



**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT**

**Item No.
7**

Meeting Date: **JANUARY 10, 2013**

Subject:

Approve the Adoption of Authority Policy 8.50 – Airport Art Program, and Repeal Existing Authority Policies 8.50, 8.51, and 8.52

Recommendation:

The Art Advisory Committee recommends that the Board adopt Resolution No. 2013-0005, adopting a new Authority Policy 8.50, Replacing Policies 8.50 (Guidelines for the Public Art Program), 8.51 (Monuments, Memorials and Plaques), and 8.52 (Donated and Loaned Items).

Background/Justification:

On July 6, 2006, the Authority Board approved Authority Policy 8.50 to govern acquisition, retention, display, and deaccession of art and artwork at its facilities and airports (the "Facilities") under the jurisdiction of the San Diego County Regional Airport Authority ("Authority"); Policy 8.51 to govern the acceptance, retention, display, and deaccession of monuments, memorials, and plaques at the facilities and airports under the jurisdiction of the Authority; and, Policy 8.52 to govern the acceptance, display, maintenance, and deaccession of property donated or loaned to the San Diego County Regional Airport Authority ("Authority") for public display, as well as the lending of Authority property to others. All three policies are attached as Attachment B.

Since its implementation in 2006, the Airport Art Program has evolved with the changing needs and demands of the airport environment. In consideration of the Authority's current effort to revisit all of its policies, Art Program staff has reexamined policies 8.50, 8.51, and 8.52 to streamline, clarify and align them with best practices from similar art programs across the nation.

Over the past eighteen months, staff has worked with the Authority's Airport Art Advisory Committee (AAC) and professional art policy consultants Gail Goldman and Rebecca Ansert to review Policies 8.50, 8.51 and 8.52. On June 14, 2012, Goldman presented an assessment of the policies which included a summary of recommended changes to the AAC. The following is a list of areas that were approved by the AAC for substantial changes or additions to the policies:

- Consolidate all policies into one document
- Revise and update the Airport Art Program Mission Statement
- Establish a Donation Policy

000044

- Establish a Deaccession Policy
- Expand the two percent-for-art allocation to apply to all public use facilities under the jurisdiction of the Authority
- Reconfigure the composition of the AAC
- Increase the number of annual AAC meetings
- Define role and responsibilities of AAC Chair
- Clarify Board's role in the artwork review and selection process
- Implement review and revision of the Airport Art Master Plan at least once every five years
- Develop an annual Airport Art Program Project Plan as a discrete plan from the Airport Art Program Master Plan

On November 28, 2012, the AAC reviewed and unanimously approved a final draft Art Program Policy (8.50) which combines the provisions of existing Policies 8.50, 8.51 and 8.52 into one policy (Attachment A). It should be noted that because this action results in the consolidation and replacement of three Authority policies into one new policy, a red-lined version of Policy 8.50 is not attached. However, for reference, the existing Policies 8.50, 8.51 and 8.52 are attached as Attachment B.

Fiscal Impact:

No fiscal impact.

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy
 Customer Strategy
 Employee Strategy
 Financial Strategy
 Operations Strategy

Environmental Review:

- A. CEQA: This Board action, as an administrative action, is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA"), as amended. 14 Cal. Code Regs. § 15378. This Board action is not a "project" subject to CEQA. Pub. Res. Code § 21065.
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act Pub. Res. Code § 30106.

Equal Opportunity Program:

Not Applicable

Prepared by:

CONSTANCE Y. WHITE
ART PROGRAM MANAGER

000045

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY
POLICIES

ARTICLE 8 - GENERAL OPERATIONS
PART 8.5 - VISUAL AND PERFORMING ARTS
SECTION 8.50 - POLICY FOR THE AIRPORT AUTHORITY ART PROGRAM

PURPOSE: To establish policy governing acquisition, retention, display, and deaccession of art and artwork at the facilities and airports (the "Facilities") under the jurisdiction of the San Diego County Regional Airport Authority (the "Authority").

DEFINITIONS:

Airport. Means the San Diego International Airport (Lindbergh Field).

Art Advisory Committee ("AAC"). A standing committee responsible for providing advice and assistance to the Executive Director regarding the Airport Art Program.

Airport Art Master Plan. A plan developed based upon policy direction from the Board that establishes a strategic direction for the Airport Authority's Art Program and defines the associated administrative, organizational, and financial resources to support its implementation.

Airport Art Program ("AAP"). A program of the San Diego County Regional Airport Authority designed to create an airport ambiance unique to San Diego and welcome people to the Airport and the region. It has three Components: (1) the Public Art Program; (2) the Temporary and Rotating Exhibit Program; and (3) the Performing Arts Program.

Airport Art Project Budget. A budget established by the Authority to operate its Public Art Program.

Airport Art Program Manager. The Authority's employee responsible for the daily management of the Airport Art Program.

Art. When used in this document, the terms "Art" means the conscious arrangement or production of sounds, colors, forms, movements, or other elements in a way that affects the aesthetic sense and refers to all the Arts including Public Art, Temporary and Rotating Exhibits and Performing Arts.

Art and Design Professionals. Refers to individuals with recognized expertise in one or more of the following areas: art fabrication; architecture; landscape architecture; art education; visual arts.

Artist Selection Panels (“ASP”). Ad hoc panels established by the Authority to review and recommend Artists for inclusion in the Public Art Program component of the Airport Art Program.

Art Project or Project. An Artist’s defined scope of services, which includes development of a design and implementation of an Artwork for a specific site as identified by the Airport.

Art Programming or Programming. When used in this document, the terms “Art Programming” or “Programming” refer to all components within the Temporary and Rotating Exhibits Program and the Performing Arts Program.

Artwork. Work designed by a professional Artist and/or Artisan for a public project, “place,” or context that has specific area and other limitations defined by the overall public project.

Component. When used in this document, the terms “Component” or “Components” refer to one or all of three components of the Airport Art Program (i.e., the Public Art Program, the Temporary and Rotating Exhibits Program, and the Performing Arts Program).

Deaccession. Removal of an artwork from the Authority’s collection.

Performing Arts Program. A Component of the Airport Art Program that may include permanent and temporary performance areas and venues including the Terminal Jazz series, the Sassy Program Series and Special Event Performances.

Public Art Program. A Component of the Airport Art Program as outlined in this Airport Art Master Plan that includes designated sites and descriptions for Public Art created specifically for the San Diego County Regional Airport Authority.

Site. When used in this document, the term “Site” refers to a specified area, space or system within the Airport that includes Artworks or Programming.

Site-Specific Artworks. Stand alone or discrete Artworks that are specific to the site in which they are located and which are generally fabricated and installed as part of the Artist contract or scope of services.

Temporary and Rotating Exhibit Program. A Component of the Airport Art Program that includes both Temporary Artworks and Rotating Exhibits at designated sites created specifically for the San Diego International Airport.

POLICY STATEMENT:

(1) Responsibilities.

(a) Board of Directors. Responsible for establishing funding parameters for the Airport Authority Art Program, approving selection of permanent artwork for display at airports and facilities, approving Airport Art Master Plan and revisions, approving membership of the Art Advisory Committee, and appointing members of the Board to participate on the Art Advisory Committee.

(b) Executive Director. Responsible for the administration and implementation of the Airport Authority Art Program, including scheduling, commissioning, accepting, conserving, maintaining, and deaccessioning the components of the Airport Authority Art Program. The Executive Director will act to accept loaned and temporary art exhibitions as well as establishing art program funding mechanism and advising the Board on the status of the Airport Art Program.

(c) Airport Art Program Manager. Assists Executive Director in the daily administration and implementation of the Airport Art Program including the identification of art opportunities, liaison with capital improvement project managers and artists, budget management, and facilitation of Art Advisory Committee meetings.

(d) Art Advisory Committee. Provides expert advice and assistance to the Board and Executive Director regarding the Airport Art Program including identification of opportunities for integration of art into the Airport, recommendations regarding responses to art proposals, display of borrowed art, and deaccession of art.

(e) Artist Selection Panel. Identifies qualified artists whom the Authority may solicit to respond to requests for site-specific, art proposals.

(2) General Policy. The Authority recognizes the unique physical, social and economic contribution of art and artworks and is committed to the creation of a wide variety of Arts Programming that includes the acquisition of permanent public artworks, the display of temporary and rotating exhibits and the presentation of performance venues that contribute to the aesthetics of the San Diego International Airport, reflect the cultures within San Diego County, the surrounding region, and the world, and adds to the enjoyment of the traveling public. Displayed works of art shall be fully integrated into the fabric of the Airport. In order to more fully integrate displayed art into the design and function of the Airport, the Authority shall develop a comprehensive Airport Art Master Plan to direct the acquisition and display of permanent and temporary works of art and the planning and scheduling of visual and performing arts. The General Counsel shall be consulted on all matters regarding the acquisition of permanent or borrowed art and the disposition of acquired art.

(a) Acquisition of Permanent Public Artwork. The Authority shall have full ownership and control of all artwork displayed at the Airport. The Authority shall not commission, accept, or receive any Public Artwork unless prior to such commissioning, acceptance, or receipt, the creator of the artwork has executed a written waiver of all interests and rights held by the creator in the concerned artwork and transferring all ownership interests to the Authority. In order to facilitate the incorporation of permanent art displays into the Airport, the Authority shall procure art by commissioning artists to create specific art appropriate for the Airport rather than purchasing artwork. The Authority shall accept donated artwork only under special and unique circumstances, and only when the proposed donation is consistent with the Airport Art Master Plan and is recommended by the Art Advisory Committee and approved by the Executive Director. The Authority shall acquire no art unless it obtains full title to the art and the creator of the art, by written document, expressly waives all applicable rights granted the creator by federal or California statute. Subject to the above provisions and those hereinafter stated, the creator of artwork that is commissioned, accepted, or received by the Authority shall retain rights of copyright to the artwork. When commissioning, accepting, or receiving a Public Artwork, therefore, the Executive Director shall take appropriate actions to:

(1) preclude the creator of the artwork from making any replicas or reproductions of the artwork without the written consent of the Authority;

(2) require the creator of the artwork to appropriately credit the Authority's ownership of the artwork and indicate that the artwork is displayed within the San Diego International Airport in all representations of the artwork used by the creator of the artwork;

(3) secure the Authority's perpetual license and right to use the artwork and images of the artwork, at the Authority's sole discretion and without further compensation, to enhance the public image of the Authority and the San Diego International Airport. Such use shall include all commercial and non-commercial uses regardless of whether or not a fee is charged to the public or whether revenue is otherwise received by the Authority, but in all such use, the artist shall be credited as the creator of the artwork;

(4) secure the Authority's unconstrained license and right from the creator of the artwork to alter, change, modify, destroy, distort, mutilate, remove, replace, operate, maintain, transport, store, sell or transfer, in whole or in part, the artwork when the Authority deems it necessary in regard to public works or improvements, in furtherance of the Authority's operations or for any other reason.

(b) Conservation and Maintenance. The Executive Director shall ensure that each and every displayed Artwork at the Airport is maintained in accordance with the highest art industry standards.

(c) Documentation. The Executive Director shall ensure that each and every artwork displayed at the Airport is fully documented in order to fully establish the provenance of the artwork including the artist selection, commissioning, installation processes, the Authority's ownership of the artwork, and the creator's waiver of rights granted by federal or California statute.

(d) Deaccession. While the Authority expressly reserves the right to remove, sell, or exchange any permanently displayed artwork, any Authority-owned artwork shall be subject to deaccession only when overriding circumstances require removal of the artwork. The Executive Director shall authorize deaccession of Authority-owned artwork when conditions warrant. Where construction requires removal of permanently displayed artwork, the Authority, in consultation with the artist, shall make every effort to relocate the artwork. Any sale of artwork owned by the Authority shall conform to applicable federal and California statutes, specifically including California Civil Code § 986. The Executive Director shall advise the Board of deaccession.

(e) Funding. The Executive Director shall take appropriate action to earmark for Board approval, 2% of the amount for construction costs of eligible projects in the Authority's annual Capital Improvement Program and Airport Master Plan budgets to fund the Public Art component of the Airport Art Program. Funding for the Temporary and Rotating Exhibit Program, the Performing Art Program and other administrative costs required to operate the Program will be provided from the Authority's annual operating expense budget.

(3) Airport Art Program. The Executive Director shall establish the Airport Art Program to: (1) further the Airport's reputation as a world-class airport by providing for the permanent display of artworks that lead the world in vision, innovation and design; (2) bring texture and depth to the Airport environment by including a broad representation of artists and wide range of artworks of varying media, scales and characteristics; and (3) involve artists, especially those of the region, in the planning and design of the Airport and its infrastructure. The Executive Director will designate the Airport Art Program Manager who will implement and provide continuous management of the Airport Art Program.

(a) Airport Art Program Goals:

(i) Award-Winning Customer Service. The Airport Art Program will include artworks and programming that engage travelers in innovative, exciting, and award-winning experiences that will make visits to the Airport memorable and bring recognition to the Airport Authority for its Airport Art Program.

(ii) Pursuit of Excellence, Integrity, Quality and Honesty. The Airport Art Program will seek works of the highest artistic quality that exemplifies artistic excellence, honesty, and product integrity.

(iii) Education. The Airport Art Program will endeavor to educate people about San Diego and the region, Art, the Airport, and Aviation.

(iv) Personal Involvement. The Airport Art Program will be a community based program that initiates personal dialogue, invites participation, alleviates stress, and serves to increase the comfort level of visitors to the Airport.

(v) Richness of the Region. The Airport Art Program will reflect the natural richness and beauty of San Diego County and the surrounding region, and portray the Airport as an essential gateway to the community it serves.

(b) Sites for Artworks and Programming. The Airport Art Program shall include artworks and programming wherever feasible in all its facilities, places and spaces including the landscape, terminals and parking areas. To the maximum extent possible, consistent with design and financial considerations, the Airport Art Program shall be a component in all appropriate Capital Improvement Projects and Master Plan Projects.

(c) Airport Art Program Components. The Airport Art Program shall create an Airport ambiance unique to San Diego and welcome people to the Airport and the region. It shall consist of three components: the Public Art Program, the Temporary and Rotating Exhibits Program and the Performing Arts Program.

(i) Public Art Program. The purpose of the Public Art Program is to develop a broad collection of permanent Public Artworks that support and enhance the mission of the Airport Authority, engage travelers in innovative and memorable experiences and educate travelers about the region.

(ii) Temporary and Rotating Exhibits Program. The purpose of the Temporary and Rotating Exhibits Program is to commission Temporary Artworks and develop Rotating Exhibits that (1) highlight the resources and world-class cultural facilities and museums of San Diego County and the surrounding region; (2) educate Airport visitors about San Diego County, the surrounding region, art, the Airport and aviation; and (3) ensure the Airport environment is continually changing, fresh, exciting and inviting.

(iii) Performing Arts Program. The purpose of the Performing Arts Program is to (1) celebrate the local culture and talent of San Diego County and the region; (2) enhance the Airport environment and ambiance; (3) enhance the experience of Airport visitors by providing moments of cultural richness and mitigating moments of stress or periods of waiting; and (4) ensure the Airport environment is continually changing, fresh, exciting and inviting.

(4) Selection of Artists for Public Art Projects. The Executive Director shall recommend for Board approval artists to be commissioned to create specific artworks that are consistent with the Airport Art Master Plan. The Art Advisory Committee and specially formed Artist Selection Panels will provide expertise and advice to the Board regarding the commissioning of artists for specific projects.

(a) Art Advisory Committee (AAC). The AAC shall provide expertise and advice to the Executive Director on matters relating to the consideration and recommendation of specific artists to develop art for the Public Art Program. The AAC shall also advise the Executive Director on matters relating to the Authority's Temporary and Rotating Exhibit Programs, the borrowing or lending of art, and art meriting deaccession. When requested, the AAC shall provide expert recommendations to the Board. The AAC shall be advisory in nature and shall have no authority to negotiate for, or commit, the Authority in any respect.

(i) Composition. The AAC will be comprised of three members from the Authority and six art and design professionals. The following membership shall constitute the AAC:

- One member of the Authority's Board of Directors as appointed by the Board of Directors.

- Two members of the Authority's staff as designated by and serving at the discretion of the Executive Director.

- Four art and design professionals who reside within San Diego County as appointed by the Executive Director.

- Two art and design professionals who reside within the United States, but outside San Diego County as appointed by the Executive Director.

(ii) Terms of Membership. The term of membership shall be for three years, and no member may serve more than two terms. A member's term shall commence on the date the member is appointed or reappointed to the AAC. In order to provide for staggered terms, the initial appointments of the first San Diego County art and design professional and first national art and design professional shall be for one year; the second San Diego County art and design professional and the second national art and design professional shall be for two years; and the third and fourth San Diego County art and design professionals shall be for three years. The Authority Airport Art Program Manager shall maintain a record of the current AAC members and their term expirations. Should a vacancy occur prior to the end of the member's scheduled term, the Executive Director shall appoint a replacement for the non-expired term.

(iii) Governance. The members of the AAC shall elect a chairperson and vice-chairperson at its first meeting of AAC of each calendar year by the membership of the AAC for a one-year term.

(iv) Responsibilities. The AAC shall provide the Authority with expert advice regarding:

- opportunity for integrating Public Artwork into the Airport;
- identification of eligible and qualified artists with whom the Authority may contract for creation of specific works of art;
- development of commissioned pieces of Public Artwork;
- maintenance and conservation of displayed Public Artworks;
- deaccession of displayed Public Artwork;
- eligibility and qualifications of museums for display of Temporary and Rotating Art.

(v) Conflict of Interest. Committee members must declare a conflict of interest when monetary gain could occur as a result of their participation on the AAC. Committee members must abstain from discussion and voting on projects where such conflict exists. Artist serving on the AAC shall not be eligible to have their proposals considered for Airport art projects or programs during their tenure on the Committee.

(vi) Airport Art Program Manager. The Airport's Art Program Manager shall oversee the daily administration of the Airport Art Program including the facilitation of all meetings of the AAC and Artist Selection Panels.

(b) Artist Selection Panels. The Executive Director will appoint Artist Selection Panels to make recommendations to the Airport Art Committee regarding artists for specific projects within the Airport Art Program.

(i) Identification of Artists. The AAC shall identify to the Executive Director individuals eligible and qualified to serve on specific Artist Selection Panels. Each Artist Selection Panel shall be comprised of five to seven members as follows: one or two members of the AAC; three to five Art and Design Professionals locally or nationally; and one or two members of the community-at-large.

(ii) Duration. Artist Selection Panels shall be formed for only the duration of the particular Artist Selection Process. Upon final consideration and recommendation of an Artist to the AAC, the Artist Selection Panels shall be disbanded.

[Amended by Resolution No. 2006-0149 dated December 4, 2006]

[Amended by Resolution No. 2006-0081 dated July 6, 2006.]

[Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

POLICIES

- ARTICLE 8 - GENERAL OPERATIONS**
 - PART 8.5 - ARTWORK AND DONATED GOODS**
 - SECTION 8.51 - MONUMENTS, MEMORIALS AND PLAQUES**
-

PURPOSE: To establish policy governing the acceptance, retention, display, and deaccession of monuments, memorials, and plaques at the facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority (“Authority”).

DEFINITIONS:

Memorial. A permanent object, including a writing or a monument, designed or adapted to keep something in remembrance.

Monument. An artwork, usually a sculpture, emplaced to preserve or perpetuate the memory of a person, thing, idea, or event.

Plaque. A flat plate, slab, or disk engraved or ornamented for mounting on a monument or wall.

POLICY STATEMENT:

- (1) The Authority recognizes that the prominence and profile of its airports and facilities give rise to petitions to establish memorials, monuments, and plaques to commemorate individuals, ideas, and events. Because the number of petitions to establish memorials, monuments, and plaques exceed the number of suitable sites, the Authority will only permit emplacement of memorials, monuments, or plaques that represent values of broad community interest and have inherent qualities of timeliness and significance to future generation. The size of each memorial, monument, or plaque shall be appropriate and commensurate with the individual, idea, or event being commemorated. The Board shall approve the acceptance or placement of all memorials, monuments, and plaques at the Authority’s airports and facilities.
- (2) All memorials, monuments, and plaques are to be considered Public Art and as such shall be subject to applicable acquisition, retention, display, and deaccession provisions of Policy 8.50 – Policy for the Airport Authority Art Program. The Art Advisory Committee, as established by Policy 8.50 shall advise the Executive Director regarding the feasibility and desirability of the addition of proposed memorials, monuments, and plaques as well as existing memorials, monuments, and plaques.
- (3) The Authority may establish limitations to or a moratorium on future memorial installations at a particular location or area.

(4) All ownership, artistic, and other rights of any and all memorials, monuments, and plaques installed on Authority property shall be transferred to the Authority pursuant to Policy 8.50 prior to installation. The Authority shall maintain the express right to relocate or remove any memorial, monument, or plaque.

(5) The Executive Director shall ensure that sufficient budgetary provisions are made to provide for the proper maintenance, upkeep, and repair of all memorials, monuments, and plaques installed on Authority property. The Authority shall not accept any donation of a monument, memorial, or plaque unless such donation is fully funded, where fully funded includes satisfying all costs associated with installation including costs of design, fabrication, plaques, transportation, installation, site preparation work, foundation, lighting, electrical, permits, etc. and an endowment, deemed by the Executive Director to be sufficient to fund in perpetuity the maintenance and upkeep of the donated item. The Executive Director shall have the authority to waive the maintenance endowment requirement when the Executive Director deems such waiver in the best interests of the Authority.

[Amended by Resolution No. 2006-0149 dated December 4, 2006]

[Amended by Resolution No. 2006-0081 dated July 6, 2006.]

[Resolution No. 2002-02 dated September 20, 2002.]

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

POLICIES

- ARTICLE 8** - **GENERAL OPERATIONS**
PART 8.5 - **ARTWORK AND DONATED GOODS**
SECTION 8.52 - **DONATED / LOANED ITEMS**
-

PURPOSE: To establish policy governing the acceptance, display, maintenance, potential deaccession of property donated or loaned to the San Diego County Regional Airport Authority ("Authority") for public display, as well as the lending of Authority property to others.

POLICY STATEMENT:

(1) General Policy. The Authority is committed to the aesthetic development of the Authority's property. The Authority seeks to foster community participation in and identification with the airports and facilities under its control and recognizes that public donations of landscaping, hardscape items, historical objects, similar objects and property improvements foster these objectives. The Authority also recognizes that on occasions, circumstances may make it advantageous to the Authority to loan its Public Art or other property to institutions for public display or to borrow Public Art or other property from institutions for display at the airports and facilities under the control of the Authority. The Executive Director shall have overall responsibility and authority regarding the management of donated and loaned items, including acquisition, display, maintenance, and deaccession. In management of donated and loaned artwork, the Executive Director will abide by Policy 8.50 – Policy for the Airport Authority Art Program to the extent applicable. When requested, the Art Advisory Committee shall provide advice and assistance on issues pertaining to acquisition and or public display of donated or loaned Public Art or other property. The Art Advisory Committee shall also advise the Executive Director regarding opportunities for the temporary exchange of artwork when such exchange would be advantageous to the Authority. The Executive Director regularly shall advise the Board regarding the status of donated or loaned Public Art or other property.

(2) Acceptance of Donated Items. Acceptance of Public Art shall be in accordance with Policy 8.50. The Authority shall only accept offers for donation of non-Public Art items when acceptance of the subject item will enhance the aesthetics of the Authority's airports and facilities, contribute positively to the public's air travel experience, and conform to the Authority's position as a world-class manager and operator of airports. Any offer to donate a particular item to the Authority shall be made in a writing that fully describes the item and provides all circumstances and facts need to enable the Executive Director to determine whether the offered donation shall be accepted. Under no circumstances shall the Authority be obligated to accede to any request to accept an offered donation. Acceptance of any offer of an item to be donated shall be at the sole and unfettered discretion of the Authority. In determining whether the donation of a proffered item is to be accepted, the Executive Director, assisted by the Art Advisory Committee, shall consider the following:

(a) The suitability of offered item for public display.

(b) The degree to which the offered item correlates with the Authority's purpose and the public's interest and, if applicable, the compatibility of the offered item with the Authority's Airport Art Master Plan.

(c) The costs associated with accepting and displaying the offered item, to include the costs of design, anchoring, structural modification, lighting, security, and maintenance in comparison to budgetary constraints. To the maximum extent possible, the maker of the offer should provide funds sufficient to pay for all costs associated with the offered item, including an appropriately sized maintenance endowment.

(d) The legal issues, including property rights, ownership, artistic rights, associated with acceptance of the offered item. The Authority's acceptance of any donated items shall be conditioned on transfer of all ownership interests to the Authority and, if applicable, waiver of the creator's artistic rights under federal and California statutes.

(3) Deaccession of a Donated Item. Generally, the Authority will retain a donated item so long as the item is relevant and useful to the purposes and activities of the Authority, an appropriate site for public display is available, and the Authority can effectively store, maintain, or use the item. When such conditions no longer prevail, the Executive Director may deaccession the donated item in accordance with the following:

(a) Where the title transfer document of a donated item provides for deaccession the item, the document's deaccession provisions will control;

(b) Where the title transfer document of a donated item does not provide for deaccession, the item may be disposed of by means of: a public or private sale; exchange for another work; donation to a tax-exempt public institution; donation item for recycling; return to the donor or donor's heirs; or destruction. Generally, preference will be given to public sale, unless the Authority's analysis determines that another method would better serve the interests of the public and the Authority. In appropriate instances, appraisals of the item will be sought from outside sources prior to deaccession. In all instances of deaccession, the applicable laws affecting the deaccession will be followed. Destruction of the item may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the deaccession process. Funds realized from deaccession will be deposited in Authority's Art Acquisition Fund, to be used for the purchase of other art, preferably in the general category as the item subject to deaccession. As appropriate and where possible, the names of the original donors will be transferred to the new property acquired from the sale of the original item. In instances where a deaccessioned item is to be returned to the donor or the donor's heirs, the recipient shall bear the costs of the item's removal and transfer, unless otherwise authorized by the Executive Director.

(3) Fakes and Forgeries. If a donated item subsequently is determined to be a fake or forgery, then the Authority shall have the right to dispose of the item or to clearly mark and identify the item so as to prevent future misrepresentation.

(4) Lending and Borrowing of Items. Under the direction of the Executive Director, Authority-owned items including Public Art, may be loaned to other institutions and organizations for public display. Similarly, with the approval of the Board and under the direction of the Executive Director, the Authority may request other institutions and organizations to loan the Authority appropriate items for public display on Authority's property. The borrowing and lending as well as display of borrowed Public Art items by the Authority shall be in accordance with applicable provisions of Policy 8.50.

(a) Loans of Authority-owned Items, Including Public Art. In considering a loan request for loans of Authority-owned items, including Public Art, the Executive Director will review all aspects of the request for feasibility, reasonableness and merit. The following factors shall be considered in the course of the review:

(i) The condition of the item(s) and possibilities for damage to the item(s) to be loaned;

(ii) The nature of the requesting organization and its professional capabilities to handle, house and care for loaned item;

(iii) The ability of the borrowing entity to bear the costs of the loan (including those incurred by the Authority);

(iv) The ability of the borrowing entity to obtain adequate insurance coverage for the loaned item(s);

(v) Whether the loaned item will be exhibited regularly and in public;

(vi) The level of care and security to be provided the loaned item;

(vii) Legal considerations associated with the loan; and

(viii) The precise terms and conditions of the loan as set forth in legal documents prepared under the direction of the Authority's General Counsel.

(b) Borrowing of Items, Including Public Art. Under the direction of the Executive Director, the Authority, when appropriate, may request other institutions loan items, including Public Art, to the Authority for public display on the Authority's property or for other purposes. For borrowed Public Art, the Art Advisory Committee shall assist the Executive Director in determining whether a request to borrow a particular Public Art should be made. In determining whether or not to make a request to another institution to borrow an item, the following will be considered:

(i) Applicable requirements for acceptance of a donated item, as set forth in paragraph 2 of this policy;

- (ii) Whether the borrowed item may be exhibited regularly;
 - (iii) The condition of the item and the possibility of damage to the item while in the custody of the Authority;
 - (iv) The educational value to be obtained by borrowing the item;
 - (v) The ability of the Authority to handle, house and care for the borrowed item and the duration of time during which the item will be available to the Authority;
 - (vi) The costs associated with borrowing the item;
 - (vii) The ability of the Authority to adequately ensure the borrowed item;
 - (viii) For borrowed Public Art, the compatibility of the borrowed item with the Airport Art Master Plan;
 - (ix) Legal considerations associated with the Authority borrowing the item;
- and
- (x) The precise terms and conditions under which the Authority will borrow the item as set forth in legal documents prepared under the direction of the Authority's General Counsel.

(5) Records of Public Art and Other Property. The Authority will maintain a complete database of all Public Art and Other Property collection items that have been acquired by the Authority under this policy, as well as all unaccepted proposals for donation of items to the Authority, proposals for loans of items to the Authority, and Authority requests to borrow items from other institutions. The database and/or files will include the following information:

- (a) Copies of all correspondence and submittals from the donor(s);
- (b) Copies of all correspondence and submittals to the donor(s) from the Authority;
- (c) Copies of all executed title documents;
- (d) Copies of all other documentation associated with a particular item(s), including but not limited to: drawings, photos, written descriptions, estimates of costs associated with acquiring, maintaining, providing security and legal expenses, etc.; any agreements between the Authority and donor(s) regarding the item(s); all estimates of value and appraisals, any public comment on the item(s); environmental impact reports or studies, if applicable; all written descriptions of the background/historical information associated with the item, including, information about the creation of the item(s) and the artist (if applicable) who created it; any warrant of originality; and any other information acquired by the Authority pertaining to the item(s).
- (e) Copies of the Title Transfer Documents and any other written agreements between the Authority and the donor(s);

(f) Records of maintenance;

(g) Records of any deaccessioning;

(h) Records of any loan proposed or made of the donated item(s), including the executed written agreements of loan, a record of all loan fees, confirmations of all insurance, transportation records and the return of the loaned item(s); and

(i) Records of all art or other items borrowed by the Authority, including the executed written agreements to borrow the item(s), all fees or costs paid by the Authority, insurance policies or riders covering the item(s), transportation records and return records.

(6) Transfer of Title.

(a) Condition of Title. Generally, the Authority shall accept only donated items that are given with legal title that is free and clear of any restrictions or limitations as to use or future disposition of the items. In exceptional circumstances, the Board may authorize acceptance of donated items with title restrictions or limitations if the restrictions or limitations are expressly stated in the title conveyance documents. Donated items involving undivided fractional interests shall not be accepted unless the donation is accompanied by a binding pledge to donate remaining undivided fractional interest within a specific period and such provision is included in the Title Transfer Documents.

(b) Legal Documents. Before donated items are accepted by the Authority, transfer of title documents, including any limitations or restrictions on the transfer or continued ownership of the donated items, as well as any agreements between the donor and the Authority regarding the same, must be prepared by or approved by the General Counsel. For gifts of art, a gift agreement signed by the donor will confirm that the donor owns the item(s) and has the right to pass title.

(c) Appraisals. The Authority will not provide or assume responsibility for appraisals for tax-deduction or other external purposes.

(d) Compliance with Laws. The Authority shall require all donors to comply with the applicable laws of California and the United States, including but not limited to: The Native American Graves Protection and Repatriation Act of 1990 and any applicable international agreements between the United States and other countries.

[Amended by Resolution No. 2006-0081 dated July 6, 2006.]
[Resolution No. 2002-02 dated September 20, 2002.]

RESOLUTION NO. 2013-0005

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY ADOPTING A NEW AUTHORITY POLICY 8.50, REPLACING POLICIES 8.50 (GUIDELINES FOR THE PUBLIC ART PROGRAM), 8.51 (MONUMENTS, MEMORIALS AND PLAQUES), AND 8.52 (DONATED AND LOANED ITEMS)

WHEREAS, the operations, procedures and activities of the San Diego County Regional Airport Authority ("Authority") and its Board's committees are guided by, among other things, the Authority's Policies and Codes; and

WHEREAS, the Authority Board approved Authority Policy 8.50 to govern acquisition, retention, display, and deaccession of art and artwork at its facilities and airports (the "Facilities") under the jurisdiction of the San Diego County Regional Airport Authority ("Authority"); Policy 8.51 to govern the acceptance, retention, display, and deaccession of monuments, memorials, and plaques at the facilities and airports under the jurisdiction of the Authority; and, Policy 8.52 to govern the acceptance, display, maintenance, and deaccession of property donated or loaned to the San Diego County Regional Airport Authority ("Authority") for public display, as well as the lending of Authority property to others; and

WHEREAS, Art Program staff, in consideration of the Authority's current effort to revisit all of its policies, has reexamined policies 8.50, 8.51, and 8.52 to streamline, clarify and align them with best practices from similar programs across the nation; and

WHEREAS, staff has worked with the Authority's Art Advisory Committee (AAC) and professional art policy consultants to review Policies 8.50, 8.51 and 8.52; and

WHEREAS, on June 14, 2012, the AAC reviewed a summary of recommended changes which included a recommendation to consolidate the three policies into one Art Program Policy; and

WHEREAS, On November 28, 2012, the AAC reviewed and unanimously approved a final draft Art Program Policy (8.50) which combines the provisions of existing Polices 8.50, 8.51 and 8.52 into one policy.

000061

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts a new Authority Policy 8.50 (Attachment A), replacing policies 8.50 (Guidelines for the Public Art Program), 8.51 (Monuments, Memorials and Plaques), and 8.52 (Donated and Loaned Items).

BE IT FURTHER RESOLVED that the Board FINDS that this action is not a "project" as defined by the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code § 21065; and is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 10th day of January, 2013, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

000062

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY POLICIES
8.50 - POLICY FOR THE AIRPORT AUTHORITY ART**

PURPOSE

To establish policy governing acquisition, retention, display, gifts and loans, and deaccession of Artwork at all public-use facilities and airports under the jurisdiction of the San Diego County Regional Airport Authority ("Authority").

GOALS

To integrate the Airport Art Program into the day-to-day administration of the Authority and to afford new and innovative opportunities for the presentation of art and culture and to further the mission of the Authority.

DEFINITIONS

Airport. All public-use facilities and airports under the jurisdiction of the Authority including San Diego International Airport (Lindbergh Field).

Acquisition. Permanent artwork collected and catalogued by the Authority through purchase, commission, bequest, or gift.

Art Advisory Committee (AAC). A standing committee that serves to advise the President/CEO and Board on matters regarding the Airport Art Program.

Airport Art Master Plan. A five-year planning document reviewed and recommended by the AAC to the President/CEO and subsequently approved by the Board that establishes a strategic direction for the Airport Art Program and defines the associated administrative, organizational, financial resources and guidelines to support its implementation.

Airport Art Site and Opportunity Plan. An annual plan reviewed and recommended by the AAC to the President/CEO and subsequently approved by the Board that identifies specific areas, project opportunities, and budget allocations for the following fiscal year as a document discrete from the Airport Art Master Plan. The Airport Art Site and Opportunity Plan may be modified during the course of the year in response to changing conditions.

Airport Art Program. A program of the Authority consisting of the: (1) Public Art Program; (2) Temporary Installations Program; (3) Changing Exhibitions Program; and (4) Performing Arts Program. The Airport Art Program is dedicated to engaging the traveling public and the greater San Diego region by providing enhanced customer experience through the presentation and advancement of high quality art and culture programming that has artistic merit, cultural interest, and educational value.

Arts Professionals. Individuals with recognized expertise and working knowledge in one or more fields of the visual, performing, and literary arts including arts administrators, arts educators, or practicing artists.

Artist. An individual recognized by critics and peers as a professional practitioner of serious intent and substantial ability in the visual, performing, or literary arts.

Artist Selection and Review Panels. Ad hoc committees comprised of members appointed by the AAC that review and recommend Artists for participation in the Airport Art Program.

Artwork. A permanent, temporary, fixed, portable, visual, and/or performative work in any style, expression, genre and/or media created by an Artist as defined herein. Memorials, as defined herein, shall also constitute Artwork subject to this Policy 8.50. Gifts of State, as defined herein, shall not constitute Artwork subject to this Policy 8.50.

Board. The Authority's Board of Directors.

Capital Project. Construction projects of any new Airport building or facility and renovation of any existing Airport building or facility financed wholly or in part by funds appropriated by the Board.

Changing Exhibitions Program. The temporary presentation of items on loan from local and regional museums, cultural institutions, arts organizations, collectors and Artists.

Conservation and Maintenance Plan. Annual survey conducted by a trained fine art conservator that details the conditions of and conservation and maintenance needs for all Artwork acquired through the Airport Art Program.

Deaccession. The removal of Artwork from the Authority's collection and care.

Design Professionals. Generally refers to architects; civil, structural, mechanical, electrical engineers; landscape architects; urban planners; graphic, interior, industrial, fashion designers; and others whose services require licensing or registration by the state or otherwise require the knowledge and application of design principles appropriate to the Airport Art Program.

Eligible Project. A Capital Project that includes construction of terminals, curbsides, roadways, connecting green spaces and other related landside improvements.

Gifts of Artwork. The donation of Artwork, or the funds to acquire or commission Artwork, to the Authority for placement in the Airport.

Gifts of State. Items given to the Authority by a domestic or foreign government official as an expression of goodwill; not considered Artwork under this policy.

Incoming Loan of Artwork. Artwork borrowed by the Authority for display in the Airport for a specified period of time.

Ineligible Project. A Capital Project that includes airside improvements, utilities, land acquisition, purchase of right of way, equipment purchase or rental, pollution mitigation, and other project soft costs that do not directly impact or relate to the public experience.

Memorial. An item, object, or monument designed or adapted to commemorate or honor the memory of a person, place, idea, or event that occurred in the past.

Outgoing Loan of Artwork. Artwork from the Public Art Collection that is loaned to qualified institutions which include a non-profit museum, art gallery, governmental or educational entity for a specified period of time.

Performing Arts Program. The presentation of live performances of music, dance, theater or other performative art forms.

President/CEO. The President/Chief Executive Officer of the Authority.

Public Art Program. Planning and development of a collection of permanent Artwork that is integral to the Airport.

Public Art Collection. The group of permanent Artworks acquired by the Authority.

Site. A specified area, space or system within the Airport identified for the placement of Artwork

Temporary Installations Program. Artwork commissioned for a designated Site at the Airport installed for a limited duration of time.

POLICY

(1) **General Policy.** The Authority recognizes the unique physical, social and economic contribution of the arts and culture. The Authority is committed to the presentation and advancement of a wide variety of high quality art and culture programming that has artistic merit, cultural interest, and educational value; that positions the airport as a creative industry driver; and that promotes regional prosperity and quality of life. Such programming shall be aligned with the mission of the Authority.

(a) **Airport Art Program.** The President/CEO shall sustain the Airport Art Program through the presentation and advancement of quality art and cultural programming that supports and enhances the mission of the Authority.

(b) **Funding.** Funding for the Airport Art Program shall be accomplished as follows:

- i. The President/CEO shall take appropriate action to earmark for Board approval 2% of the amount of construction costs of eligible projects in the Authority's annual Capital Program and Airport Master Plan budgets to fund the Public Art Program.
 - a. Artists shall be involved at the earliest stages of design to maximize the successful integration of the Artwork and the Site.
 - b. Allocations shall be calculated based on the total of construction costs for the eligible project.
 - c. Airport Art Program Manager shall participate in the identification of eligible projects during the initial planning phase for Capital Project funding.

- d. The Board shall approve public art fund allocations in conjunction with Capital Project funds. All monies appropriated for the Airport Art Program purposes shall be maintained in a separate project fund.
- ii. The Temporary Installations Program, Changing Exhibitions Program, Performing Arts Program, conservation and maintenance and administrative costs required to operate the Airport Art Program shall be funded from the Authority's annual operating expense budget.
- (c) Ownership. Except as described below, Authority shall obtain full ownership of and title to all Artwork acquired through the Airport Art Program.
- i. **Waiver and Transfer of Rights.** The Authority shall not commission, accept, or receive any Artwork unless prior to such commissioning, acceptance, or receipt, the author and(or) owner of the Artwork has executed a written waiver of all interests and rights held by the author and(or) owner in the concerned Artwork under all applicable local, state and federal law, and transferring all ownership interests to the Authority.
- ii. **Copyright.** Subject to the above provisions, the Artist retains copyright to the Artwork as the sole author of the Artwork and the Artist (or other copyright holder if not the Artist) gives the Authority perpetual license and right to use the Artwork and images of the Artwork at the Authority's sole discretion and without further compensation, including all commercial and non-commercial uses regardless of whether or not a fee is charged to the public or whether revenue is otherwise received by the Authority. The Authority will reasonably endeavor to provide advance notice to the copyright holder for any Artwork that is anticipated to be prominently featured in a commercial use undertaken by the Authority.
- iii. **Unconstrained Use.** The Authority shall have the right to alter, change, modify, relocate, destroy, distort, mutilate, remove, transport, store, sell, transfer in whole or in part, replace and replicate the Artwork in whole or in part when the Authority, in its sole discretion, deems it necessary for any reason or when required as part of public works or infrastructure improvements to enhance Airport facilities.
- (d) **Rights and Responsibilities.** A legal instrument of conveyance clearly defining the rights and responsibilities of all parties must accompany all Artwork acquired and presented by the Authority, including but not limited to ownership, copyright, license, and reproductions.
- (e) **Conservation and Maintenance.** The President/CEO shall ensure that all Artwork in the Public Art Collection is maintained and exhibited in accordance with an annual conservation and maintenance plan. Maintenance and conservation shall be conducted through the use of qualified fine art conservators when necessary, skilled maintenance technicians, and detailed Artwork maintenance records.

- (f) **Collections Management.** The President/CEO shall ensure accurate records that document the ownership, care and appraisal value of Public Art Collection.
- (g) **Gifts and Loans of Artwork.** The AAC shall review all Gifts and Loans of Artwork and shall provide a written recommendation to the President/CEO.
 - i. The Authority shall accept donated Gifts and Incoming Loans of Artwork only where the President/CEO, in his or her sole discretion, determines that special and unique circumstances exist. In making such a determination, the President/CEO shall consider, at a minimum, whether some or all of the following criteria exist:
 - a. Relevance of the Gift or Incoming Loan of Artwork to the Public Art Collection;
 - b. Appropriateness of the Gift or Incoming Loan of Artwork to the Airport;
 - c. Artistic excellence of the Gift or Incoming Loan of Artwork;
 - d. Costs for delivery, site preparation, installation, maintenance and ongoing display of the Gift or Incoming Loan of Artwork; and
 - e. Any special restrictions, conditions, or considerations required by the donor regarding the use of the Gift or Incoming Loan of Artwork.
 - ii. The Authority shall approve Outgoing Loans of Artwork only where the President/CEO, in his or her sole discretion, determines that special and unique circumstances exist. In making such a determination, the President/CEO shall consider, at a minimum, the following criteria:
 - a. Value of Artwork and period of Outgoing Loan;
 - b. Function of the facility in which the Artwork is to be located and hours of operation;
 - c. Accessibility of the building in which the Artwork is to be located;
 - d. Environmental controls for Artwork;
 - e. Provision of security and staffing for Artwork; and
 - f. Proof of adequate insurance coverage for Artwork.
 - ii. Gifts of state by foreign governments or by other political jurisdictions of the United States are not considered Artwork and shall not be reviewed by the AAC.
- (h) **Memorials.** The AAC shall review all Memorials, as defined herein, being considered for placement on Airport property and shall provide its written recommendation to the President/CEO.

- i. The Authority shall accept requests for Memorials only where the President/CEO, in his or her sole discretion, determines that special and unique circumstances exist. In making such a determination, the President/CEO shall consider, at a minimum, whether some or all of the following criteria exist:
 - a. The person, place, idea or event being memorialized is deemed significant enough to merit such honor and is appropriate to the mission of the Airport;
 - b. The Memorial has timeless qualities and makes a statement of significance to future generations;
 - c. The Memorial represents broad community values and has been embraced and supported by the community it is intended to honor;
 - d. The proposed location is an appropriate setting for the Memorial and there is specific justification for the Memorial being located at that site;
 - e. The quality, scale, and character of the Memorial are at a level commensurate with the proposed location or setting;
 - f. The Memorial is relevant to the Public Art Collection; or
 - g. Provision of a maintenance endowment to ensure adequate quality of care for the Memorial in perpetuity.
 - ii. Unless otherwise approved by the AAC, the donor of the proposed Memorial shall be required to pay all costs for design, fabrication, transportation, installation, permits, and lighting.
 - iii. All Memorials shall be subject to all applicable provisions regarding review, acquisition, exhibition, ownership and Deaccession governing the Airport Art Program as described herein.
 - iv. The Authority may establish limitations to or a moratorium on future installations of a Memorial at a particular location or area.
- (i) Deaccession. The Authority shall retain the right to Deaccession any Artwork in the Public Art Collection. The AAC shall review all Artwork being considered for Deaccession by deliberate, standardized procedures independent of political pressures, fluctuations in artistic taste, and public opinion.
- i. The Authority shall Deaccession Artwork only where the President/CEO, in his or her sole discretion, determines that special and unique circumstances exist. In making such a determination, the President/CEO shall consider, at a minimum, whether some or all of the following criteria exist:
 - a. The condition or security of the Artwork cannot be reasonably guaranteed;

- b. The Artwork requires excessive maintenance or has faults of design or workmanship and repair or remedy is impractical or unfeasible;
- c. The Artwork has been damaged or has deteriorated and repair or remedy is impractical or unfeasible;
- d. The Artwork's physical or structural condition poses a threat to public safety;
- e. The Artwork is proved to be inauthentic or in violation of existing copyright laws;
- f. The Artwork is not, or is only rarely on display because no suitable site is available;
- g. Significant changes in the use, character or design of the site have occurred which affect the integrity of the Artwork;
- h. The Artwork has been lost, stolen, or is missing;
- i. The Artwork has received documented and unabated adverse public reaction over an extended period of time; and
- j. Deaccession is requested by the Artist.

- ii. Should the Authority choose to Deaccession an Artwork, the Authority reserves the right to sell the Artwork. The Artist shall be given the first opportunity to purchase the Artwork at its current appraised value.
- iii. Should the Artist choose not to purchase the Artwork, the Authority may sell, trade, donate, or destroy the Artwork.
- iv. Destruction shall only be used where, in the sole discretion of the President/CEO, the following circumstances exist:
 - a. Most or all of the Artwork has been damaged or has deteriorated and repair or remedy is impractical or unfeasible; and
 - b. Public safety can be protected only by destroying the Artwork.

(2) Art Advisory Committee (AAC). In carrying out its duties, the AAC shall make recommendations to the President/CEO on matters relating to the Airport Art Program upholding the Airport Art Program mission, ensuring the Airport Art Program policies and procedures are followed, and supporting the development and stewardship of the Airport Art Program. The President/CEO shall decide, in his or her sole discretion, whether or not to forward the AAC recommendations to the Board for approval. The AAC shall be advisory in nature and shall have no authority to negotiate for or commit the Authority in any respect.

(a) Composition. The AAC shall be comprised of seven voting members and no more than three ex-officio, non-voting members. The following membership shall constitute the AAC:

- i. Six voting members who are Arts Professionals or Design Professionals.
 - a. At least two of the six members shall be practicing Artists.
 - b. At least one of the six members shall be actively involved in the performing arts.
 - c. At least two of the six members shall reside outside San Diego County.
 - ii. One voting member who serves on the Board.
 - iii. Up to three ex-officio non-voting Authority staff members whose departments work closely with the Airport Art Program as determined by the President.
 - iv. Authority staff members are ineligible to vote.
- (b) Appointment Process. Appointment of members to the AAC shall be as follows:
- i. The Chair of the Board shall appoint one member of the Board to serve as a voting member of the AAC. The President/CEO shall recommend six individuals who are Arts Professionals and Design Professionals to serve as voting members of the AAC subject to appointment by the Board.
 - ii. The President/CEO shall review interested candidates' qualifications and make recommendations to the Board as follows:
 - a. Solicit and review qualifications submitted by AAC, staff, and interested professionals in the fields of design, visual art, performing arts, and literary arts annually or as needed; and
 - b. Conduct interviews as needed.
- (c) Terms of Membership. Except for a replacement term as described below, voting members of the AAC shall be appointed by the President/CEO for a term of three years, and no member may serve more than two consecutive terms. Should a member serve a partial term to complete the non-expired term of a prior member, such partial term shall not be included for purposes of the maximum service of two consecutive terms. Ex-officio members of the AAC shall be appointed by the President/CEO without a term limit.
- i. A member's term shall commence on the date the member is appointed or reappointed to the AAC.
 - ii. Should a vacancy occur prior to the end of the member's scheduled term, the President/CEO shall recommend a replacement for the non-expired term, subject to appointment by the Board.
 - iii. The Authority shall maintain a record of the current AAC members and their term expirations.

- (d) **Governance.** The members of the AAC shall elect a Chair and Vice-chair at the first meeting of each calendar year for a one-year term.
- i. The Chair and Vice-chair shall be residents of San Diego.
 - ii. The Chair and Vice-chair shall not hold a current leadership position on the staff, governing board, or advisory committee of the arts agency or department of any local governmental or educational entity within San Diego County, to prevent any overlap of authority.
- (e) **Role.** The AAC shall make recommendations to the President/CEO who shall decide, in his or her sole discretion, whether or not to forward the AAC recommendations to the Board for approval. The AAC shall provide expert advice regarding:
- i. Airport Art Program policies and procedures;
 - ii. Airport Art Master Plan;
 - iii. Airport Art Site and Opportunity Plan;
 - iv. Artist selection, review panels, and processes;
 - v. Artwork review and selection;
 - vi. Conservation and maintenance of Artwork;
 - vii. Proposed Deaccession of Artwork;
 - viii. Proposed Gifts and Loans of Artwork;
 - ix. Proposed Memorials, as defined herein; and
 - x. Advocacy, community outreach, and strategic planning in support of the Airport Art Program mission.
- (f) **Conflict of Interest.** AAC members must abide by the following:
- i. Withdraw from participating or voting on any recommendation involving a competition, commission, project or program for which any monetary gain or for which any business or familial relationship would make it difficult to render an objective and impartial decision or create the perception that an objective and impartial decision would be difficult.
 - ii. Be ineligible for any Authority-related competition, commission, project, or program during their tenure; and
 - iii. Disclose any real or perceived conflicts of interest

- (3) **Artist Selection and Review Panels.** The AAC shall appoint Artist Selection and Review Panel members to review and recommend Artists for specific projects and program opportunities within the Airport Art Program. Each Panel shall be comprised of the following:
- (a) Three to five voting members who are Art and Design Professionals.
 - (b) A representative from the project design or construction team of the Authority shall participate as a non-voting advisor;
 - (c) A member of the AAC shall participate as a non-voting advisor;
 - (d) **Duration.** Artist Selection and Review Panels shall be formed for only the duration of the particular Artist selection process. Upon final recommendation of an Artist to the AAC, the specific Artist Selection and Review Panels shall be disbanded.
 - (e) The AAC, at its sole discretion, reserves the right to serve as the Artist Selection and Review Panel.
- (4) **Duties of the Board.** The Board shall, subject to its sole discretion:
- (a) Approve funds annually for the Airport Art Program;
 - (b) Through its Chair, appoint one member of the Board annually to serve as a voting member of the AAC;
 - (c) Approve appointments to the AAC, other than the Board member who is selected by the Chair; and
 - (d) Approve contracts with Artists as recommended by the President/CEO.
- (5) **Duties of the President/CEO.** The President/CEO shall be responsible for the administration and implementation of the Airport Art Program and decide, in his sole discretion, whether or not to forward the AAC recommendations to the Board for approval as defined herein.
- (a) The President/CEO shall determine a process to carry out the following:
 - i. Selection of Artists and Artwork;
 - ii. Ongoing care, maintenance, and conservation of Artwork;
 - iii. Review of proposed Memorials;
 - iv. Deaccession of Artwork; and
 - v. Review of proposed Gifts and Loans of Artwork.
 - (b) Upon authorization from the Board, the President/CEO shall negotiate and execute contracts with Artists or commission the design, fabrication, and installation of Artwork for the Airport.

- (6) **Duties of the Airport Art Program Manager. The Airport Art Program Manager shall be responsible for all of the following:**
- (a) **Managing, coordinating and overseeing administration of the Airport Art Program, including staffing the AAC;**
 - (b) **Working with Authority staff, Artists, contractors, vendors and tenants to facilitate the design, fabrication and installation of Artwork for the Airport;**
 - (c) **Collaborating with the Authority's capital projects staff on the integration of Artwork at the Airport; and**
 - (d) **Serving as a liaison between the Authority and the public on Airport Art Program-related matters, including coordinating outreach and communications efforts.**