

RESOLUTION 2015-29

RESOLUTION ADOPTING REVISIONS TO BPC POLICY NO. 608 - TENANT PERCENT FOR ART INCLUDING: RAISING THE REQUIREMENT FROM \$1 MILLION TO \$5 MILLION WHEN THE POLICY APPLIES TO TENANT IMPROVEMENTS; INCORPORATING NEW BEST PRACTICES; AND CLARIFYING LANGUAGE TO IMPROVE THE TENANT ART APPROVAL PROCESS

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

WHEREAS, the Board of Port Commissioners (BPC) adopted BPC Policy No. 608 to establish a policy for the inclusion of Artworks in District Tenant improvements; and

WHEREAS, in 2002, the District established and adopted its first tenant percent for art requirement for the inclusion of artwork in District tenant improvement projects; and

WHEREAS, at the time of its adoption, the requirement applied to tenant improvement projects of \$500,000 or greater; and

WHEREAS, since its inception, approximately 43 tenant artworks have been installed or are currently projected for installation on tidelands as part of the tenant percent for art program; and

WHEREAS, in 2008, the Board requested an assessment of all of the District's public art activities to provide a stronger vision and new approach to program initiatives and directions; and

WHEREAS, to accomplish this task, the consultant team of Todd Bressi and Meridith McKinley was hired to develop a new Public Art Master Plan (PAMP) that would serve as a guide for acquiring and exhibiting artworks on tidelands; and

WHEREAS, specifically, the PAMP was developed to help the District frame a vision for its public art activities, establish processes for managing projects based on professional standards, and to clarify the criteria for public art decision-making; and

WHEREAS, to achieve these goals, the consultants conducted broad stakeholder outreach that included the Board, District staff, the Public Art Committee, member city stakeholders, tenants, artists, arts and design professionals, and members of the public to ensure a well-rounded perspective; and

WHEREAS, one of the key tenant art-related recommendations adopted in the PAMP was to raise the tenant percent for art applicability threshold from a minimum of \$500,000 to \$1 million per tenant improvement project in order to provide more adequate tenant art budgets; and

WHEREAS, on November 8, 2011, the Board adopted the current BPC Policy No. 608, which reflects the \$1 million applicability threshold; and

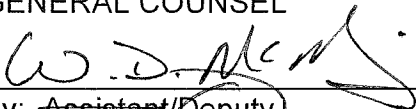
WHEREAS, since its adoption, staff has been implementing the policy and has identified several potential changes or modifications that would enhance its effectiveness and efficiency for both District and tenants; and

WHEREAS, revisions to the policy will include: 1) raising the threshold that triggers the tenant percent for art requirement from \$1 million to \$5 million, which will yield minimum art budgets of \$50,000 per project versus the current \$10,000, 2) establish exemptions to the policy for certain types of tenant improvement projects that would not trigger a percent for art requirement unless part of a tenant's larger improvement project, 3) align the authority threshold with BPC No. 110, 5) remove the requirement for a tenant art agreement, 6) remove the prohibition on artists who have exhibited on tidelands within the past three year period, and 7) clarify language throughout the policy to enhance the readability of the policy and to reduce unnecessary definitions and procedural ambiguities; and

WHEREAS, the proposed revisions are needed to help craft a stronger, more effective policy and are based on feedback from stakeholders, including the Public Art Committee, Port tenants, and staff.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, hereby adopts the amended BPC Policy No. 608 – Tenant Percent for Art, raising the percent for art requirement for the inclusion of artwork in District tenant improvement projects from \$1 million to \$5 million when the policy applies to tenant improvements, incorporating new best practices, and clarifying language to improve the tenant art approval process.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: ~~Assistant~~ Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of April, 2015, by the following vote:

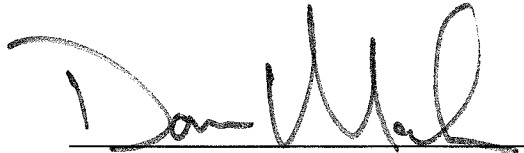
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Moore.

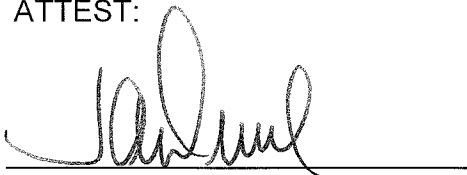
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)