums are no longer fit for
17 exhibition purposes in said museums, such works of art or other articles may be sold,
18 exchanged or transferred as hereinafter set forth. Such works of art or other articles to be
19 sold, exchanged or transferred shall be catalogued, listed and described with reasonable
20 certainty and a copy of such catalogue shall be furnished to the Purchaser.
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22 **SEC. 28.2. EXCHANGE OF WORKS OF ART.** The Board of Trustees may exchange
23 such works of art or other articles for other works of art or other articles of equivalent value,
24 each such exchange to be subject to the approval of the Purchaser. The said Trustees may
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1 execute and accept all deeds of conveyance necessary and proper to effect such exchange.

2 **SEC. 28.3. PUBLIC AUCTION.** The said Trustees may, with the approval of the
3 Purchaser of Supplies, cause said works of art or other articles to be sold at public auction to
4 the highest and best bidder, and may contract with a licensed auctioneer for the purpose of
5 conducting the sale or sales. The contract shall specify the compensation to be paid for the
6 auctioneer's services and set forth the terms and conditions under which the sale or sales are
7 to be conducted. Each such contract shall be approved by the Purchaser of Supplies.
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9 The compensation to be paid the auctioneer shall not exceed the sum of 20 percent of
10 the total amount realized on any sale and the compensation shall include all costs incurred by
11 the auctioneer incident to said sale. All of said sales shall be for cash and all cash received by
12 the auctioneer or other person making the sale shall be delivered to the Trustees immediately
13 upon receipt thereof by said auctioneer or other person making the sale; provided, however,
14 that the auctioneer may accept a deposit of 10 percent of the amount of the sale price of any
15 work of art or other article sold upon acceptance of bid, the balance of the price to be paid
16 within five days from the date of sale. No work of art or other article sold shall be delivered
17 until the full price thereof is paid. Each auctioneer retained to conduct a sale shall furnish an
18 adequate surety bond.
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20 **SEC. 28.4. IF NO BIDS OR UNSATISFACTORY BIDS.** Should no bids be received,
21 or if bids are received and rejected as unsatisfactory, the work of art or other article may
22 thereafter be sold by informal private sale by the Trustees with the approval of the Purchaser
23 of Supplies; provided, that works of art or other articles on which bids have been rejected shall
24 not thereafter be sold for amounts less than the amount of the high bid which was received.
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1 **SEC. 28.5. DISPOSITION OF MONEYS RECEIVED FOR SALE OF WORKS OF**

2 **ART.** All moneys received from the sale of any work of art or other article sold pursuant to the
3 provisions of this Article shall be placed in the trust fund of The Fine Arts Museums of San
4 Francisco. Deposits in said trust fund shall be under the jurisdiction of the Board of Trustees.
5 Said deposits in said trust fund shall be used for the purchase of other works of art and other
6 articles to be exhibited in The Fine Arts Museums of San Francisco.

7 **SEC. 28.6. TRANSFER OF WORKS OF ART.** (a) The collections of The Fine Arts

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

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

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

23 (2) The scientific, social, cultural and/or historical value of the object outweighs its
24 monetary value; and
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1 (3) The object is more likely to be preserved, studied and available to the public if it
2 is transferred to the recipient institution than if it remains with The Fine Arts Museums of San
3 Francisco or is sold.

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

7 (d) No work of art or other article in The Fine Arts Museums' collections may be
8 transferred to another institution unless the transfer is approved by a majority of the members
9 of the Board of Trustees. The Trustees may execute all deeds of conveyance necessary and
10 proper to effect such transfer.
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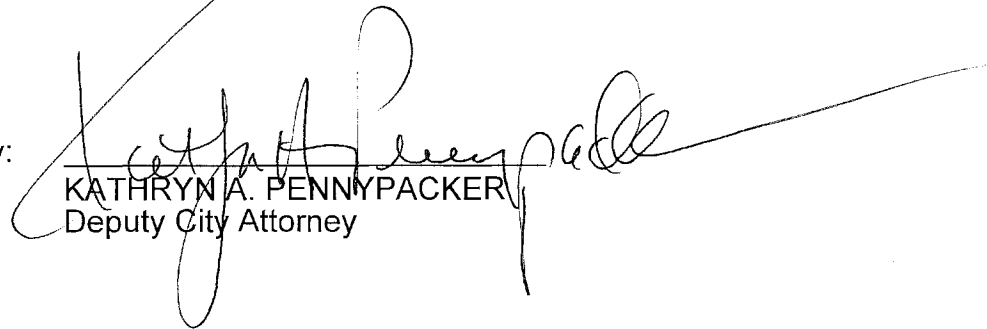
12 **SEC. 28.7. APPLICATION OF THIS ARTICLE TO THE ASIAN ART COMMISSION.**

13 The powers and duties set forth in Sections 28.1 through 28.6 authorizing the Board of
14 Trustees of The Fine Arts Museums to sell, exchange or transfer works of art or other articles
15 shall also be applicable to the Asian Art Museum with respect to works of art or other articles
16 in its possession. Funds from the sale of objects in the Asian Art Museum's possession shall
17 be placed in the general art acquisition fund of the Asian Art Museum and shall be under the
18 jurisdiction of the Asian Art Commission.
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20 **SEC. 28.8. APPLICATION OF THIS ARTICLE TO THE SAN FRANCISCO**
21 **AIRPORT COMMISSION.** The powers and duties set forth in Sections 28.1 through 28.6
22 authorizing the Board of Trustees of The Fine Arts Museums to sell, exchange or transfer
23 works of art or other articles shall also be applicable to the San Francisco Airport Commission
24 with respect to objects in its possession. Funds from the sale of objects in the Airport
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1 Museums' possession shall be placed in the Airport Museums' trust fund within the Airport
2 Revenue Fund and shall be under the jurisdiction of the Airport Commission. Nothing in this
3 section is intended to limit or abridge the Arts Commission's authority with respect to works of
4 art as set forth in Charter Section 5.103 and Administrative Code Section 2A.150.
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8 APPROVED AS TO FORM:
9 LOUISE H. RENNE, City Attorney

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12 By: 
13 KATHRYN A. PENNYPACKER
14 Deputy City Attorney
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Board of Supervisors, San Francisco

Passed on First Reading

September 22, 1998

Ayes: Supervisors Ammiano Brown
Katz Leno Medina Newsom Teng Yaki
Yee

Absent: Supervisors Bierman Kaufman

§ Finally Passed

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§ September 28, 1998

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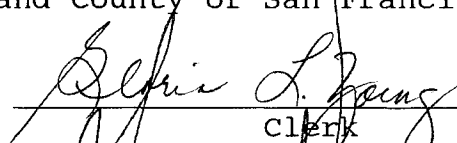
§ Ayes: Supervisors Ammiano Brown
§ Katz Leno Medina Newsom Teng Yaki
§ Yee

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§ Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco


Clerk

File No.
98-1412

SEP 30 1998

Date Approved


ACTING Mayor