

## **Article 6: Boards and Commissions**

*(Retitled from “Board and Commissions” to “Boards and Commissions”  
on 10-14-2024 by O-21878 N.S.; effective 11-13-24.)*

### **Division 7: Commission for Arts and Culture**

*(“Commission for Arts and Culture” added 5-15-1989 by O-17298 N.S.)*

#### **§26.0701 Purpose and Intent**

It is the purpose and intent of the City Council to establish a Commission for Arts and Culture, supported by City staff as delegated by the City Manager, to serve in an advisory capacity to the City Council and City Manager on promoting, encouraging, and increasing support for the region’s artistic and cultural assets, integrating arts and culture into community life, and showcasing San Diego as an international tourist destination.

*(Amended 4-20-1992, by O-17757 N.S.)*

*(Amended 5-17-2004, by O-19280 N.S.)*

*(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

*(Amended 10-14-2024 by O-21878 N.S.; effective 11-13-2024.)*

#### **§26.0702 Definitions**

For purposes of this Division, defined terms appear in italics and have the meaning set forth in section 22.5902.

*(Amended 4-10-2000, by O-18786 N.S.)*

*(Renumbered from Section 26.0705 and amended 5-17-2004, by O-19280 N.S.)*

*(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

*(Amended 10-14-2024 by O-21878 N.S.; effective 11-13-2024.)*

### **§26.0703 Commission for Arts and Culture Established**

There is hereby established a Commission for Arts and Culture consisting of fifteen members, who shall serve without compensation.

The members shall be appointed by the Mayor and confirmed by the City Council, subject to the following conditions: (1) The Mayor shall appoint six members; and (2) the Mayor shall appoint the remaining nine members, one each from a list of three nominations submitted by each Councilmember.

*(Amended 4-20-1992, by O-17757 N.S.)*

*(Renumbered from Section 26.0702 and amended 5-17-2004, by O-19280 N.S.)*

*(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

*(Amended 6-22-2016 by O-20656 N.S.; effective 7-22-2016.)*

### **§26.0704 Duties and Functions – Commission for Arts and Culture**

The *Commission* shall:

- (a) advocate for the role and value of arts and culture in civic life;
- (b) promote greater public participation in, and access to, arts and culture;
- (c) evaluate the City's programmatic allocation of transient occupancy tax funds for arts and culture and strongly advocate for increasing arts and culture funding to levels which measurably support the vitality and stability of established arts and cultural organizations, and which foster an environment attractive to and nurturing of emerging arts and cultural organizations;
- (d) advocate for and explore alternate sources of arts and culture funding including grants, donations, and corporate sponsorships;
- (e) advise on the development, implementation, evaluation, or change of the City's arts and culture public policy, legislation, programs, and services;
- (f) advocate for City public policy, legislation, programs, and services that foster a wide range of arts and cultural offerings which engage a diverse public audience;
- (g) review the annual proposed arts and culture funding allocations related to *Commission* business in the budget for transient occupancy tax funds for the Arts, Culture, and Community Festivals priority area and provide recommendations to such budget allocations;

- (h) advise on the administration of the arts and culture funding allocations within transient occupancy tax funds for the Arts, Culture, and Community Festivals priority area;
- (i) oversee and, when appropriate, participate in an open and impartial process for evaluating transient occupancy tax funding applications from local, non-profit arts and culture organizations;
- (j) recommend to the City Council and City Manager the fair distribution of transient occupancy tax funds to non-profit arts and culture organizations and *artists*, to support local arts and culture programming;
- (k) advise on *collections management activities* and *public art project management activities* pertaining to existing and proposed *artworks* for the *Civic Art Collection*, or contracted for, exhibited on, or erected on *public places*;
- (l) advise on allocations to and from the *Public Art Fund*;
- (m) advise on the policies and processes whereby *artworks* are included in *Capital Improvements Program projects* and *Redevelopment Agency projects* and ensure that *artists* are involved as early as possible in the pre-design or design phases for each project;
- (n) advocate for the fair distribution of arts and culture amenities across each City Council district and throughout the City's neighborhoods and communities;
- (o) participate in the initiation, implementation, or sponsorship, alone or in partnership with other public agencies or private organizations, of programs and services to support local arts and culture organizations and individual *artists*;
- (p) serve as the City's advocates for arts and culture within the City Council, as well as the private sector, local, regional, state, and federal governments, and international entities, such as Mexico, Canada, Japan, and other Pacific Rim countries;
- (q) advise on other arts and culture issues as directed by the City Council or City Manager;
- (r) hold regular public meetings and keep written records of the proceedings which shall be public records; and

- (s) adopt rules consistent with laws for the governance of its business and procedures.

*(Renumbered from Section 26.0703 and amended 5-17-2004, by O-19280 N.S.)*

*(Amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

*(Amended 10-14-2024 by O-21878 N.S.; effective 11-13-2024.)*

## **§26.0705 Qualification of Commissioners**

- (a) Commissioners shall be persons who represent the following: individual arts and culture patrons, *artists*, educators, the business and professional community, those with professional qualifications and experience or knowledge of a particular arts and culture field, and the general public. Efforts should be made to include Commissioners who represent diverse backgrounds including race, gender, age, socio-economic class, geographic location, religion, gender expression, gender identity, sexual orientation, skills and abilities, ethnicity, political affiliation, and professional background. Commissioners also shall be persons who will commit to volunteering time to serve on the *Commission*, which meets monthly, as well as on at least one *Commission* committee on an annual basis.
- (b) Board Chairs, Presidents, or other officers of the board of directors of an organization funded by the City through the *Commission* may not be considered for an appointment to the *Commission* or accept such a position while a Commissioner. A high-level, full-time employee of an organization funded by the *Commission* may not be considered for appointment to the *Commission* or accept such a position while a Commissioner. In selecting Commissioners, the City Manager or the City Manager's designee shall consider whether candidates would be able to effectively and ethically serve in light of any foreseeable conflicts of interest.

*(Amended 4-20-1992, by O-17757 N.S.)*

*(Renumbered to Section. 26.0702, and added as new section on 5-17-2004, by O-19280 N.S.)*

*(Previous Section 26.0705, "Exemptions," retitled and renumbered to Section 26.0721, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

*(Amended 10-14-2024 by O-21878 N.S.; effective 11-13-2024.)*

**§26.0706 Designation of Commission Chair and Vice Chair**

The Mayor may designate one member as Chair in September of each year in which a Chair is to be selected; however, in the absence of such designation, the *Commission* shall on or after October 15 of such year select from their members a Chair. The Chair shall take office no earlier than October and no later than December. The Vice Chair shall be nominated by the Chair and elected by a majority vote of the *Commission*.

*(Amended 4-20-1992, by O-17757 N.S.)*

*(Retitled and amended 5-17-2004, by O-19280 N.S.)*

*(Previous Section 26.0706, “General Public Art Program Allocation Regulations,” retitled and renumbered to Section 26.0714, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

**§26.0707 Commissioner Terms**

Commissioners shall serve two-year staggered terms for a maximum of eight consecutive years and each member shall serve until a successor is duly appointed and confirmed. An interval of four years must pass before an individual can be reappointed.

The expiration date of all terms shall be August 31.

The Chair shall serve a term of two years and can be designated as Chair by the Mayor for one additional, consecutive year. An interval of two years must pass before an individual can be reappointed as Chair.

The Vice Chair shall serve a term of one year and can be reelected as Vice Chair by the *Commission* for two additional, consecutive one-year terms. An interval of two years must pass before an individual can be reappointed as Vice Chair.

*(Amended 4-20-1992; by O-17757 N.S.)*

*(Retitled and amended 5-17-2004; by O-19280 N.S.)*

*(Previous Section 26.0707 “Public Art Program Allocation Procedures,” retitled and renumbered to Section 26.0715, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

**§26.0708 Commission Meetings and Reporting**

The *Commission* will meet monthly and report to the Mayor and City Council on an as needed basis, but not less than one time per year.

*(Added 5-17-2004; by O-19280 N.S.)*

*(Previous Section 26.0708, “General Rules for Public Art Program Allocation Regulations” retitled and renumbered to Section 26.0716, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

**§26.0709    Resignation and Removal of Commissioners**

Any Commissioner may submit written resignation to the Chair. The Commissioner resigning must file a Leaving Office Statement with the City Clerk within thirty days of the effective date of resignation. It is the Chair's responsibility to notify the Mayor of any such resignation.

The *Commission* may recommend to the Mayor that an individual Commissioner be removed for sufficient cause.

*(Added 5-17-2004, by O-19280 N.S.)*

*(Previous Section 26.0709, "Declaration of Covenants, Conditions, and Restrictions," retitled and renumbered to Section 26.0717, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

**§26.0710    Commission Quorum**

Eight Commissioners shall constitute a quorum authorized to transact business.

*(Added 5-17-2004, by O-19280 N.S.)*

*(Previous Section 26.0710, "Return of Fees," retitled and renumbered to Section 26.0718, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*

**§26.0711    Commission Conflict of Interest Code**

A conflict of interest code shall be adopted for Commissioners, subject to City Council approval pursuant to Chapter 2, Article 6, Division 1 of this code. All Commissioners shall be required to complete and file statements of economic interests in accordance with the conflict of interest code, and shall comply with all applicable ethics laws.

*(Added 5-17-2004, by O-19280 N.S.)*

*(Previous Section 26.0711, "Failure to Maintain Artwork" retitled and renumbered to Section 26.0719, amended 10-27-2008 by O-19794 N.S.; effective 11-26-2008.)*