



(19)

San Diego Unified Port District

Document No. **67685**

Filed **JAN 18 2018**

Office of the District Clerk

BPC Policy No. 609

SUBJECT: PUBLIC ART PROGRAMS

PURPOSE:

To establish a policy for the inclusion of public artworks and objects within the San Diego Unified Port District's (District) jurisdiction and for the administration and operation of the District's public art programs and Arts, Culture & Design Committee.

The Board of Port Commissioners (Board) is committed to expanding opportunities for residents and visitors to the region to experience a vibrant waterfront destination with innovative artworks, cultural programming, and activation opportunities that enhance the visual excitement and cultural richness of Port tidelands.

The Waterfront Arts & Activation department was created and invested with the mission of supporting the District, its tenants, and its member cities by providing leadership, management of the public art programs, and stewardship of the District's Tidelands Collection as a regional cultural asset. Additionally, the Arts, Culture & Design Committee was established to serve in an advisory capacity to the Board and the Waterfront Arts & Activation department, promoting the District's vision of Port tidelands as a world-class arts and cultural destination.

POLICY STATEMENT:

1. Waterfront Arts & Activation Department

The Waterfront Arts & Activation department administers the District's arts and cultural programming to enhance the visual excitement and cultural richness of Port tidelands.

2. Duties and Functions – Waterfront Arts & Activation Department

- a. Develop and administer arts and culture programming.
- b. Develop multi-year curatorial plans.
- c. Manage the Public Art Fund.
- d. Administer the District's Percent for Art Program.

- e. Administer the Tenant Percent for Art Program in accordance with BPC Policy No. 608.
- f. Manage the acquisition of all artwork within the District's jurisdiction.
- g. Serve as steward of the Tidelands Collection.
- h. Administer the Donations and Loan Program.
- i. Facilitate the activities of the Arts, Culture & Design Committee.

3. Arts, Culture & Design Committee

The Arts, Culture & Design Committee serves as the advisory body to the Board and the Waterfront Arts & Activation department on matters related to arts and culture within the District's jurisdiction. The committee assists in upholding the District's vision of tidelands as a world-class arts and cultural destination and supports the development of arts and cultural programs within the District's jurisdiction.

The Arts, Culture & Design Committee shall assist the Waterfront Arts & Activation department with the following duties and functions:

- a. Developing, reviewing, and recommending curatorial plans.
- b. Reviewing District art-related policies.
- c. Reviewing and recommending artwork to be commissioned, purchased, or exhibited within the District's jurisdiction.
- d. Reviewing Tenant Percent for Art projects, in accordance with BPC Policy No. 608.
- e. Reviewing proposed donations and loans of artworks and objects.
- f. Reviewing the deaccession of artwork and objects from the Tidelands Collection.

4. Arts, Culture & Design Committee Membership

The Arts, Culture & Design Committee shall consist of thirteen members who serve without compensation. The Chair of the Board shall approve all recommendations to the Arts, Culture & Design Committee, subject to the following conditions: 1) Seven members shall be recommended by the Director of Waterfront Arts & Activation; 2) Five members, one from each of the five member cities, shall be recommended by their respective city mayors; and 3) One member shall be recommended by the San Diego Port Tenant's Association. The Director of Waterfront Arts & Activation shall submit a list of candidates to the Chair of the Board for appointment or reappointment to the Arts, Culture & Design Committee.

5. Qualifications of Arts, Culture & Design Committee Members

Members shall have substantive professional or volunteer experience in the visual arts, an interest in contributing to the development of the District's art activities, and the ability to volunteer time to serve on the Arts, Culture & Design Committee and on selection panels, as needed.

Individuals with substantive professional or volunteer experience, as intended herein, include those recognized by peers as curators, artists, art critics, art historians, art collections managers, art educators, art collectors, art fabricators, art preparators, and other persons with considerable visual arts experience, as well as architects and landscape architects, and others with substantive visual arts experience.

Membership of the Arts, Culture & Design Committee shall include individuals from diverse locales throughout the San Diego region.

Elected officials, agents, officers, and employees of the District and its member cities shall not be considered for appointment to the Arts, Culture & Design Committee, nor accept such a position while serving as a member of the Arts, Culture & Design Committee.

6. Designation of Arts, Culture & Design Committee Chair

The Director of Waterfront Arts & Activation shall recommend a member to serve as Committee Chair, subject to approval by the Chair of the Board. The Arts, Culture & Design Committee Chair shall serve a one-year term as chair and may be reappointed for additional one-year terms.

7. Arts, Culture & Design Committee Members Terms

Arts, Culture & Design Committee members may serve up to two, three-year terms. The expiration date of all terms shall be December 31. No member shall serve for more than six years on the Committee unless recommended for continued service, subject to approval by the Executive Chief Curator (President/CEO) and appointment by the Chair of the Board.

At the request of the Chair of the Board, a member may serve an extension of term until a successor is recommended and approved.

Should a seat on the Arts, Culture & Design Committee become vacant prior to the end of that member's scheduled term, the Director of Waterfront Arts & Activation shall forward any recommendations to fill the vacancy to the Chair of the Board for appointment.

8. Arts, Culture & Design Committee Meetings and Reporting

Meetings of the Arts, Culture & Design Committee shall be noticed and open to the public. Arts, Culture & Design Committee meetings shall be conducted according to applicable California state laws.

Summary reports of each Arts, Culture & Design Committee meeting shall be prepared by Waterfront Arts & Activation department staff and forwarded to the Board.

9. Resignation and Removal of Arts, Culture & Design Committee Members

Any Arts, Culture & Design Committee member may submit a written resignation to the Director of Waterfront Arts & Activation. The Director, Waterfront Arts & Activation, shall notify the Arts, Culture & Design Committee Chair and the Chair of the Board of any such resignation.

The Director of Waterfront Arts & Activation may recommend to the Chair of the Board that an individual Arts, Culture & Design Committee member be removed.

10. Arts, Culture & Design Committee Quorum

A quorum shall be a majority of the members of the Arts, Culture & Design Committee.

11. Arts, Culture & Design Committee Conflicts of Interest

To the extent required by law, the Committee will operate in compliance with the

Political Reform Act and Government Code section 1090 regarding conflicts of interest. Committee members with financial interests in matters coming before the Committee shall be required to disclose the interest and abstain from any participation as to the matter.

12. Public Art Fund

The Public Art Fund is a designated District fund that exists for the purpose of accumulating funds from various sources for use in the commissioning and acquisition of permanent and temporary artworks for exhibition within the District's jurisdiction. It contains funds received from past annual budget set-asides, and also serves as a depository for funds received from other sources, such as: tenant percent for art in-lieu contributions; aggregated District percent for art contributions from Capital Improvement Program projects; art sales and loans; sales of licensed artwork reproductions; public art-related grants and/or grant-matching funds; monetary bequests; and donations received from the public or other agencies for public artworks.

The Public Art Fund shall be used solely to meet costs directly associated with the commissioning and acquisition of permanent or temporary artworks within the District's jurisdiction. Balances in the Public Art Fund shall be carried over annually, and the interest that accrues thereon shall remain in the Public Art Fund.

13. Inclusion of Artworks on District Tidelands

The District acquires artworks for placement within its jurisdiction through the following programs:

- a. District Curatorial Program.
- b. District Percent for Art Program for Capital Improvement Program projects.
- c. Tenant Percent for Art Program in accordance with BPC Policy No. 608.
- d. Donations and Loans Program.

14. District Percent for Art Program

- a. **Percent for Art Allocation.** The percent for art allocation shall apply to Capital Improvement Program projects with a Board-approved budget of \$500,000 or more, except as exempted herein. When the Board approves

such a Capital Improvement Program project request, the total appropriation shall include an allocation of funds for artwork in an amount no less than one percent (1%) of the total proposed project budget presented to the Board. Such funds allocated for Capital Improvement Program-related artworks shall be held in the appropriate District fund.

- b. **Applicability.** The percent for art allocation requirement shall apply to the construction and/or alteration of the following:
- (1) Buildings, structures, and other physical above-grade facilities for public access, accommodation, or use.
 - (2) Parks, plazas, marinas, trails, and bikeways.
- c. **Exemptions.** The following types of projects shall be exempt from the percent for art allocation requirement unless they are part of a larger applicable Capital Improvement Program project:
- (1) Transportation infrastructure, street paving or repaving, and surface or underground parking projects.
 - (2) Mechanical, electrical, and plumbing system upgrades.
 - (3) Landscape renovation, replanting, and irrigation projects.
 - (4) Repair or replacement of existing playground equipment or play structures.
 - (5) Repair, replacement, or upgrade of piers, wharfs, docks, boat launching ramps, and maritime cargo handling facilities.
 - (6) Design studies, analyses, and planning documents.
 - (7) Communications, lighting, and signage projects.
 - (8) Structural or seismic upgrades.
 - (9) Modifications to facilitate disabled access.
 - (10) Dredging, sand replenishment, and erosion control projects.
 - (11) Water, sewer, and drainage lines.

- (12) Utilities.
- (13) Demolition projects.
- (14) Security, health, and public safety projects.
- (15) Projects required to meet state and federal regulatory requirements.

- d. **Artwork-Related Expenses.** The Waterfront Arts & Activation department shall manage and administer all artwork agreements, and supervise and control the expenditure of percent for art allocations. Up to twenty percent (20%) of said allocations may be used for administration and project costs, including maintenance and conservation. Funds set aside pursuant to this section shall be deposited into the designated District public art maintenance fund.
- e. **Aggregation of Funds.** In the event that either the Capital Improvement Program percent for art allocation is insufficient to execute a significant artwork or the project site is unsuitable for the appropriate display of artwork, the Capital Improvement Program percent for art allocation may be used for the acquisition or exhibition of artworks in other tidelands locations, as recommended by the Director of Waterfront Arts & Activation and the Chief Engineer, and approved by the Board of Port Commissioners. Funds set aside pursuant to this section shall be deposited into the District Public Art Fund.

15. **Planning and Acquisition Process**

The Waterfront Arts & Activation department shall be responsible for developing plans and strategies for the acquisition and exhibition of art and cultural programming within the District's jurisdiction, based on the District's vision of Port tidelands as a world-class arts and cultural destination. Such plans may include public art master plans and multi-year curatorial plans, as determined by the Director of Waterfront Arts & Activation. These plans shall be submitted to the Arts, Culture & Design Committee for input and recommendation to the Board. Additionally, the Waterfront Arts & Activation department shall be responsible for managing the artist recruitment, selection process, and related activities to select artists, artworks, and artwork concept proposals, including organizing selection panels as needed, based on the evaluation criteria herein.

16. **Approval Process for Artworks and Art Agreements**

The Waterfront Arts & Activation department shall be responsible for managing the artist and artwork approval process for the acquisition and exhibition of artworks within the District's jurisdiction. The Arts, Culture & Design Committee shall review proposed artists and artworks based on the evaluation criteria outlined herein, and provide recommendations to the appropriate approval authority. The appropriate level of approval authority for agreements shall be equivalent to the approval authority authorized for District service agreements as specified in BPC Policy No. 110.

17. Approval Process for Authorizing Amendments to Art Agreements

In the course of any agreements for public art projects, authorization to negotiate and execute any amendments shall follow the approval authority as designated in BPC Policy No. 110.

18. Management and Control of Artworks

Any artworks proposed for contract, exhibit, or placement within the District's jurisdiction shall be submitted to the Waterfront Arts & Activation department for review and recommendation as required by the Director, Waterfront Arts & Activation, the Arts, Culture & Design Committee, and the Board, as set forth in this policy.

No existing artworks owned by or in the custody of the District shall be deaccessioned, removed, relocated, conserved, altered, exhibited, or disposed of in any way without the approval of the Director of Waterfront Arts & Activation following review and recommendation by the Arts, Culture & Design Committee and the Board, as set forth in this policy.

Collections Management shall be the responsibility of the Waterfront Arts & Activation department, under the direction of the Director of Waterfront Arts & Activation.

19. Title to Artworks

Title to all acquisitions accepted by the District shall be vested and held in the name of the District.

20. Deaccession

a. General Provisions for the Deaccession of Artworks/Objects

On occasion, it may be necessary to permanently remove artworks and/or objects from the Tidelands Collection. Deaccessioning should be applied only after careful evaluation of an artwork by the Waterfront Arts & Activation department, the Arts, Culture & Design Committee, and the Board to avoid the premature disposal of an artwork from the collection. The following general provisions should be used:

- (1) The District shall comply with state, federal, and international laws such as the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113 [d]) or the California Art Preservation Act of 1979 (California Civil Code, Section 987) pertaining to the disposal of certain artworks. The District shall comply with legal agreements pertaining to deaccession and/or disposal of certain artworks.
- (2) The District shall observe any restrictions to deaccessioning applied to artworks/objects acquired through donation, unless deviation from those restrictions is authorized by the donor, the donor's official legal designee, or a court of competent jurisdiction. Reasonable efforts to comply with any non-binding restrictions will be made.

b. Reasons for Deaccession

The following reasons may be cause for deaccessioning artworks/objects from the Tidelands Collection:

- (1) **Condition.** The artwork/object has deteriorated beyond a reasonable means of conservation; has been damaged beyond reasonable repair or is actively deteriorating in a manner that negatively affects the artwork/object's site and/or other District property.
- (2) **Maintenance.** The artwork/object needs excessive maintenance or conservation, or the artwork/object repeatedly fails to operate properly.
- (3) **Authenticity.** The authenticity, level of aesthetic quality, and workmanship of the artwork/object, and/or the relationship of the artwork/object to the artist/designer's body of work, is determined to be false, insufficient, or insignificant.
- (4) **Duplicative.** The artwork/object is redundant or is a duplicate in a large holding of artworks/objects of that type or category, or by that artist/designer.

- (5) Legal and Ethical Considerations. The District's possession of the artwork/object violates state, federal, or international laws; the provenance of the artwork/object is unknown or unconfirmed; and/or the District does not have a clear legal title to the artwork/object.
- (6) Site. The artwork/object is located at a site undergoing changes in ownership, use, design, and/or environmental conditions which may affect the integrity of, or access to the artwork/object.
- (7) Significance. The artwork/object has little or no correlation to the District's vision for art on tidelands.
- (8) Safety. The security of the artwork/object cannot be sustained; and/or the artwork/object poses a public safety and/or public health risk.
- (9) Resources. The artwork/object requires a total amount of funds to exhibit, operate, store, maintain, and/or conserve in excess of its fair market value, or is an excessive financial burden to the District.

c. Deaccession Process

The Waterfront Arts & Activation department shall conduct deaccession evaluation through the following process:

- (1) Initiate a deaccession evaluation, which includes an independent professional appraisal of the fair market value of the artwork/object and a recommendation from the Director of Waterfront Arts & Activation on whether to deaccession the artwork/object from the Tidelands Collection, which would include the recommended method of disposal. The Director of Waterfront Arts & Activation may also request additional input from the artist, conservators, and other professionals to assist in the deaccession evaluation.
- (2) Submit the deaccession evaluation to the Arts, Culture & Design Committee for input and recommendation.
- (3) Review and submit the Arts, Culture & Design Committee's recommendation as follows:
 - (a) The Director of Waterfront Arts & Activation shall have the authority to approve the deaccession of artworks from the

Tidelands Collection with a fair market value up to \$75,000.

(b) The Director of Waterfront Arts & Activation shall recommend approval of the deaccession of artworks from the Tidelands Collection to the Executive Director's (President/CEO) authorized designee with a fair market value greater than \$75,000 and up to \$125,000.

(4) The Director of Waterfront Arts & Activation shall prepare a report for the Board, with the Arts, Culture & Design Committee's recommendation for approval of the deaccession of artworks/objects from the Tidelands Collection, and make a recommendation for approval of the deaccession of artworks with a fair market value greater than \$125,000.

(5) Deposit any proceeds resulting from the deaccession of artworks/objects into the Public Art Fund.

21. Outgoing Loans of Artworks /Objects from the Tidelands Collection

The Director of Waterfront Arts & Activation is authorized to loan artworks/objects from the Tidelands Collection for use in exhibitions, research, and education.

In general, the District considers loaning artworks/objects to government entities, agencies, institutions, or organizations and only to private individuals, companies, and commercial galleries when doing so is likely to elevate the value and/or significance of the Tidelands Collection.

22. External Requests to Exhibit Artworks/Objects on Tidelands

a. Review Procedure for External Requests

The Waterfront Arts & Activation department administers the District's annual program to review external requests to exhibit artworks, objects, and other items on the tidelands. External requests may propose the following methods for exhibiting artworks and objects on tidelands: (1) temporary display of an artwork/object within the District's jurisdiction through the loan of said artwork/object to the District for the duration of an exhibit; or (2) a donation of an artwork/object, where the artwork's/object's legal ownership is transferred to the District.

- (1) The Waterfront Arts & Activation department shall oversee the submittal procedures for reviewing external requests to exhibit artworks/objects within the District's jurisdiction, convene review panels for additional input, and forward external requests to the Arts, Culture & Design Committee for review and recommendation based on the evaluation criteria herein.
- (2) For any external requests that the Director of Waterfront Arts & Activation and the Arts, Culture & Design Committee recommend the District pursue, sponsors shall be required to develop their requests into formal proposals. Acceptance of formal proposals shall be subject to further District review, as well as approval by the Director, Waterfront Arts & Activation, the Arts, Culture & Design Committee, and the Board.

b. Social and Merit Issues Regarding Commemorative Artworks/Objects

- (1) Requests to display artworks/objects, within the District's jurisdiction, that are intended to be commemorative in nature shall only be considered if they concern subject matter that is:
 - (a) Tangibly and directly associated with District tidelands and its member cities, or is of broad and undisputed importance to the San Diego Bay region.
 - (b) Generally accepted as having had an exemplary and positive impact on tidelands or the broader San Diego Bay region.
 - (c) Culturally or historically relevant to the tidelands or the broader San Diego Bay region.
- (2) Requests to display artworks/objects that commemorate or depict the following topics, shall not be considered for exhibit within the District's jurisdiction:
 - (a) Disasters or health-related topics.
 - (b) Subjects that are trademarked or commercially licensed.
 - (c) Subjects duplicative with respect to the existing Tidelands Collection.
 - (d) Political and/or social movements or issues.

- (3) Requests to display artworks/objects that commemorate individuals shall not be considered until the individual has been deceased for at least five years, except in instances where there is broad and undisputed community consensus for earlier commemoration.
- (4) Requests to display artworks/objects that commemorate ideas or events shall not be considered until ten years after the idea or event, except in instances where there is broad and undisputed community consensus for earlier commemoration.
- (5) Requests to display artworks/objects that commemorate the contributions of individuals or particular groups shall not be considered unless the contributions of such individuals or groups have had noteworthy and significant impact on the tidelands or the broader San Diego Bay region.

c. General Acceptance Conditions for External Requests to Exhibit Artworks/Objects on Tidelands

The District has no obligation to accept any sponsor proposal to exhibit artwork/objects on tidelands. The District has the right to determine, at its sole and absolute discretion, what artworks/objects will be accepted for exhibit by the District. The following conditions shall be met before the District will consider accepting a sponsor request to exhibit artwork/objects within the District's jurisdiction:

- (1) All expenses shall be the responsibility of the sponsor, except in extraordinary circumstances. These expenses may include, but are not limited to: design, fabrication, shipping, insuring, site preparation, installation, signage, and lighting.
- (2) For donations of artworks/objects, sponsors shall deposit funds equal to, or greater than, ten percent of the commission cost or the fair market value of the item(s) into the designated District public art maintenance fund for ongoing conservation and maintenance, before groundbreaking or installation.
- (3) The District prefers unrestricted donations of artworks/objects; however, restricted donations may be accepted, only if the District pre-approves the restrictions or limitations and these are expressly stated in the title conveyance documents.

- (4) Before sponsor proposals are accepted by the District, title conveyance documents, including any limitations or restrictions, and/or any loan or donation agreements between sponsor and the District regarding same, must be prepared by or approved by the District.
- (5) The District reserves the right to require sponsors to comply with state, federal, or international laws.

23. Reproductions or Adaptations of Artwork/Objects

Waterfront Arts & Activation department staff is authorized to negotiate with the copyright holder for each artwork/object that is in, or proposed for inclusion in the Tidelands Collection, or that is exhibited within the District's jurisdiction, for the purpose of acquiring a license to make, or cause to be made, reproductions or adaptations of an artwork/object. Reproductions or adaptations of an artwork/object are made according to the terms and conditions of the licensing agreements.

24. Proceeds from the Sale, Loan, Reproduction or Adaptation of Artworks/Objects

Funds realized from the sale or loan of artworks/objects from the Tidelands Collection, or proceeds from the licensing and sale of reproductions or adaptations thereof, less any payments owed, shall be deposited into the Public Art Fund.

25. Administrative Procedures

The Waterfront Arts & Activation department shall promulgate office administrative procedures and/or guidelines, as needed, consistent with this policy, to facilitate the implementation of its responsibilities under this policy.

EVALUATION CRITERIA:

Criteria for Evaluating Artist Qualifications

- (1) Meets the definition of artist. For the purpose of this policy, an artist is an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or language arts, based on his or her body of work,

educational background, experience, exhibition history, publication, and/or creation of artworks.

- (2) Demonstrates artistic excellence, innovation, and originality as represented in past work and supporting materials.
- (3) Demonstrates capacity for working in media and with concepts that are appropriate to the project goals and site, as applicable.
- (4) Demonstrates interest and capability in creating public artworks in collaboration with the District, the design team (if applicable), and other project partners and stakeholders.
- (5) Demonstrates experience in successfully completing artworks of similar scope, scale, budget, and complexity, or the ability to articulate how he or she would be able to bring the necessary artistic and technical skills to this project.
- (6) Demonstrates interest in, and understanding of the project.
- (7) Is available to perform the scope of the work in a timely and professional manner.
- (8) Broadens the diversity of artists exhibiting on tidelands.
- (9) If applicable, demonstrates ability to work as part of a cohesive team.
- (10) If applicable, demonstrates satisfactory past performance on agreements.

Criteria for Evaluating Artwork Concept Proposals and Existing Artworks

- (1) Responds to the District's vision for art on the tidelands.
- (2) Meets the definition of artwork. For the purpose of this policy, an artwork is an aesthetic creation resulting from the skill and creativity of artist(s). An artwork may be made of any materials or combination of materials and may be permanent, temporary, fixed, or portable. An artwork can be an integral part of a building or structure and can be integrated with the work of other design professionals. Artwork shall be defined in terms of the visual arts, as distinguished from performing or literary arts. However, artworks can include visual representations of performing and literary arts, or can incorporate performative, narrative, or time-based elements.

- (3) Demonstrates excellence in aesthetic quality, workmanship, innovation, and creativity.
- (4) Demonstrates appropriateness in scale and form, and will be fabricated with materials/media suitable for the site and artwork concept.
- (5) Meets the project's goals.
- (6) Demonstrates feasibility in terms of cost, timeline, safety, durability, operation, maintenance, conservation, security, and siting.
- (7) Demonstrates feasibility with respect to legal and/or ethical issues that may be related to possession or display of the artwork.
- (8) Broadens the diversity of artworks exhibited on tidelands.

Criteria for Evaluating Object Concept Proposals and Existing Objects

- (1) Demonstrates excellence in aesthetic quality, workmanship, innovation, and creativity.
- (2) Demonstrates appropriateness in scale and form, and will be fabricated with materials/media suitable for the site and project concept.
- (3) Meets the project's goals
- (4) Demonstrates feasibility in terms of cost, timeline, safety, durability, operation, maintenance, conservation, security, and siting.
- (5) Demonstrates feasibility with respect to legal and/or ethical issues that may be related to possession or display of the object.
- (6) Broadens the diversity of objects and visual experiences exhibited on tidelands.

Criteria for Board Evaluation

- (1) The District policy, as set forth herein and as administered by the Waterfront Arts & Activation department and advised by the Arts, Culture & Design Committee, has been followed properly.
- (2) Recommendations are consistent with relevant budgets.
- (3) Recommendations are consistent with curatorial plans, project plans, and

redevelopment plans.

GLOSSARY:

For purposes of this policy, the following definitions shall apply:

Budget: The allocated budget for the design, fabrication, and installation of an artwork/object that is newly commissioned, or the budget for the purchase, shipping and installation of an existing artwork/object that is being purchased.

Artist: An individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or language arts, based on his or her body of work, educational background, experience, exhibition history, publication, and/or creation of artworks.

Arts, Culture & Design Committee: An advisory body to the Board of Port Commissioners and the Waterfront Arts & Activation department on matters related to arts and culture within the District's jurisdiction. The committee assists in upholding the District's vision of tidelands as a world-class arts and cultural destination and supports the development of arts and cultural programs within the District's jurisdiction.

Artwork: An aesthetic creation resulting from the skill and creativity of an artist or artists. An artwork may be made of any materials or combination of materials and may be permanent, temporary, fixed, or portable. An artwork can be an integral part of a building or structure, and can be integrated with the work of other design professionals. For the purposes of the Waterfront Arts & Activation department artworks can include visual representations of performing and literary arts, or can incorporate performative, narrative, or time-based elements.

Concept Proposal: The initial design phase of an artwork/object project in which an artist/designer creates a design concept that is detailed enough to communicate the intended content, scale, location, artistic media, and relationship of components and materials of the proposed artwork/object. The documentation of the design concept can include a narrative description of the work, diagrams, and/or a maquette.

Collections Management: Activities that include, but are not limited to, the acquisition, incoming loan, outgoing loan, deaccession, disposal, relocation, removal, exhibition, operation, maintenance, conservation, documentation, storage, reproduction, and/or adaptation of artworks/objects.

Commemorative Artwork/Object: An artwork/object that commemorates an individual, idea, or event that has shaped or impacted the tidelands.

Creative Direction: A broadly described thematic area that the Waterfront Arts & Activation department will use to explore curatorial possibilities and define individual projects.

Curatorial Plan: A multi-year work plan that establishes priorities for the types of projects the Waterfront Arts & Activation department will be developing over a three-to-five-year period. The strategy describes the types of projects the Waterfront Arts & Activation department will work to develop, the kinds of artists it will recruit, any specific geographic areas it will focus on, and any partnerships it would like to establish.

Object: A 3-dimensional or 2-dimensional item, marker, or document that may be perceived by the senses and which has value or utility for public display on Tidelands or for other uses as a District asset.

Percent for Art Allocation: The percentage of the total proposed project budget in accordance with the requirements set forth herein, which is set aside for the administrative fees, art budget, and collections management associated with a public art project.

Public Art Fund: A designated District fund established in 1982 for the purpose of accumulating funds from various sources for the commissioning and acquisition of permanent or temporary public artworks for exhibition within the District's jurisdiction. Originally funded through an annual budget set-aside, the Public Art Fund serves as a depository for funds received from other sources, such as: tenant percent for art in-lieu contributions; aggregated District percent for art contributions from Capital improvement Program projects; art sales and loans, sales of licensed artwork reproductions; public art-related grants and/or grant-matching funds; and monetary bequests and donations received from the public or other agencies for public artworks.

Selection Panel: An ad-hoc panel that reviews artist materials and makes recommendations to the Arts, Culture & Design Committee and Director of Waterfront Arts & Activation regarding acquisitions and exhibitions of artworks within the District's jurisdiction.

Sponsor: An individual or entity that proposes the loan or donation of an artwork/objects for exhibit within the District's jurisdiction.

Tidelands Collection: Artworks/objects which are publicly owned, possessed, or controlled by the District and administered by the Waterfront Arts & Activation department.

RESOLUTION NUMBER AND DATE: 2018-014, dated January 9, 2018 (Supersedes BPC Policy No. 609, Resolution 2016-129, dated September 8, 2016; Resolution 2016-62, dated May 10, 2016; Resolution 2013-27, February. 12, 2013; Resolution 2011-160, dated November 8, 2011; Resolution 2008-89, dated June 10, 2008; Resolution 2003-125, dated July 7, 2003; Resolution 2002-94, dated April 23, 2002; Resolution 98-81, dated March 31, 1998; Resolution 96-236, dated September 24, 1996; Resolution 86-63, dated February 18, 1986; Resolution 86-234, dated August 5, 1986; Resolution 82-343, dated December 14, 1982)