

LEGISLATIVE DIGEST

[Administrative Code - Use of Art Enrichment Funds and Maintenance of Public Art]

Ordinance amending the Administrative Code to define “art enrichment”; to allow aggregation of art enrichment funds for use on any City property rather than only the funding department’s property; to allow the Arts Commission to reserve up to 10% of the art enrichment budget for maintenance and conservation; to allow art enrichment funds to be used exclusively for maintenance and conservation under limited circumstances; and to clarify references to the Arts Commission’s jurisdiction over works of art consistent with the Charter; and making environmental findings.

Existing Law

Under the Art Enrichment Ordinance, Section 3.19 of the Administrative Code (the “Ordinance”), 2% of the gross estimated construction cost of a public construction project must be used for art enrichment of the project, subject to certain limitations and unless otherwise required by the funding source. The Ordinance, which does not define “art enrichment,” allows use of the funds only for art enrichment of the building or other property under the jurisdiction of the funding source department. In addition, the Ordinance allows the Arts Commission to reserve no more than 5% of the art enrichment budget for maintenance and conservation.

Charter Section 5.103 vests in the Arts Commission, rather than the Recreation and Park Commission, the authority to maintain works of art on Recreation and Park (“Park”) property. But Administrative Code Section 2A.150.1, enacted prior to the 1996 Charter and based on the 1932 Charter, erroneously suggests that the Arts Commission lacks the authority to maintain art on Park property.

Amendments to Current Law

The Proposed Ordinance would provide more clarity and flexibility to the Arts Commission in managing and maintaining public art by making the following changes: It would define “art enrichment,” as the “acquisition and installation of original works of art (including limited editions), or temporary installation, display, or presentation of the same, on City property for aesthetic and cultural enhancement of public buildings and public spaces and engagement of the public with the creative work of artists, as approved by the Arts Commission.” It would also allow aggregation of art enrichment funds for use on any alternative City property rather than just the funding department’s property. Further, it would allow the Arts Commission to reserve up to 10% of the art enrichment budget for maintenance and conservation and allow art enrichment funds to be used exclusively for maintenance and conservation under limited circumstances. Consistent with the Charter, the Proposed Ordinance also makes clear that the Arts Commission has jurisdiction over works of art on Park property.

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