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## AMENDED POLICIES & GUIDELINES

The Monuments and Memorials Advisory Committee recommends the following amendments to the "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". These sections were selected for reconsideration because they pertain to the direct care and disposition of Monuments and Memorials. Below is recommended language to replace current sections 5. ACQUISITION OF ARTWORKS THROUGH GIFTS, and 7. COLLECTIONS MANAGEMENT: REMOVAL, ALTERATION, DESTRUCTION AND DEACCESSION POLICIES AND PROCEDURES (renamed).

Additions and language changes being proposed are in **blue**. Removals are indicated in **red** and with a strike-through. Original language is in black. The draft below is organized by section number, to line up with the existing, much larger, guidelines document. Edited sections have been kept in their entirety for continuity and can be found on **SFAC's website at [bit.ly/sfacmmac](http://bit.ly/sfacmmac)**.

### POLICIES & GUIDELINES (EXCERPT)

5. ACQUISITION OF ARTWORK 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 of 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.), historical relevance, 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 or Monuments:** Proposals for large scale artworks require careful consideration and may require several meetings and significant public comment before a final decision can be made. 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.
  - ~~Installation details.~~
  - 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. ~~Attention shall be given to the social context of the work and the manner in which it may interact or contribute to the use of the site.~~
  - **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 Memorial Gifts: Monument and** Memorial gifts will also be judged to the following additional criteria:

- The person or event being memorialized **must be deemed 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.**
- The **monument or** memorial **possesses aesthetic and storytelling has timeless** 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 to 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.
- **Social context:**

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 Commission's 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 falls 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 San Francisco Arts Commission approved under Resolution #0406-09-096 the following special guidelines for gifts of artwork to City Hall:

- 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 Supervisors 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 as relevant:

- 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.

## 7. COLLECTIONS MANAGEMENT: ~~DEACCESSION~~, REMOVAL, ALTERATION, 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:** ~~In general, works of art will not be deaccessioned within 10 years after acquisition.~~ 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 **Consideration of Alternatives 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 works that are a part of the historical, cultural, or scientific heritage of San Francisco and California **and do 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 work does not fit within the Arts Commission's mission, goals, or guidelines for the Civic Art Collection.
- The work presents a threat to **physical** public safety.
- **The work presents a threat to the mental health and wellness of the public.**
- Condition or security of the work cannot be guaranteed, or the Arts Commission cannot properly care for or store the work.
- The work requires excessive or unreasonable maintenance, or has faults in design or **workmanship fabrication.**
- The condition of the work 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 work is available, or significant changes in the use or character of design of the site affect the integrity of the work.
- The work interferes with the operations of the client agency.
- **Significant Sustained** adverse public reaction over an extended period of time (25 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.**
- The Arts Commission wishes to replace a work with a more appropriate work by the same artist.
- The work 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 work from public display.
- The work is duplicative in a large holding of work of that type or of that artist.
- The work is fraudulent or not authentic.
- The work is rarely or never displayed.



- 7.3.4 **Process:** The following steps shall be followed for works being considered for deaccessioning.
- 7.3.4.1 **Absence of Restrictions:** Before disposing of any objects from the collections, 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 Commission should notify the donor if it intends to dispose of such objects. ~~within ten years of receiving the gift or within the donor's lifetime, whichever is less.~~ If there is any question as to the intent of force of restrictions, the 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 work.
  - 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 work 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 work 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 (i.e. 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 ~~through sale or exchange.~~

- 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 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:** A work of art under the jurisdiction of the Commission may be sold privately if the work is offered at public auction and no bids are received, or if the work 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 **structure 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 art collections 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 his/her 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 work has faults of design or **workmanship fabrication**, or is damaged so that repair or remedy is impractical, unfeasible or an unjustifiable allocation of resources.
  - The work 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.”
  - 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 the **public and** artist **by registered mail** 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 him/her. If the artist elects to pursue title transfer, he/she is 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 his/her name not be used in connection with the given work.
  - **Alteration, Modification or Destruction:** If alteration, modification, or destruction **is** 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.