

## **AMENDED POLICIES & GUIDELINES**

Accounting for typos recently discovered in the Civic Art Collection Guidelines, Section 3 and Section 7.

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.

### **3. ACQUISITION OF ARTWORK THROUGH ART ENRICHMENT, PUBLIC ART TRUST, OR OTHER SOURCES OF FUNDING DEDICATED TO THE PURPOSE OF ACQUIRING ARTWORK FOR THE PURPOSE OF PUBLIC DISPLAY.**

#### **3.1 Enabling Legislation:**

- 3.1.1 Section 3.19 of the Administrative Code (Art Enrichment Ordinance)
- 3.1.2 Section 10.100-29 of Section 429 of the Planning Code (Arts Commission Public Artwork Trust Fund)
- 3.1.3 City Charter; Section 5.103; Article VIII Sec. 2A 150 of Administrative Code
- 3.1.4 Chapter 21.04(a)(b)(4) of the Administrative Code (Departments Purchasing Authority)

#### **3.2 Roles and Responsibilities:**

- 3.2.1 Arts Commission: By City Charter Section 5.103 the Arts Commission must approve the design and location all works of art before they are acquired, transferred or sold by the City and County. The Visual Arts Committee, a subcommittee of the full Commission, recommends actions, which are then submitted to the full Arts Commission for approval by Resolution.
- 3.2.2 Visual Arts Committee (VAC): The responsibility of the Visual Arts Committee is to review and make recommendations to the full Arts Commission relative to the purchase and/or commissioning of artworks. Duties include, but are not limited to the following:
  - Establish and approve Public Art Program mission, curatorial and programmatic goals, policies and guidelines.
  - For each new public art project, approve the project parameters, including artist selection process and selection criteria, project budget and a list of prospective Review panelist members.
  - Appoint a member of the VAC to serve as a member on the Review Panel appointed by the Committee.
  - Review and approve Review Panel recommendations and submit to the full Arts Commission for a Resolution.
  - Approve proposals (design and budget) for works of public art at each stage of development: conceptual proposal, design development and construction documents.
  - Approve completed works of art as installed, and recommend Arts Commission acceptance of the work into the Civic Art Collection.

- If at any point the Committee does not give its approval for any of the above, the Committee shall take action as defined under Section 4.9, Recourse.

3.32.3 Civic Design Review (CDR) Committee: Relative to the Public Art Program, the responsibilities of the Civic Design Review Committee and supporting staff include, but are not limited to the following:

- Ensure that Civic Design Review applicants have submitted a completed Art Enrichment Allocation Form and Civic Art Collection Report prior to Phase One Review and initiated discussion with the Public Art staff regarding opportunities for artist involvement (see Appendix C).
- Non-compliance on the part of the client agency with the art enrichment requirement may result in refusal by the Civic Design Committee to schedule future required reviews.
- At the request of the Visual Arts Committee, the Civic Design Review Committee may review proposals for artwork that may have architectural or urban design implications and make recommendations and comments to the Visual Arts Committee as needed.
- When proposed public art projects have overlapping jurisdiction or interests, a joint meeting of the Visual Arts and Civic Design Review Committees may be scheduled at the request of either committee or the full Arts Commission.

3.32.4 Director of Cultural Affairs (DCA): The Director of Cultural Affairs, as the senior executive for the Arts Commission, has broad authority for directing the operations of the agency. In regard to the Public Art Program, the Director has the responsibility of working with Public Art Program staff to develop a vision for the curatorial and programmatic goals of the PAP, and for ensuring that these are in concert with the broader mission and goals of the Arts Commission.

3.32.4.1 In accordance with Commission Resolution #0507-12-143 the Director may take the following actions without further approval from the Commission:

- May approve contracts, purchase orders, or direct payment vouchers not exceeding \$100,000 for services provided by a wide range of vendors, including but not limited to: artists, contractors, consultants, printers, graphic designers, photographers, signage fabricators and photo labs, whose services do not require design approval from the Commission.
- May approve contract modifications and additional project expenses not exceeding \$100,000 that are within the project budget, unless design approval is required by the Commission.
- May approve the start-up of new art enrichment projects including determination of overall project parameters.
- May approve short-listed candidates recommended by Review Panels.
- May authorize entering into design contracts not to exceed \$100,000.

3.32.4.2 In accordance with Commission Resolution # 0507-12-142, the Director may take the following actions without further approval from the Commission:

- May approve contracts, purchase orders or direct payment vouchers up to \$500,000 with conservators, art technicians, or other qualified contractors for the purpose of performing

conservation, maintenance and repair on works of art in the City's art collection.

- May approve contracts, purchase orders, or direct payment vouchers up to \$500,000 with art service providers for transportation, storage, installation, de-installation of artwork, construction of cases, vitrines and framing, and other similar work related to the care and maintenance of the City's collection that does not require design approval from the Commission.

3.-32.5 Civic Art Collection and Public Art Program (CAC/PAP) Director: The CAC/PAP Director shall work with the Director of Cultural Affairs to develop a vision for the curatorial and programmatic goals of the CAC/PAP and ensure that these are in concert with the broader mission and goals of the Arts Commission. The CAC/PAP Program Director duties include oversight of all aspects of implementation of the CAC/PAP programs.

3.-32.6 Senior Public Art Program Manager (SPAPM) and Public Art Project Managers (PAPM) Under supervision of the CAC/PAP Director, the SPAPM oversees the work of the PAPMs and is responsible for the overall management of Public Art Program projects from inception to completion, including: working with the client department, community and Commission to develop project plans; implement and administer artist selection processes; implement contract negotiation and monitor compliance; coordinate public art project with CIP design team, general contractor, artist and artist's subcontractors; develop and monitor budgets and otherwise provide all phases of project management,

3.-32.7 Senior Registrar: Under the supervision of the CAC/PAP Director, the Senior Registrar manages the Civic Art Collection and is responsible for overseeing the stewardship for the artworks in the Civic Art Collection. For artworks being considered for acquisition, the Senior Registrar provides materials and maintenance assessments during the development of artwork proposals that may enter the Civic Art Collection. The Senior Registrar submits a motion requesting Resolution to the Visual Arts Committee for formal acceptance of a completed work of art into the Civic Art Collection. The Senior Registrar assigns an accession number to artworks accepted into the Collection, catalogues the artwork within the program's collection management database, and maintains project records and important documents as part of the CAC archives.

3.-32.8 Client Agency: The Client Agency, or the Client Agency in conjunction with the Department of Public Works, have the following responsibilities to the Public Art Project:

3.-32.8.1 Client Agency shall Allocate 2% of the total gross estimated construction cost for eligible capital improvement projects per Section 3.19 of the Administrative Code. The Client agency shall provide the Arts Commission with an estimated Art Enrichment Allocation prior to being scheduled for Phase 1 approval from Civic Design. The Client Agency shall submit the Art Enrichment Survey Form, signed by the CAC/PAP Director, as part of its application for Phase I approval. The final art enrichment allocation will be determined by the estimated construction cost at the completion of Construction Documents; verification of final art enrichment allocation must be received prior to the Client Agency being calendared for Civic Design Phase 3 Approval.

3.-32.8.2 Arts Commission Approval of Allocation: The Arts Commission must approve the art enrichment allocation from a particular capital appropriation, or any alternative use of the art enrichment funds as specified in Section 4.1.4. If the Client Agency determines that 2% of the construction cost is inappropriate for Art Enrichment, it may, in accordance with paragraph (a) Art Enrichment Ordinance, submit its recommendation regarding the art enrichment budget and the basis for its determination to the Art Commission for review. If the parties cannot resolve the matter, the Arts Commission shall submit the matter to the Mayor for resolution within 60 days of the recommendation being made. Failure of the Commission to submit the matter to the mayor within 60 days shall be deemed as the

Commission's acceptance of the recommendation of the client agency.

- 3.-32.8.3 The Client Agency shall meet with the CAC/PAP Director to discuss the Art Enrichment Program prior to being calendared for Phase 1 approval from the Civic Design Review Committee.
- 3.-32.8.4 The Client Agency shall complete and submit the Art Enrichment Survey Form and submit to Civic Design Committee Coordinator prior to being scheduled for Phase 1 review at Civic Design.
- 3.-32.8.5 The Client Agency shall provide the following information to the PAPM regarding eligible capital construction projects:
- Verify to the Arts Commission that 2% of the total construction cost has been allocated for the Art Enrichment Program.
  - Facility location and function.
  - Provide the amount of the construction appropriation, supported by a line item budget.
  - Assign an Agency representative to be the Art Commission's liaison on the project.
  - Provide the name and contact information for each firm and consultant on the Design team, including, but not limited to the architect and structural engineer of record.
  - Provide the commission with a project timeline and a construction timeline.
  - Identify the funding source, i.e. bond funds, state grants, etc.
  - Identify any existing artwork on the project site.
- 3.-32.8.6 Include the allocation for the Art Enrichment Program in the gross estimated construction budget as required by the ordinance.
- 3.-32.8.7 Where there is existing artwork on the site the Client Agency shall 1) Include the cost of any required protection, removal, storage and re-installation or relocation of existing artwork on the project site in the construction budget; 2) Apply to the Arts Commission for approval of any plans to relocate, alter or destroy an existing artwork (see section 7.5, Alteration, Modification or Destruction of Artwork.)
- 3.-32.8.8 The Arts Commission and the artist shall be credited in all media releases, announcements or any public document concerning the artwork and included and acknowledged at the facility dedication.
- 3.-32.9 Capital Improvement Project (CIP) Manager: The CIP Manager shall:

Ensure the participation and cooperation of the architectural design team, project management team, and General Contractor in coordinating the inclusion and integration of the public art projects within the greater CIP. Services related to coordination of the public art project within the greater CIP shall be considered basic services and not charged separately to the Public Art project budget. Such basic coordination services shall include, but not be limited to the following:

- Schedule and attend coordination meetings with the Arts Commission staff and artists, architectural team and/or General Contractor. The CIP Manager will ensure that a designated representative of the Client Agency and/or Project Management team will attend all meetings with the architectural design team and/or the General Contractor relative to the art enrichment project.
- Transfer Funds: The Arts Commission shall provide the Client Agency and/or PW with an estimated annual art enrichment budget for the CIP. The Client/PW shall endeavor to make an annual transfer of funds to the Arts Commission to implement the art enrichment project(s), less any adjustments attributable to expenses to be paid by the Client/PW principally for the sake of aiding the efforts of the SFAC and artist, for instance design of

additional structural support for the artwork, use of project cost estimator, etc. Such adjustments will be based on accepted proposals for service by the particular parties approved by both the SFAC and the Client/PW.

- Remaining Art Enrichment Funds: Remaining Art Enrichment funds will be retained by the Arts Commission for conservation of artwork at the project site or other sites under the Client's jurisdiction. In the event that the funds are general obligation bond funds, or other funds that expire, the Client agency will endeavor to find a different source of funds to allow for the continued conservation of artwork in the Civic Art Collection.
- Provide the PAPM with all available relevant site plans, locations of utilities, site restrictions, site history and other materials and information necessary to produce the Public Art Project plan, the Request for Qualifications (RFQ) and provide artists with information as necessary to develop their proposals. It is acknowledged that such materials may be when offered, in-progress and not definitive delineation of the current and/or eventual status (of the materials.) As the status evolves, the SFAC will be provided with appropriate iteration thereof.
- Facilitate review and approval of the Public Art Project Plan with the Client agency and design team. Once approved, the Project Plan provides the framework for which the public art project is executed. Assist with community input in development of plan and outreach of RFQ, identify Client Representative(s) to serve on review panels and assist with identifying community representative(s) to serve on review panels. Client Representative should be authorized to make decisions on artist selection on behalf of the Client agency.
- Provide the PAPM with complete and accurate design and construction schedule information as it becomes available to allow the artwork design to be planned for and integrated into project documents. Ensure that the General Contractor include site work relative to the art project and artwork installation in the master construction schedule.
- Ensure that any work relative to the Public Art Project that is to be performed by the General Contractor is integrated into the contract bid documents and that the PAPM is provided with a copy of a draft of the bid documents pertaining to the artwork for review, comment and approval prior to their being issued.
- Ensure SFAC and SFAC's contractors have access to the construction site to perform their work. Arts Commission shall ensure that staff and Commission contractors undertake any required safety training and adhere to site safety protocols.
- Notify the SFAC of any issues, problems, conflicts or concerns that might necessitate a change in the design of a proposed artwork.
- Incorporate the artwork into the general building permit, to the extent that the artist has produced sufficient drawings and calculations necessary to obtain a permit. If the development of the artwork has not progressed sufficiently to be included as part of the building permit package managed by PW (and/or Client Agency), the SFAC shall be responsible for obtaining a separate permit so as not to delay the overall project schedule.
- Manage communications between the SFAC PAMM and Design Team, Client Agency, and General Contractor during design and construction, including but not limited to SFAC approval of General Contractor-provided samples and mock-ups, response to RFI's, and access to construction site by project artist and/or subcontractors for installation of artwork. Ensure that the SFAC staff be copied on all correspondence, emails and/or meeting notes. CIP Manager shall not communicate directly with SFAC project artist(s) or SFAC subcontractors.

- Where the SFAC is requesting additional services specific to the artwork, such as additional structural engineering design, or architectural design that reasonably might be considered above and beyond basic services, the CIP Manager shall assist the SFAC in negotiating an additional services proposal from the Design Team, the cost of which may be charged to the Art Enrichment allocation. Such additional service proposals shall be presented to the Arts Commission as soon as they are identified, but no later than 50% Design Development.

## **7. COLLECTIONS MANAGEMENT: 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:** 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 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 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.
- Sustained adverse public reaction over an extended period of time (252 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. 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.

**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 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 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 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.