



City and County of San Francisco
Civil Grand Jury 2011-2012

WHERE THERE'S SMOKE...

**The Need to Strengthen the Art Commission's Stewardship of San Francisco's
Cultural Legacy**

June 2012

Superior Court of California, County of San Francisco
Civic Center Courthouse
400 McAllister Street, Room 008
San Francisco, CA 94102
(415) 551-3605

TABLE OF CONTENTS

THE CIVIL GRAND JURY	iii
CIVIL GRAND JURORS.....	iv
WITNESSES	iv
REQUIRED RESPONSES	v
EXECUTIVE SUMMARY.....	1
BACKGROUND	2
METHODOLOGY AND APPROACH	3
DISCUSSION.....	4
I. SFAC Governance.....	4
A. Findings	8
B. Recommendations	9
II. SFAC and the Civic Art Collection	10
A. Collection Overview	11
B. Inventory	12
C. Collection Loan Program	12
D. Accession and De-accession.....	12
E. Maintenance of Public Art.....	12
F. Findings	14
G. Recommendations	16
III. Neighborhood Cultural Centers	17
A. Findings	19
B. Recommendations	20
IV. Street Artists Program	20
A. Findings	23
B. Recommendations	24
V. Symphony Fund.....	25
A. Charter Obligation of the SFAC to Support a Symphony Orchestra	26
B. San Francisco Symphony Donations to the Arts Commission	27
C. Findings	28
D. Recommendations	29
CONCLUSION	29
ENDNOTES	31
RESPONSE MATRIX.....	33
APPENDIX	37
Glossary of Terms.....	37
Bibliography	38

THE CIVIL GRAND JURY

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year (Cal. Const., Art. I, § 23; Cal. Penal Code, § 905). In San Francisco, the presiding judge of the Superior Court impanels two grand juries. The Indictment Grand Jury has sole and exclusive jurisdiction to return criminal indictments. The Civil Grand Jury scrutinizes the conduct of public business of county government.

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. Each civil grand jury determines which officers, departments and agencies it will investigate during its term of office. To accomplish this task the grand jury is divided into committees which are assigned to the respective departments or areas which are being investigated. These committees visit government facilities, meet with public officials, and develop recommendations for improving City and County operations.

The 19 members of the Civil Grand Jury serve for a period of one year from July 1 through June 30 the following year, and are selected at random from a pool of 30 prospective grand jurors. During that period of time it is estimated that a minimum of approximately 500 hours will be required for grand jury service. By state law, a person is eligible if a citizen of the United States, 18 years of age or older, of ordinary intelligence and good character, and has a working knowledge of the English language.

Applications to serve on the Civil Grand Jury are available by contacting the Civil Grand Jury office:

- by phone (415) 551-3605 (weekdays 8:00 a.m. - 4:30 p.m.).
- in person at the Grand Jury Office, 400 McAllister St., Room 008, San Francisco, CA 94102.
- by completing an online application (available at <http://www.sfsuperiorcourt.org/index.aspx?page=312>), and mailing it to the above address.

**CITY AND COUNTY OF SAN FRANCISCO
CIVIL GRAND JURORS
2011-2012
(AS OF DATE OF PUBLICATION)**

	Umung Varma, Foreperson	
Helen Blohm	Sharon Gadberry	Mort Raphael
Mark Busse	Ossie Gomez	Jack Saroyan
Mario Choi	Arlene Helfand	Earl Shaddix
Matthew Cohen	Lewis Hurwitz	Jack Twomey
Kay Evans	Todd Lloyd	Gregory Winters
Allegra Fortunati	Jean Ninos	Sharon Yow

WITNESSES

With regard to witnesses who provide testimony to the Civil Grand Jury to aid it in its investigation, **California Penal Code § 929** provides that:

As to any matter not subject to privilege, with the approval of the presiding judge of the superior court or the judge appointed by the presiding judge to supervise the grand jury, a grand jury may make available to the public part or all of the evidentiary material, findings, and other information relied upon by, or presented to, a grand jury for its final report in any civil grand jury investigation provided that the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released. Prior to granting approval pursuant to this section, a judge may require the redaction or masking of any part of the evidentiary material, findings, or other information to be released to the public including, but not limited to, the identity of witnesses and any testimony or materials of a defamatory or libelous nature.

The intention of the California State Legislature in enacting **Penal Code § 929** is to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in an investigation of the Civil Grand Jury.

REQUIRED RESPONSES

California Penal Code § 933(c) provides deadlines for responding to this report:

No later than 90 days after the grand jury submits a final report on the operations of any public agency . . . the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility . . . shall comment within 60 days to the presiding judge of the superior court . . . on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

California Penal Code § 933.05 provides for the manner in which responses to this report are to be made:

- (a) For purposes . . . as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes . . . as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

EXECUTIVE SUMMARY

News articles, recent critical Controller audits, and a citizen complaint compelled the Civil Grand Jury to investigate the San Francisco Arts Commission. The Jury focused on the Commission's role in the weaknesses others found in departmental operations and finances, and the shabby state of the Civic Art Collection. The Jury also looked at the unfulfilled San Francisco Charter obligations toward the Neighborhood Cultural Centers, the mismanagement of the Street Artists Program, and the odd giveback to the Commission of property taxes intended for the maintenance of the San Francisco Symphony.

The Jury found that the Commission's current make-up of 11 active arts professionals out of the 15 members, as required in the Charter, fosters a focus on arts programming to the neglect of general administration, operations, and finances. Added to that, a lack of sufficient orientation and training of the Commissioners limits their ability to raise questions and make informed evaluations of Commission staff and budgets. We also found that the Civic Art Collection remains only partially inventoried, continues to suffer neglect, and lacks any systematic policy or plan for de-accessioning (removing art works from the collection). Additionally, the Neighborhood Cultural Center facilities and security do not appear to be an active priority of the Commission, as the Charter mandates. The lack of interest in the Street Artists Program by the Commission has led to lower earnings and a diminished sense of well-being for the Street Artists. Finally, the agreement between the Symphony and the Commission, requiring the Symphony to give back to the Commission 40% of the property tax monies assessed for the maintenance of a symphony orchestra violates Charter provisions.

The Jury recommends that the Charter provisions establishing the Commission be changed to include eight at-large Commissioners with backgrounds in finance, management, and fundraising. Alternatively, the Mayor could create a Citizens Advisory Committee to provide expert guidance in governance and administration to the Commission, to increase the community stature of the department, and to aid in non-governmental fundraising. Another recommendation is to allocate and to earmark \$1 million from the Hotel Tax Fund for the inventory, maintenance, storage, de-accessioning, exhibiting and installation of the existing Civic Art Collection. In addition, the City should annually allocate another amount equal to 1% of the value of the Civic Art Collection from the Hotel Tax Fund for its continuing maintenance and care. The Jury also recommends that the Commission hold public hearings and develop an action plan on the state of the Cultural Centers facilities and their funding and safety issues. The City and the Street Artists Program would be better served by moving its administration to the Office of Small Business. Lastly, the giveback provision in the Arts Commission/Symphony Agreement for Charter-

designated funds meant for the maintenance of a symphony orchestra needs to be terminated immediately.

BACKGROUND

The 2011-2012 San Francisco Civil Grand Jury (Jury) first became aware of the San Francisco Arts Commission's (SFAC) troubles in an April 16, 2011 *New York Times* article "City's Art Is a Victim of Neglect, Damage, and Loss."¹ Subsequently, the Jury learned of the sudden resignation of the Director of Cultural Affairs, the Commission's Chief Executive Officer. Additionally, four San Francisco Controller's audits conducted between 2010 and 2012² faulted the SFAC for not providing Neighborhood Cultural Centers with clear guidelines for adherence to terms and provisions in grant and lease documents. In July 2011, another Controller's audit found that the SFAC's Street Artists Program (Program) needed to introduce improvements to its internal controls and accounting practices. In November 2011, an even more damning financial management review conducted by the Controller³ took SFAC to task for numerous operational and financial weaknesses. In the same month, the Jury received a citizen complaint about the management of the Street Artists Program. Further investigation found a report from the Sunshine Task Force reprimanding the Street Artists Program again, stating that its Manager "willfully" violated the Sunshine Ordinance⁴ regarding access to public records. In response to these articles, reports, and citizen complaint, the Jury undertook an investigation of the San Francisco Arts Commission because, "Where There's Smoke..."

Besides the problems raised by the Controller, the Jury has uncovered more fundamental areas in need of correction. First, the Charter provision outlining SFAC composition and structure handicaps its governance. Secondly, the City's 4,000-plus objects of art, valued at \$90 million, in the Civic Art Collection (Collection) have yet to be completely inventoried, adequately maintained, or displayed. As well, the SFAC is not fulfilling its Charter obligations to the Cultural Centers. Moreover, the Street Artists Program is a poor fit within the SFAC. Finally, the contractual relationship between the SFAC and the San Francisco Symphony (SFS) needs reconsideration. Proper attention to these areas will lead SFAC to a more prominent place in the highly regarded cultural fabric of San Francisco and to a sharper focus on their core priorities as outlined in the Charter.

The Arts are vital to San Franciscans, an important component in the City's identity, and one of its major attractions to businesses and visitors alike. To quote an unidentified journalist, "San Francisco, without the rich flavoring of its cultural institutions, would only be a lovelier Des Moines."⁵ San Francisco was the first in the nation to support arts and culture using hotel tax revenue,⁶ the first to establish a neighborhood arts program,⁷ and the first to institute a program aimed at supporting cultural equity.⁸

To put San Francisco’s support for the arts in perspective, it is important to realize that our City is the most generous in the country for its size. The City established two primary programs for sustaining the arts and mainly funded by the Hotel Tax Fund⁹ (an occupancy tax levied on local hotels and motels). One is SFAC. The other is Grants for the Arts (GFTA),¹⁰ which provides general operating funds to a broad and diverse spectrum of over 200 local arts groups and activities, including approximately \$2.7 million to six arts organizations with budgets over \$19 million (San Francisco Opera, Symphony, Ballet, Museum of Modern Art, the Exploratorium, and the American Conservatory Theater). The City’s arts spending compares very favorably to that of other urban centers:

City	Spending on Arts	Population	Per Capita
SF (SFAC & GFTA)	\$22,000,000 ¹¹	805,235	\$26
New York	\$149,000,000 ¹²	8,175,133	\$18
Chicago	\$30,000,000 ¹³	2,695,598	\$11
Los Angeles	\$10,000,000 ¹⁴	3,792,621	\$3

Table 1. Appropriations for the Arts

The above budget figure for San Francisco does not include separate Hotel Tax Fund allocations for the Yerba Buena Gardens, the Fine Arts Museums, the Asian Art Museum, and the War Memorial & Performing Arts Center, which total almost \$20 million.¹⁵

In another comparison, San Francisco distributed 378 grants to artists and arts organizations ranging from \$1,000 to a high of approximately \$2,600,000 (to the San Francisco Symphony), mainly from the City’s 2010-11 Hotel Tax Fund, including the Cultural Equity Grants Program and the GFTA. As a comparison, during the same period the Los Angeles Department of Cultural Affairs awarded only 266 grants, ranging from \$1,000 to a meager \$225,000 (to the Sony Pictures Media Program).¹⁶ As you can see, the City should be proud of the amount of money it dedicates to the arts. But how the Commission chooses to spend its annual appropriation is another matter.

METHODOLOGY AND APPROACH

The Jury interviewed more than thirty individuals, including former and current Commissioners, SFAC staff at all levels, street artists, private arts funders, SFS staff, the staff of the Cultural Center, the staff from other City Departments, and journalists. We toured San Francisco General Hospital, Laguna Honda Hospital, four Cultural Centers, the SFAC Gallery, the art collection storage areas, various City-owned arts installations, and Justin Herman Plaza.

We also attended meetings of the full Commission and its subcommittees. Jurors reviewed: California Fair Political Practices Commission regulations;¹⁷ the Charter, the San Francisco Administrative and Police Code provisions; other San Francisco ordinances and published guidebooks; SFAC contracts; grant and lease agreements; and memorandums of understanding (MOUs). We also examined other SFAC documents, including: Commissioner orientation materials; meeting attendance documentation; SFAC's Commission bylaws; specific program policy and procedure publications; studies; grant application guidelines; annual reports; and plans, budgets, and personnel reports. We also studied the 2006 Arts Task Force report,¹⁸ Grants for the Arts program publications, audits from the Office of the Controller, Sunshine Ordinance Task Force documents, Civil Grand Jury citizen complaints, websites of City departments, and other private and public organizations.

We note that many of the programs and responsibilities of SFAC are set forth in detail in the San Francisco Administrative Code,¹⁹ but SFAC's website and policy documents have failed to keep up with changes and renumbering of that code. In one instance, an Administrative Code reference in its Loan Terms and Procedures policy publication refers to an ordinance (SF Admin Code section 1.16) that was renumbered sixteen years ago. This is one example of a number of inaccuracies that degrade the usefulness of the website.

DISCUSSION

I. SFAC Governance

The City's 1932 Charter, retained in the 1996 Revision under section 5.103, outlines the structure and duties of the Arts Commission:

The Arts Commission shall consist of fifteen members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Eleven members shall be practicing arts professionals including two architects, a landscape architect, and representatives of the performing, visual, literary and media arts; and four members shall be lay members. The President of the Planning Commission, or a member of the Commission designated by the President, shall serve *ex officio*. Members may be removed by the Mayor.

The Commission shall appoint and may remove a director of the department. The Commission shall encourage artistic awareness, participation and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and

policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco.

The Charter also speaks to further specific, mandatory, responsibilities of SFAC:

In furtherance of the foregoing the Arts Commission shall:

1. Approve the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, setbacks or usable open spaces which are an integral part of any such structures;
2. Approve the design and location of all works of art before they are acquired, transferred or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County;
3. Promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, assure that the City and County-owned community cultural centers remain open, accessible and vital contributors to the cultural life of the City and County, establish liaison between community groups and develop support for neighborhood artists and arts organizations; and
4. Supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.

Additional duties and responsibilities imposed upon SFAC under the Charter²⁰ include administering and disbursing *ad valorem* tax revenues (property taxes) to maintain “a symphony orchestra” and for City and County-owned Neighborhood Cultural Centers in

an amount sufficient for the purpose of maintaining, operating, providing for the security and superintending of their facilities and grounds, and for the purchase of objects of art, literary productions, and other property, and for their expansion and continuance in the City and County of San Francisco.

SFAC must also consult annually with the Department of Children, Youth and Their Families (DCYF) on the allocation of resources within that agency’s budget.²¹

As outlined in the SFAC bylaws, each regular Commissioner is a member of at least one committee. In order to execute their responsibilities, Commissioners shall:

- a. Unless excused, attend all regular and special meetings of the Commission and the meetings of committees of which they are members.
- b. Be knowledgeable about general issues of concern to the San Francisco art community.
- c. Strive to increase the resources of the Commission.
- d. Act as liaisons to the Board of Supervisors, the Mayor and other members of City Commissions.
- e. Act as advocates for the Arts to government and the business community.²²

The established committees include: Civic Design Review, Community Arts, Education and Grants, Executive Committee, Street Artists Committee, and the Visual Arts Committee. In practice, each Commissioner tends to serve on at least two of these committees. Of importance here, the Executive Committee is tasked, according to the bylaws, with “reviewing and recommending overall Commission policy, long range and strategic planning, program evaluation, general budgeting and financing of programs and facilities.”²³

In interviews with past and present Commissioners, as well as with staff, there is disagreement about what the Commissioners’ responsibilities are. Generally most agreed that they relied heavily on executive management to ensure appropriate program execution, as called for in the rules governing commissions. As noted in the Charter, the Commission has authority over the hiring and firing of the Director of Cultural Affairs (Director), and on that one point the interviewees agreed. It was also noted that much of a Commissioner’s attention is focused at the committee level on art program policy, content and budget plus, for some, a tendency to cater to arts organizations over the interests of the broader public. Commissioners with backgrounds and experience in specific art forms certainly bring greater knowledge of and appreciation for the activity and needs of artists and arts organizations, which is helpful in guiding a number of Commission programs. However, the Arts Commission is a creation of government, charged with a broad scope of program responsibilities, much expanded and more complex since the Commission’s inception in 1932, and with the need for greater accountability and service to City residents generally, rather than to the narrower interests of the arts community. While many appointees have served on Boards or are leaders of non-profits, few Commissioners have had significant experience in government. One interviewee even noted the inherent tension between government and the arts, one heavily regulated and rule-bound, the other freer and “more creative.”

The comparatively small number of four At-Large Commissioners is also a limiting factor. It does not provide the Commission with the capacity to establish, implement, and evaluate the needed comprehensive policies and procedures that lead to, and ensure fiscal responsibility, or a well-managed department. The At-Large Commissioners are also involved in programmatic activities and do not focus solely on governance. The small number also limits the Commission’s

ability to meet the needs of the general public for awareness of the wide array of art opportunities that are available and in which the public can participate. The Jury did review a publication about art opportunities for children, but saw little aimed at adults. Though At-Large Commissioners might bring a wider array of talents and experiences, they are not charged to be monitors of administration or represent a larger public interest.

It needs to be said that both members of the Commission and other interviewees placed much blame for the negative Controller reports on the performance of the prior Director. That Director held his position for three and a half years, from January 2008 until July 2011. In interviews with the Commissioners and staff, the Jury learned that he took actions contrary to established departmental policy, such as unauthorized transfer of funds between budget categories, and made major program and personnel changes without Commission input. However, the Jury also found earlier criticisms of SFAC's lack of financial controls in the 2006 audits of the Neighborhood Cultural Centers. None of these reflects extreme impropriety, but rather a lack of attention to best practices and procedures vis-à-vis City policy and regulations and little or no follow-up to ensure continuing compliance. Another instance of lack of diligence can be found in the Street Artists Program audit²⁴ which found that, prior to 2008-09, program fees were not adequately covering their overhead costs to the Commission, a point not discovered by staff or by any Commissioner, until the prior Director rectified it.

Thus, the Commission itself bears some responsibility for not adequately monitoring the former Director's performance and for allowing the continuation of improper practices clearly identified in earlier audits. It seems, for the Commission as a whole, much less attention is given to governance matters, such as the creation and evaluation of administrative policy and performance and the impact of SFAC programs and expenditures in fulfilling the expectations of the general public.

In recent times, the Commission President resigned and a replacement has been elected, an Executive Director was hired, the position of deputy director was reconstituted, and two new Commissioners were appointed. Only this year have Commissioners agreed to institute regular performance evaluations of the Director. This offers promise in moving forward and attending to identified problems. These actions alone do not address the need to improve the performance of the Commission itself, a main factor leading to the difficulties.

Part of the problem is a lack of orientation received by the Commissioners. According to SFAC staff, Commissioners, at the beginning of their appointment are given a small packet of materials, including Ethics Commission forms, Sunshine Task Force requirements, and SFAC By-Laws, plus in past years, an orientation by SFAC staff on the work of the department. Evidently, Commissioners are given no training in the larger legal and fiscal environment in which the Commission operates.

Further, there is a clear need for additional monies to support SFAC's programs. SFAC receives most of the funding for its \$10 million budget from the City General Fund.²⁵ It also receives nearly one-half-million dollars (\$489,175) in additional funds from a variety of public and private funders and \$1.5 million for its Art Enrichment Program (where 2% of capital funding for public construction is set aside for public art).²⁶ The Jury believes that SFAC has compelling fundraising needs but is hampered by failing to create a strong development program and by legal restrictions on governmental agencies for raising outside funds. However, both the Public Library and the Department of Recreation and Park (Rec & Park) have established non-profit organizations to increase public support for their programs. Likewise, SFAC could enlist prominent members of the community who believe in its programs and who would willingly tell the SFAC story. Major arts organizations in San Francisco demonstrate what can be done as they are able to consistently raise substantial portions of their budgets from donations and private grants. Adding people of broad community stature as Commissioners, or in honorary positions, with clear fund development assignments would enhance SFAC's ability to generate funding from private, community sources.

The challenges facing SFAC call for a more flexible, broader-based governance structure. This structure must be capable of accommodating not only Charter-driven demands for community arts programs, but also successfully leading these programs through changing times. It must ensure sufficient funding as well as provide the leadership to increase SFAC's status as an integral partner in our cultural fabric as was intended by the Charter.

Finally, SFAC staff must be criticized for not correcting simple, but important matters of office policy and procedure. The Jury experienced a failure of prompt attention to telephone calls and filling of requests for materials in the course of its investigation. On multiple occasions and at all levels of the organization, the Jury has been hampered by unanswered phone and email messages, and substantial delays in delivery of written materials. While it is true that the few paid employees are extremely busy, the unresponsiveness encountered in this investigation is not what an organization that prides itself as a community service should project.

A. Findings

F1. The City, through SFAC and GFTA, devotes public resources to art and cultural programs in more generous amounts, per capita, than any other municipality in the United States.

Responses are requested from the Mayor, the Board of Supervisors, Director of Grant for the Arts, the Arts Commission, and the Director of Cultural Affairs.

F2. SFAC Commissioners have not taken responsibility to adequately ensure administrative excellence in the department they govern.

Responses are requested from the Mayor and the Arts Commission.

F3. Commissioners focus on programs at the expense of general administration and the larger interests of the public.

Response is requested from the Arts Commission.

F4. SFAC has not developed materials that create awareness among the general public of the array of art opportunities available to them.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F5. SFAC has not created a high-profile community identity for itself as an important contributor to San Francisco's cultural heritage.

Responses are requested from the Arts Commission, the Fine Arts Museums, California Academy of Sciences, and the War Memorial and Performing Arts Center Commission.

F6. SFAC has only made a limited effort at fundraising.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F7. As a particularly community-oriented government agency, SFAC office practices need substantial improvement.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F8. SFAC's website and published materials are out-of-date.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, and City Attorney.

B. Recommendations

R1. To improve the governance of the department, increase the number of at-large Commissioners to eight members, through Charter amendment.

Responses are requested from the Mayor, the Board of Supervisors, the Arts Commission, the Director of Cultural Affairs, and City Attorney.

R2. As an alternative, establish a Citizens Advisory Committee of seven members, appointed by the Mayor, to provide expert guidance in governance and administration, aid in non-governmental fundraising, and increase the community stature of the department.

Responses are requested from the Mayor, the Board of Supervisors, the Arts Commission, and the Director of Cultural Affairs.

R3. Encourage the creation of a non-profit organization dedicated to raising funds to meet program and operational needs.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, City Attorney, the Arts Commission, and the Director of Cultural Affairs.

R4. Improve the orientation and training of Commissioners to provide them with a clear understanding of their administrative responsibilities and roles in budgeting, personnel management, city processes, and their role as ambassadors to the public to increase awareness of art opportunities in the community.

Responses are requested from the Controller, Arts Commission, the Director of Cultural Affairs, and the Mayor's Appointments Secretary.

R5. Furnish the means for each Commissioner to conduct an annual self-assessment to evaluate personal and commission performance in order to promote a focus on the full array of Commission responsibilities.

Responses are requested from the Mayor, the Arts Commission, the Director of Cultural Affairs, and City Attorney.

R6. Update the SFAC website and materials to conform to current law and policy.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, and City Attorney.

II. SFAC and the Civic Art Collection

In the April 18, 2011 article published in the *New York Times*, *Bay Citizen* reporters described the management by the San Francisco Arts Commission of the 4,000-plus art objects in the San Francisco Civic Art Collection to be slipshod. The authors further asserted that a substantial part of the Collection was missing, lost, damaged or otherwise unaccounted for. The more lurid descriptions of neglect and losses to the Collection described in the *Times* article were not substantiated by the Jury's investigation. Nonetheless, the Jury found a number of important issues involving the Collection. These issues require attention, action and leadership from the

Commission in obtaining resources and setting policy to preserve this valuable cultural asset of the City in the near and long term.

One of the core obligations of SFAC, imposed upon it by Charter, is to:

Approve the design and location of all works of art before they are acquired, transferred or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County...²⁷

A collection inventory remains incomplete years after its initiation. Although the deadline for the completion is projected to be within the next eighteen months, this task is not a high priority for SFAC. From interviews and budget documents, the Jury learned that the SFAC only recently filled the collections manager position, after being vacant for at least five years. The Commission places a higher value on its Public Art Program (also known as the Art Enrichment Program), in the creation and accession of new pieces, and other programs than in conserving, maintaining, cataloguing, and exhibiting the works currently in the Collection.

A. Collection Overview

Under the Charter and the San Francisco Administrative Code, SFAC is mainly responsible for acquiring and “accessioning,” placing and maintaining all art in public buildings, public spaces, and in and on other City properties.²⁸ The portion of the Collection at San Francisco International Airport is estimated to be worth \$40 million. The generally accepted total value of the entire Collection is \$90 million. The Collection ranges in size and scope from items of pottery and jewelry to public statuary and monuments to the massive sculptures found in front of the Main Library and the Hall of Justice. Pieces of the Collection can be found in the structures of public parking garages, as part of the doors and elevators of the Courthouse, in Union Square, and in patient rooms and public spaces at Laguna Honda Hospital. Art works have been loaned to museums and City agencies and departments for exhibition; all others not displayed or loaned are stored in confidential locations on City property. Values ascribed to individual works reflect only their worth at the time of acquisition. SFAC has not sought subsequent appraisals of the Collection.

The Collection is not a well-publicized City attraction. An iPhone app has been created to guide the curious to Collection works in public spaces, but it is limited in scope and not complete. The Jury believes that the Collection deserves much greater promotion by SFAC than is currently done. SFAC’s website requires rebuilding, and staff has requested funds to hire an outside contractor for that purpose. Employing other means of promotion of, and education around, the Collection requires further exploration by SFAC.

B. Inventory

There exists no current or complete inventory of the Collection. SFAC has undertaken the task of inventorying the Collection but, according to staff, the resources devoted to that task are not adequate for its expeditious accomplishment. Although the Jury was told that the inventory is to be completed in eighteen months, it is unclear what resources are committed to the task. Confusion among SFAC executives as to which staff members or even how many of them are assigned to the inventory raises doubts for the Jury as to the true level of SFAC's commitment to the inventory project.

To its credit, SFAC has obtained and maintains an industry-standard data program for the Collection, which, if kept current, will provide a reliable tracking system for this vast assemblage of City-owned art works.

C. Collection Loan Program

Previously SFAC administered a loan program of Collection pieces to various City departments, officeholders and executives for display in their facilities and offices.²⁹ That program, according to the SFAC website, has been suspended indefinitely. Inventory controls supporting previous loans have been inadequate. Return or retrieval of loaned art has been unsystematic, and program rules not enforced. As an example, accurate records of art loaned to San Francisco General Hospital are not available. Tracking of loaned art is only partially computerized.

D. Accession and De-accession

A substantial portion of the SFAC budget, the Public Art – Art Enrichment Fund (\$1,479,446 in the 2011-2012 Budget),³⁰ is devoted to programs under which art is commissioned and accessioned. SFAC does possess the authority to sell or exchange art in the Collection when “it would be advantageous to the City and County....”³¹ Yet, there is no organized disposal or “de-accessioning” program in place to move pieces out of the Collection despite detailed provisions for doing so.³² Currently, de-accessioning only occurs when a piece becomes too difficult for SFAC to preserve or maintain. No process or policy exists to provide for disposition of works that are incompatible with the character of the Collection or otherwise surplus.

E. Maintenance of Public Art

SFAC has done an admirable job of finding and fostering art and artists in the City. What SFAC has not done is allocate or seek funds from the City adequate to maintain what it has acquired. The budget for FY2011/2012 maintenance and repair is \$75,000.³³ While this is nearly a one-third increase over the previous year, it is still woefully inadequate for the task. Most, if

not all, of the funds have already been expended, with the vast majority going for graffiti abatement. SFAC staff describes “industry” practice as allocating 1% of a collection’s value annually to maintenance and preservation. Other estimates of the costs to repair works already in the Collection have ranged from \$1 million to \$10 million. In lieu of public support, staff has resorted to seeking private funds to supplement the maintenance budget and in wresting contributions from other department budgets to preserve the Collection pieces benefitting their operations and attractions. SFAC now requires that gifts of art to the Collection be accompanied by a 20-year maintenance endowment.

Art, monuments, and statuary on property belonging to Rec & Park may not be a direct maintenance responsibility of the SFAC. SFAC has been maintaining and repairing Rec & Park statuary and monuments for as long as can be remembered by both agencies’ staffs. SFAC does so without contribution or compensation from Rec & Park. Neither believes that Rec & Park has any responsibility for maintaining works of art (including statuary and sculptures) sited on their properties. In interviews, neither SFAC nor Rec & Park staff seems to be aware that art in the parks may be Rec & Park’s responsibility to maintain.³⁴

There is a conflict in local law between the provisions of the Charter, as revised in 1996 at section 5.103.2, and the Administrative Code at section 2A-150.1(a). The Charter imposes a general duty on the SFAC to maintain all art belonging to the City and County. The Administrative Code, in a more recent amendment, carved out exceptions to the duty of SFAC to maintain all of the City’s art by excluding art on properties of the San Francisco Unified School District, the M.H. de Young Memorial Museum, the California Palace of the Legion of Honor, the California Academy of Sciences, and Recreation and Park Commission.

The Charter is the constitution of the City and is generally the last word where it describes duties of City agencies. The Administrative Code and the other bodies of local law that make up the Municipal Code provide the “how” to the Charter’s “what” in City governance. The conflict between the Charter and the Administrative Code is, we believe, more apparent than real, regarding maintenance of statuary and monuments on Rec & Park properties. The duty to maintain its art in parks should rest with its owner - Rec & Park, as that burden was, as far as can be determined, placed later in time.

The Jury further believes that this result is the more equitable, appropriate, and fiscally responsible interpretation of City law. Rec & Park, while clearly not currently well-funded, is a much larger agency with a significantly larger budget and non-governmental resources (through the San Francisco Parks Alliance, among others). SFAC is a much smaller agency with a miniscule discretionary General Fund budget. Most of the money in SFAC’s budget is committed to program grants before it is even appropriated by the Mayor and Board of Supervisors.

SFAC has assisted Rec & Park in repairing and maintaining art and statuary located on Rec & Park properties. Interviews informed the Jury that most of the \$75,000 allocated for maintenance of the Civic Art Collection in the current (2011-2012) fiscal year was spent on a single, frequently defaced, monument in the Panhandle of Golden Gate Park. Bearing that cost is not fair to SFAC's accomplishment of its larger mission; to preserve, conserve and maintain the entire Collection. It is not an equitable policy either. Rec & Park can choose to do nothing to protect its monuments and statuary with no financial consequence to its own budget. While SFAC may possess the expertise to maintain and conserve the works of art, large and small in the Collection, it chronically lacks the financial wherewithal to do so. If Rec & Park wants SFAC to continue to care for its works, it should pay for it from its own budget. Rec & Park is doing just that as it has agreed to pay SFAC \$250,000 toward the restoration of the murals at Coit Tower - which still does not cover the full costs of repair. Full payment should be the standard for all work done by SFAC for Rec & Park's art.

SFAC is seeking a large increase in maintenance funds for the conservation and repair of the Civic Art Collection. The increases sought are still not adequate to the task. Art maintenance funds, for reasons not made clear to the Jury, are deemed to be capital maintenance expenses by the Mayor and Board of Supervisors and are subject to review and approval by the Capital Planning Committee. The Jury believes that maintenance of the Collection is more appropriately a normal operating expense of the SFAC as it executes its Charter mandates. The Civic Art Collection requires a dedicated stream of adequate funding not subject to the vagaries of capital expenditure procedures.

GFTA/Hotel Tax Fund gives grants for operating expenses to a wide variety of public and private organizations to make San Francisco more attractive to visitors. If maintenance of the Collection is, as the Jury believes, an operating expense of the SFAC, GFTA/Hotel Tax Fund monies should be made available for the maintenance and conservation of this singular asset of the City.

F. Findings

F9. The Civic Art Collection is a vast assemblage of tangible art and artifacts, representing a substantial cultural and financial asset of the City and County.

Responses are requested from the Mayor, the Board of Supervisors, the Arts Commission, and the Director of Cultural Affairs.

F10. Promotion of the Collection as an attraction of the City is limited.

Responses are requested from the Mayor, the Board of Supervisors, the Arts Commission, and the Director of Cultural Affairs.

F11. There is only a partially complete inventory of the Collection.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F12. No appraisal of the Collection, at its present value, has been undertaken.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F13. The inventory and cataloging function of the SFAC is delegated to at least a single paid staff member and two interns which is insufficient.

Responses are requested from the Mayor, the Board of Supervisors, the Arts Commission, and the Director of Cultural Affairs.

F14. Public access to the Collection has diminished due to SFAC's suspension of its art loan program to other City agencies and departments.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F15. Despite inadequate maintenance funding, commissioning and accessioning of new art continues under the Public Art Program.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F16. De-accessioning of art in the Collection is infrequent and underutilized.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

F17. The maintenance budget for the Collection is grossly inadequate to the task of preservation of the Collection.

Responses are requested from the Mayor, the Board of Supervisors, the Arts Commission, and the Director of Cultural Affairs.

F18. Art maintenance is more appropriately an operating rather than capital cost as it is a day-to-day responsibility of SFAC.

Responses are requested from the Mayor, the Board of Supervisors, the City Administrator, the Controller, the Capital Planning Committee, the Arts Commission, and the Director of Cultural Affairs.

F19. Art maintenance is inappropriately treated as a capital expense by City government.

Responses are requested from the Mayor, the Board of Supervisors, the City Administrator, the Controller, the Capital Planning Committee, the Arts Commission, and the Director of Cultural Affairs.

F20. Without a clear legal mandate to do so, SFAC has assumed responsibility for maintaining art on Recreation and Park Department properties.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, the Director of Recreation and Park, and the Recreation and Park Commission.

F21. SFAC spends most of its current maintenance funding repairing works on Rec & Park property.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, the Director of Recreation and Park, and the Recreation and Park Commission.

G. Recommendations

R7. The Collection Loan Program remain suspended until the inventory and appraisal of the Collection is complete, and a tracking system for loaned art is developed and in operation.

Responses are requested from the Arts Commission and the Director of Cultural Affairs.

R8. Human and material resources adequate to the task be devoted to the rapid completion of the inventory, appraisal, and cataloging of the Collection.

Responses are requested from the Mayor, the Board of Supervisors, the City Administrator, the Arts Commission, and the Director of Cultural Affairs.

R9. Re-designate maintenance and conservation of the Collection as an operating expense of the SFAC rather than a capital budget item.

Responses are requested from the Mayor, the Board of Supervisors, the City Administrator, the Controller, the Capital Planning Committee, the Arts Commission, and the Director of Cultural Affairs.

R10. Redirect and dedicate \$1 million, over two years, of the Grants for the Arts/Hotel Tax Fund on a one-time basis to the Arts Commission to fund the inventory, maintenance, storage, de-accessioning, exhibition and installation of the *existing* Collection located in the City, at San Francisco International Airport, and at other City properties.

Responses are requested from the Mayor, the Board of Supervisors, the City Administrator, the Controller, the Arts Commission, and the Director of Cultural Affairs.

R11. Designate Hotel Tax Funds from the initial \$1 million for the development of educational print, on-line and phone app materials to showcase the existing Civic Art Collection located in the City, at San Francisco International Airport, and at other City properties to make the Collection more accessible to City residents and visitors.

Responses are requested from the Mayor, the Board of Supervisors, the City Administrator, the Controller, the Arts Commission, and the Director of Cultural Affairs.

R12. Designate Hotel Tax Fund monies of 1% of the value of the Collection (up to \$900,000) on an annual basis for the maintenance and care of the Collection.

Responses are requested from the Mayor, the Board of Supervisors, the City Administrator, the Controller, the Arts Commission, and the Director of Cultural Affairs.

R13. Clarify ownership and maintenance responsibilities for art and statuary on Rec & Park property.

Responses are requested from the Mayor, the Board of Supervisors, City Attorney, the Arts Commission, the Director of Cultural Affairs, the Director of Recreation and Park, and the Recreation and Park Commission.

R14. Complete a SFAC - Rec & Park agreement to ensure compensation for maintenance of art in the City's parks is adequate to support that task and does not impair conservation and maintenance elsewhere.

Responses are requested from the Mayor, the Board of Supervisors, City Attorney, the Arts Commission, the Director of Cultural Affairs, the Director of Recreation and Park, and the Recreation and Park Commission.

III. Neighborhood Cultural Centers

In 1967, San Francisco became the first municipality in the nation to establish a Neighborhood Arts Program. Within SFAC, Community Arts and Education (CAE) supports the City's four neighborhood and two virtual cultural centers in furthering cultural and community revitalization and development through grants to non-profit organizations. Currently, the brick-and-mortar neighborhood centers, located in underserved communities, include the African American Art and Cultural Complex (in the Western Addition), the Bayview Opera House, the Mission Cultural Center for Latino Arts, and SOMArts. The virtual centers, Queer Cultural Center and Asian Pacific Islander Cultural Center, are sub-grantees of SOMArts. General Fund money for CAE is supplemented by the Youth Arts Fund (Transit Advertising Funding), Hotel Tax Fund, GFTA, and work orders from the Library, Department of Public Works, and DCYF. CAE's total FY2012 budget is \$3.7 million of which \$2.0 million or 54% goes directly to the

Cultural Centers. Over the years, this figure has flat-lined, despite increasing costs and more severe capital needs.

The Cultural Centers act as community anchors and collectively provide free or low-cost arts classes and studio space for children, youth (as part of after-school and summer arts programs), and adults. The Centers also provide artist and curatorial residencies and free or low-cost venues for performances, exhibitions, and professional development services and other community organizations. They also provide technical services for fairs and festivals, case management services for “at risk” youth, and fiscal sponsorships for community artists and arts organizations.

CAE authority lies in the Charter at section 5.103, which describes, among other requirements, Commission responsibility to:

[p]romote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, assure that the City and County-owned community cultural centers remain open, accessible and vital contributors to the cultural love of the City and County, establish liaison between community groups and develop support for neighborhood artists and arts organizations....

Under “Cultural, Educational, and Recreational Appropriations” the Charter³⁵ requires the Board of Supervisors to annually appropriate “[t]o the Arts Commission, for the City and County-owned Community Cultural Centers, an amount *sufficient for the purpose of maintaining, operating, providing for the security and superintending of their facilities and grounds....*” (Emphasis added.)

Further, in each of the lease agreements for the Cultural Centers themselves, the City is obligated to “repair and maintain the structural portions of the Building....” The 2006 Arts Task Force report noted the City’s failure to meet its Charter responsibilities to support neighborhood arts. Some of its findings included: “the cultural centers ... are in advanced states of neglect” and recommended that the City “develop and implement financing plans for long-overdue capital improvements, seismic upgrades, and life-safety upgrades to City-owned arts facilities” and the creation of “more substantial and stable support for the neighborhood Cultural Centers.” The City never fully instituted these recommendations. The City and County Capital Planning Committee lists over \$100 million of facility needs for the Cultural Centers and their plan describes the current state of affairs as:

Building deficiencies, seismic issues, and other needs remain unaddressed at the city's cultural centers. The severity of these facility needs, the cost of renovating the existing sites, and the possibility of relocating to other sites requires additional review and analysis.³⁶

In recent years, some repairs and interior upgrades to floors, walls, and stages have been completed. Construction of ramps and renovation of bathrooms to meet ADA requirements has been undertaken. Repairs to heating and ventilating systems have been completed at some of the Centers. Funding for these repairs came from the Mayor's Office on Disability, the American Recovery and Reinvestment Act through the Public Utilities Commission, the Capital Planning Committee, and a very small SFAC fund for facilities maintenance. Major needs such as roofing (particularly at the Mission Cultural Center), elevator repair, and seismic upgrades have not been done. In 2012, SFAC submitted FY13 and FY14 funding requests of \$1,676,700 to the Capital Planning Program for improvements to the Cultural Centers. The Capital Planning Committee came back with recommended funding for \$1,519,154. Cultural Center staff have also begun looking for capital improvement loans and grants from private sources. Year-to-year lease agreements at the Cultural Centers have hampered the ability of lessees to secure private, often multi-year, funding due to the uncertainties inherent in these short-term leases.

Security is also a major concern, particularly in the immediate environment of the Bayview Opera House. Two separate incidents reported in the news, the shooting of a child nearby and an assault against a construction worker at the Opera House, have jeopardized the use of this Cultural Center as a venue for classes and events. Burglaries and vandalism have also occurred at the Centers.

A. Findings

F22. The Cultural Centers are a primary responsibility of the Arts Commission under the Charter.

Responses are requested from the Mayor, the Arts Commission, the Director of Cultural Affairs, the Executive Director of the Bayview Opera House, the Executive Director of the African American Art and Cultural Complex, the Executive Director of the Mission Cultural Center for Latino Arts, and the Executive Director of SOMArts.

F23. SFAC has not given the support and maintenance of the Cultural Centers the priority the Charter requires.

Responses are requested from the Mayor, the Board of Supervisors, the Arts Commission, the Director of Cultural Affairs, the Executive Director of the Bayview Opera House, the Executive Director of the African American Art and Cultural Complex, the Executive Director of the Mission Cultural Center for Latino Arts, and the Executive Director of SOMArts.

F24. SFAC has not addressed the long-term funding, stability and safety needs of the Cultural Centers.

Responses are requested from: the Mayor, the Board of Supervisors, the Arts Commission, the Director of Cultural Affairs, the Executive Director of the Bayview Opera House, the Executive Director of the African American Art and Cultural Complex, the Executive Director of the Mission Cultural Center for Latino Arts, and the Executive Director of SOMArts.

B. Recommendations

R15. SFAC hold public hearings about the Cultural Centers and their short- and long-term funding (for programs and facility maintenance), facility, and safety needs to develop an action plan to secure the Cultural Centers.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, City Attorney, the Arts Commission, the Director of Cultural Affairs, the Executive Director of the Bayview Opera House, the Executive Director of the African American Art and Cultural Complex, the Executive Director of the Mission Cultural Center for Latino Arts, and the Executive Director of SOMArts, and the Director of the Department of Children, Youth, and their Families, the Police Department, the Capital Planning Committee, and the Department of Public Works.

R16. SFAC enter long-term leases with their Cultural Center operators.

Responses are requested from the Mayor, the City Attorney, the Arts Commission, the Director of Cultural Affairs, the Executive Director of the Bayview Opera House, the Executive Director of the African American Art and Cultural Complex, the Executive Director of the Mission Cultural Center for Latino Arts, and the Executive Director of SOMArts.

IV. Street Artists Program

The Street Arts Program (Program) arose from a 1972 political movement led by artists (specifically handicraft workers) who were being arrested for selling their hand-made goods illegally on the public sidewalks. They organized, brought their suggested program to the ballot with Proposition L in 1975, and achieved legitimacy by majority vote. The ordinances governing the Program are found in the San Francisco Police Code,³⁷ under the rationale that the Street Artists' activities are conducted on public property, streets, and sidewalks.

There are currently about 400 licensed Street Artists paying \$664 each in annual fees. This represents a 90% increase from 2000, compared to a Consumer Price Index increase of 34% during the same period. Current program revenue is approximately \$262,000. This funds two full time administrative positions, Program overhead at SFAC, inspectors to enforce product policies,

legal costs and some other non-Program overhead costs at SFAC and the City. The Program does not rely on General Fund monies. Estimated annual contributions to the San Francisco economy from Street Artist sales is \$2-3 million, generating approximately \$175,000 to \$262,500 in sales tax revenue to the City. Street Artists derive no other benefit from the City beyond the use of designated sidewalk space to sell their art. There are approximately 375-380 selling spaces, a decrease from 433 in 2008, accessible to artists at Fisherman's Wharf, the Cliff House, the Union Square area/Downtown, Justin Herman Plaza, and the Castro. United Nations Plaza is not used by Street Artists because of crime. During the Holidays, from November 15 through January 15, more spaces are made available at the Union Square area/Downtown and Harvey Milk Plaza in the Castro. SFAC has published program policies, procedures and regulations in the "Bluebook" which is made available both in print and on-line at the SFAC website to new applicants and to the Commissioners.

Prior to applying for a selling certificate from SFAC, applicants must obtain a business license from the City and have a current Resale License issued by the State of California. According to Program guidelines, Street Artists must make, create, and produce their own art and be its only on-site seller. Applicant art is then screened and certified by a committee of experts, who are appointed by the Mayor. After screening, applicants pay their license fee and are issued a certificate, which describes and limits the types of goods/crafts that the Artist is qualified to sell. At present, the Program certifies artists' wares in 38 distinct categories of arts and crafts, from hand-made crafts to computer-enhanced photography. All Street Artists are self-employed and most make their living solely from sales as Program licensees.

The Jury undertook the investigation of the Program when it received a citizen complaint on November 2, 2011. The 10-page complaint described past and present problems with the Street Artists Program Manager, the Arts Commission's then-President and SFAC in general. During review of this complaint, the Jury discovered the following:

- An audit report issued by the Office of the Controller on July 12, 2011, cited a need for improvement of the Program's internal controls and accounting practices. This audit found unjustified expenses allocated to the Program and concluded that the charges resulted in increased Street Artist certificate fees.
- In a June 28, 2011 report from the Sunshine Ordinance Task Force, it was alleged that the Program Manager had "willfully" violated two provisions of the Sunshine Ordinance³⁸ in handling public records requests from two Street Artists. The Task Force also found that the Program Manager resorted to a practice known as "sand-bagging" the requestors, i.e., burying requested information in a huge volume of superfluous texts. In the end, the Task Force filed a petition with the Ethics Commission urging it to impose a fine and/or penalty on the Program Manager for the willful violations. Also, a "Notice of Failure to Comply with Order of Determination" (Complaint No. 11023) was filed with the District Attorney's office for appropriate action on February 3, 2012.

- Both legal expenses incurred due to the alleged misconduct of the Program Manager as well as copying expenses for requested documents were charged to the Street Artist Fund. These expenditures account for much of the recent fee increases, striking the Jury as unfair and possibly having a chilling effect on complaints against City staff.
- The Jury learned that a Street Artists Liaison Committee, originally formed in 2010, was terminated a year later by SFAC. Formal communications between the Street Artists and its parent committee were thus cut off.
- SFAC has never had a current or former Street Artist as a Commissioner.

Jury interviews with staff, Commissioners, and Street Artists revealed a lack of regular inspections and enforcement of the rules by Program staff. SFAC considers the Program self-policing. The statement “they take care of themselves” was heard from Commissioners. It is routine for newly-appointed Commissioners to be assigned to the Street Artists subcommittee because of lack of interest from more senior Commissioners. This institutionalized neglect has real consequences.

One consequence of that neglect is that, as estimated by practicing Street Artists, a quarter of items displayed do not meet the requirements for artist-made products. The Street Artists have formed their own volunteer management teams and elect Market Managers at Fisherman’s Wharf and Justin Herman Plaza. The Market Managers run a lottery for selling spaces, enforce product rules, communicate Street Artists’ concerns to the Program Manager, and generally keep the peace among group members. The Market Managers and lottery helpers are allowed first choice of selling spaces as compensation for their extra work in support of the Program.

As other indicators of neglect and lack of interest in the Program, the Jury was told that SFAC makes no effort to promote the Program and is not allowed to use Street Artists fees to do so. Funds from other accounts have never been used for this purpose, although, we were told much later that an upcoming 40th Year celebration of the Program, originally not scheduled, will be funded by up to \$12K from General Fund money. Also, according to our interviewees, very few new selling spaces have been developed at the initiative of SFAC. This task is not considered part of SFAC responsibility. Once the Board of Supervisors designates an area for Street Artists’ use,³⁹ non-Street Artists cannot use the area for any other kind of sidewalk vending or street performance. Street Artists may, but rarely do, call upon the San Francisco Police Department to remove unlicensed vendors from designated Street Artists spaces. Beat officers are reluctant to take the time and trouble to process such violations and seem unfamiliar with Street Artists ordinances and regulations. The Market Manager tries instead to work with the non-certificated vendors and direct them away from the Street Artists’ spaces.

There is no current memorandum of understanding between Rec & Park and SFAC for the use of Justin Herman Plaza, which is under Rec & Park’s domain. Rec & Park may lease Justin Herman Plaza for other commercial uses and does so with little notice to the Street Artists who

sell there. With the Plaza occupied by tenants of Rec & Park, the Street Artists are sometimes left to fend for themselves and lose significant business and income when displaced. Although Justin Herman Plaza has not yet been rented out during the upcoming America's Cup races and events, Street Artists are justly afraid that they may be shut out from their usual venues during this prime event. A complicating factor is that a host of public and private entities manage the Embarcadero and adjacent public spaces. Rec & Park, the San Francisco Port Commission, the Department of Public Works, the Real Estate Division, and Boston Properties all claim interests in Justin Herman Plaza and its surrounds.

In light of the above, the Jury questions whether SFAC is the best agency to administer the Street Artists Program. There are similar programs in other City departments, including Rec & Park and the Real Estate Division, both of which issue permits to street vendors for non-food items in flea and farmers' markets. We discovered that the Real Estate Division program has on-site managers, a component missing in the SFAC program. The Jury also considered the Office of Small Business (OSB) as a potential home for the Street Artists who are, after all, small businesspersons. That agency's mission is to "foster, promote, and retain small businesses in San Francisco"⁴⁰ by marketing their contributions and developing assistance programs, among other initiatives. Rec & Park and the Real Estate Division expressed no interest in taking on the Street Artists. OSB appeared intrigued by the proposition and evinced a willingness to do the necessary work to help the Program succeed. The Program is a creature of ordinance and not the Charter. Its relocation would only require amendment of the Police Code to designate a new host department.

A. Findings

F25. The SFAC routinely assigns new Commissioners to the Street Artists Committee due to the lack of interest of other Commissioners.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, and the Street Artists Program Manager.

F26. The Street Artists Program is a self-funding enterprise that is funded by fees from the Street Artists.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, and the Street Artists Program Manager.

F27. The District Attorney has failed to respond to Sunshine Complaint No. 11023.

Responses are requested from the Mayor, Board of Supervisors, District Attorney, Sunshine Task Force, the Arts Commission, and the Director of Cultural Affairs.

F28. The Street Artists annual fees since 2000 have increased in large part due to the costs of defending the Program Manager for violations of the Sunshine ordinances from the Street Artists.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, City Attorney, the Controller, and Street Artists Market Managers.

F29. The Street Artists depend on volunteer managers for the bulk of on-site supervision and program operations.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, and the Street Artists Market Managers.

F30. The Street Artists Program Manager is currently under investigation by the DA for violations of the Sunshine ordinance.

Response is requested from the District Attorney.

F31. There has been no current memorandum of understanding between SFAC and the Rec & Park Department concerning the use of Justin Herman Plaza since 1991.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, City Attorney, the Recreation and Park Commission, the Recreation and Park Director, and the Street Artists Market Managers.

F32. A Street Artist has never served as a Commissioner for SFAC.

Responses are requested from the Mayor, the Arts Commission, the Director of Cultural Affairs and the Street Artists Market Managers.

F33. Selling spaces have declined from 433 in 2008 to 375-380 spaces currently.

Responses are requested from the Arts Commission, the Director of the Street Artists Program, the Director of Cultural Affairs, and the Street Artists Market Managers.

B. Recommendations

R17. Move the Street Artists Program to the Office of Small Business.

Responses are requested from the Mayor, Board of Supervisors, the Arts Commission, the Director of Cultural Affairs, the Executive Director of the Office of Small Business, the Small Business Commission, and the Street Artists Market Managers.

R18. The District Attorney respond to Sunshine Complaint No. 11023.

Responses are requested from the Mayor, Board of Supervisors, District Attorney, Sunshine Task Force, Arts Commission, and the Director of Cultural Affairs.

R19. Legal expenses for the Sunshine Ordinance defense be paid from an account, other than the Street Artist Fund.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, City Attorney, and the Controller.

R20. Appoint a current or former Street Artist to whichever Commission oversees them.

Responses are requested from the Mayor, the Executive Director of the Office of Small Business, the Small Business Commission, the Arts Commission, the Director of Cultural Affairs, and the Street Artists Market Managers.

R21. Develop new spaces for the Street Artists.

Responses are requested from the Arts Commission, the Director of Cultural Affairs, and the Street Artists Market Managers.

V. Symphony Fund

The San Francisco Symphony (SFS) celebrates its centennial this year and from all signs is robust, successful and world-renowned. This was not the case in 1935 when the country was in the Great Depression and the Symphony was near bankruptcy. The voters of San Francisco, at the urging of the Board of Supervisors, agreed to tax themselves at a rate of one-half cent per \$100 of assessed property valuation “for the purpose of maintaining a symphony orchestra.” That tax money was to be granted to SFAC to disburse for the stated purpose.⁴¹ The 1996 revision of the Charter retained that provision in section 16.106, subdivision 2, but lowered the levy to one-eighth of one-cent. That rate currently raises approximately \$2 million per year.

In election materials authorized in 1935 by the Board of Supervisors to promote this Amendment, it was stated:

San Francisco’s sponsorship of cultural musical activities at admission prices within reach of the masses has become a fixed policy of the city government and the municipality has received national and international commendation for its attitude toward music during more than twenty years. Recently the effect of economic conditions has interfered with private endowments of major musical enterprises throughout the world, necessitating the addition of public funds to whatever private endowments

can be obtained. This Charter Amendment No. 3 is to provide sufficient financial backing to continue the major music educational enterprises which have added to San Francisco's fame as a cultural center throughout the civilized world and particularly to guarantee the continuance of a symphony orchestra, including 85 expert musicians, which represents the axis around which all major musical activities of the community revolve.⁴²

While investigating SFAC, the Jury discovered the existence of a multi-year Agreement between SFAC and SFS requiring the SFAC, pursuant to the Charter, to grant approximately \$2 million per year to SFS. The Agreement provides for the performance of four series of 12 concerts each during its four-year period by SFS; the donation of 34 tickets for each series to SFAC; provision of an additional 20 tickets on an "as-available" basis; giving of 24 more tickets to the Mayor and Board of Supervisors; and, other ticket grants to SFAC for its Cultural Centers.

Within the Agreement is a provision for a "Promised Contribution to Arts Commission" which is described as 40% of the tax allocation distributed to SFS under the Charter provision described above. In the course of its investigation, the Jury found that no person currently employed by either SFS or SFAC knew how or why this giveback provision of the Agreement came to be. SFS personnel, solely as a matter of oral history, recall that prior to 1994, SFS gifted SFAC with a portion of the ticket revenues from some concert series "co-produced" by SFS and SFAC. In 1994, SFS and SFAC executed the first of these tax giveback agreements. The current Agreement runs from 2010 through 2014. SFAC and its counsel acknowledge that the donation provision of the current Agreement is entirely a gift and is revocable at the pleasure of SFS. SFAC personnel described dire consequences should that SFS revoke that gift as it is relied upon for a substantial part of their general operating budget and to fund exhibitions at the SFAC Gallery.

The concert ticket provisions of the Agreement are also shrouded in the mists of time. Distribution of free tickets to public agencies and officials is subject to regulation by the Fair Political Practices Commission (FPPC) of the State of California.⁴³ Once SFAC receives tickets to SFS events it must account for them and publish that accounting on its website. SFAC failed to start doing so until December 2011, although it did adopt a ticket policy in November of 2009 as was required by State regulation. How thorough that accounting is remains questionable.

A. Charter Obligation of the SFAC to Support a Symphony Orchestra

Since 1935,⁴⁴ SFAC has received property tax revenues for the maintenance of a symphony orchestra and has disbursed those monies to the SFS. As property values have climbed, the revenues received and distributed have grown apace. The current amount is just under \$2 million in the current fiscal year. The Charter does not provide for any other use of these revenues, including any requirement for a particular number of concert programs. The SFS has always

been the recipient of the tax revenues earmarked “to maintain a symphony orchestra” and disbursed to it by SFAC.

SFS, a private non-profit organization, has a current budget in excess of \$67 million. It provides more than 220 concerts per year in a variety of venues but primarily at Davies Symphony Hall, a City-owned building managed by the War Memorial Commission. In contrast, the current budget of SFAC amounts to a little over \$10 million. On top of the money given to SFS from property tax revenues, GFTA awards the Symphony approximately \$600,000 for operating expenses.

B. San Francisco Symphony Donations to the Arts Commission

The Agreement between SFS and SFAC binds the Symphony to provide twelve (12) concerts per year, provide free tickets to SFAC, the Mayor, the Board of Supervisors, and designee sub-organizations under the SFAC. In that Agreement, SFS promises to donate 40% of the property tax money it receives for its maintenance to SFAC for “use for any Arts Commission purpose....” There is no ordinance or other local law governing the use or redistribution of the money received by SFAC, given to SFS, and then given back to SFAC for non-symphony orchestra purposes. The gifted money is cryptically described in the current SFAC budget⁴⁵ as “Other Non-operating Revenue.”

SFAC does nothing that could or would qualify as consideration or compensation for the approximately \$800,000 that SFS contributes back to it under the Agreement. SFS could decide to decline to give that money back to SFAC without legal consequence. Due to its status as a gift, nearly 8% (\$800,000) of SFAC’s \$10 million budget is therefore subject to the whim and generosity of a non-governmental agency.

The provision of free tickets by SFS to SFAC is described in detail in section 5E.(1-4) of the Agreement. FPPC regulations require identification of persons or organizations receiving donated tickets from public agencies; disclosure of the purpose for the donation; and, whether or not the recipient will declare the ticket as income. There are also recordkeeping and publication requirements. SFAC did adopt the required ticket policy in November of 2009, but it was not actually implemented until December of 2011, after a question was raised by the Jury regarding the practice. The completeness and reliability of current reporting by SFAC is made suspect by the absence of any past accounting for free tickets received from SFS. Staff at SFAC is not knowledgeable about their own ticket policy and its reporting requirements.

C. Findings

F34. For general operating and SFAC Gallery exhibition expenses, SFAC relies on public funds that are designated by Charter for “maintenance of a symphony orchestra....”

Responses requested from the Mayor, the Board of Supervisors, the Controller, the City Attorney, the Arts Commission, and the Director of Cultural Affairs.

F35. Since 1935, SFAC has chosen the San Francisco Symphony as recipient of those funds.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, the City Attorney, the Arts Commission, and the Director of Cultural Affairs.

F36. SFAC is without legal or practical recourse if SFS revoked its annual contribution of 40% of those funds given to SFAC.

Responses requested from the Mayor, the Board of Supervisors, the Controller, City Attorney, the Arts Commission, and the Director of Cultural Affairs.

F37. The manner in which SFAC funds its operations by a giveback donation of SFS monies creates, at the least, an appearance of fiscal impropriety and violates the intent of the 1935 Charter amendment.

Responses requested from the Mayor, the Board of Supervisors, the Controller, City Attorney, the Arts Commission, and the Director of Cultural Affairs.

F38. GFTA funds the San Francisco Symphony for over \$600,000 annually for operating expenses.

Responses requested from the Mayor, the Board of Supervisors, the Controller, City Attorney, and the Director of Grants for the Arts.

F39. Until December 2011, SFAC was out of compliance with City and State regulations and Arts Commission policy governing the gifting of donated Symphony tickets to public officials and other organizations.

Responses requested from the City Attorney, the Arts Commission, and the Director of Cultural Affairs.

D. Recommendations

R22. The Arts Commission/Symphony Agreement comply with the intent of the Charter, and the full amount of the tax revenues go toward Symphony operating expenses.

Responses requested from the Mayor, the Board of Supervisors, the Controller, City Attorney, the Arts Commission, and the Director of Cultural Affairs.

R23. Redirect Hotel Tax Fund money allocated to the SFS by GFTA to the SFAC.

Responses requested from the Mayor, the Board of Supervisors, the Controller, the Arts Commission, the Director of Cultural Affairs, and the Director of Grants for the Arts.

R24. SFAC properly report the disposition of the concert tickets given to it by SFS in compliance with City and State regulations.

Responses requested from the City Attorney, the Arts Commission, and the Director of Cultural Affairs.

CONCLUSION

Since 1932, SFAC has been mandated the important, and valuable, role of supporting and promoting public art. Despite the stress of under-funding and short staffing for decades, SFAC has been able to carry out much of its mission with distinction. In recent years, however, SFAC has been plagued by a series of negative reports that have tarnished its reputation and promise. Improper administrative practices were allowed to continue without corrective action from Commission members. The City's large art collection was inadequately maintained and not fully inventoried. Neighborhood Cultural Centers were found in need of major capital improvements. The Sunshine Task Force charged the management of the Street Artist Program with improper behavior. A contract with the San Francisco Symphony appears to be inappropriately drawn.

New executive management has been hired and two new Commissioners appointed. SFAC staff is conducting a review of its practices and procedures, and planning for the future is under discussion. Staff morale seems improved in the few short months the new Director of Cultural Affairs has been in office. These steps hold promise, yet the problems discussed above must be adequately addressed for SFAC to gain and maintain the arts leadership position its mandate calls for. A Commission that can assist in promoting this work is what is needed.

The Jury has offered a series of recommendations that speak to correcting the major problems we found. Most importantly, the Jury believes that SFAC's governing body needs to reform and expand its composition to increase capacity for general administrative oversight, as

well as to improve its stature in the community so it can, among other things, increase its fundraising potential. This should provide the attention to detail that has been missing.

San Francisco takes pride in its cultural legacy and the SFAC has a rightful place at the table along with the City's other major cultural institutions. Now is the time to put out the fire of neglect that has smoldered for far too long.

ENDNOTES

- ¹Andy Wright and Reyhan Harmanci, “City’s Art Is a Victim of Neglect, Damage and Loss,” *New York Times*, April 19, 2011.
- ²Office of the Controller, City and County of San Francisco, City Services Auditor, *San Francisco Arts Commission: SOMArts Properly Used Grant Funds But the Arts Commission Needs to Clarify Provisions of the Grant Agreement*, January 5, 2010.
- Office of the Controller, City and County of San Francisco, City Services Auditor, *San Francisco Arts Commission: The Mission Cultural Center for Latino Arts Properly Used Grant Funds But the Arts Commission Needs to Clarify Provisions of the Grant Agreement*, January 5, 2010.
- Office of the Controller, City and County of San Francisco, City Services Auditor, *San Francisco Arts Commission: The African American Art and Culture Complex Properly Used Grants Funds and the Arts Commission Needs to Clarify Provisions of the Grant Agreement*, January 5, 2010.
- Office of the Controller, City and County of San Francisco, City Services Auditor, *San Francisco Arts Commission: Bayview Opera House, Inc., Did Not Comply With Some Grant Agreement Provisions and Needs to Improve Its Internal Controls*, April 23, 2012.
- ³ Office of the Controller, City and County of San Francisco, City Services Auditor, *Results of the Financial Management Review of the San Francisco Arts Commission*, November 15, 2011.
- ⁴ San Francisco Administrative Code, Chapter 67, *Sunshine Ordinance of 1999*.
- ⁵ Marjorie Beggs, *Grants for the Arts: The First 50 Years*, 2011, p. 39.
- ⁶ *Ibid.*, p.6.
- ⁷ *Ibid.*
- ⁸ Helicon Collaborative, *San Francisco Arts Commission Cultural Equity Grant Program Review*, Dec. 2011, p. 1.
- ⁹ San Francisco Business and Tax Regulations Code, Chapter 7, § 501, *et seq.*
- ¹⁰ Grants for the Arts/Hotel Tax Fund, Office of the Mayor.
- ¹¹ Rounded figures from City and County of San Francisco, *Budget Summary, 2011-12*.
- ¹² Rounded 2011-2012 figure supplied by staff at New York City Department of Cultural Affairs.
- ¹³ Rounded 2011-2012 figure supplied by staff at City of Chicago Department of Cultural Affairs and Special Events.
- ¹⁴ Rounded 2011-2012 figure supplied by staff at City of Los Angeles Department of Cultural Affairs.
- ¹⁵ City and County of San Francisco, *Consolidated Budget and Annual Appropriation Ordinance* (Ord. 147-11), 2011-12 & 2012-2013.
- ¹⁶ City of Los Angeles, Department of Cultural Affairs, <http://www.culturela.org>, as accessed on 5/18/2012.
- ¹⁷ California Code of Regulations, Title 2, § 18944.1.
- ¹⁸ *San Francisco Task Force Report*, 2006.

**City and County of San Francisco
Civil Grand Jury 2011-2012**

- ¹⁹ San Francisco Administrative Code, Chapter 2A, Article VIII, §§ 2A-150 to 2A-150.01; Chapter 3, §§ 3.19 and 3.19A; Chapter 10, §§ 10.100.28-10.100.34.
- ²⁰ Charter of the City and County of San Francisco (1996 Rev.), §§ 16.106.1-16.106.8.
- ²¹ *Ibid.*, § 16.108(m)(3).
- ²² *San Francisco Arts Commission Bylaws Adopted March 7, 2005*, p. 6.
- ²³ *Ibid.*, p. 11.
- ²⁴ City and County of San Francisco, Office of the Controller, City Services Audit, *San Francisco Arts Commission: The Street Artists Program Should Improve Its Internal Controls and Accounting Practices*, July 12, 2011.
- ²⁵ *Consolidated Budget and Annual Appropriation Ordinance* (Ord. 147-11), 2011-2012 & 2012-2013.
- ²⁶ San Francisco Administrative Code, Chapter 3, § 3.19.
- ²⁷ Charter of the City and County of San Francisco, § 5.103, subdivision 2.
- ²⁸ San Francisco Administrative Code, §2A.150.1, subdivisions (c) through (h).
- ²⁹ San Francisco Arts Commission, Policy CO00, “Loan Terms and Procedures.”
- ³⁰ *Consolidated Budget and Annual Appropriation Ordinance* (Ord. 147-11), 2011-2012 & 2012-2013.
- ³¹ San Francisco Administrative Code, § 2A.150.1(c).
- ³² San Francisco Administrative Code, §2A.150.1, subdivisions (c) through (h).
- ³³ *Consolidated Budget and Annual Appropriation Ordinance* (Ord. 147-11), 2011-2012 & 2012-2013.
- ³⁴ San Francisco Administrative Code, § 2A-150.1 subdivisions (a) and (b).
- ³⁵ Charter of the City and County of San Francisco (1996 Rev.), § 16.106, subdivision 8.
- ³⁶ From the Capital Planning Program website, www.onesanfrancisco.org, as accessed on 5/18/2012.
- ³⁷ San Francisco Police Code, Article 24, §§ 2400-2411.
- ³⁸ San Francisco Administrative Code, Chapter 67, *Sunshine Ordinance of 1999*.
- ³⁹ San Francisco Police Code, Article 24, § 2400, “*Sec. 8. Designation of Sales Areas*”
- ⁴⁰ From the San Francisco Office of Small Business website, <http://sfgsa.org/index.aspx?page=4201>, as accessed on 5/18/2012.
- ⁴¹ Charter Amendment 3, to the 1932 Charter, § 75; May 2, 1935, Special Election.
- ⁴² *Ibid.*
- ⁴³ California Code of Regulations, Title 2, § 18944.1.
- ⁴⁴ Charter of the City and County of San Francisco (1996 Rev.), § 16.106.2.
- ⁴⁵ *Consolidated Budget and Annual Appropriation Ordinance* (Ord. 147-11), 2011-2012 & 2012-2013.

RESPONSE MATRIX

Pursuant to **Penal Code § 933.05**, the Civil Grand Jury requests responses as follows:

I. SFAC Governance

Respondent	Findings								Recommendations					
	F1	F2	F3	F4	F5	F6	F7	F8	R1	R2	R3	R4	R5	R6
Mayor's Office	X	X							X	X	X		X	
Board of Supervisors	X								X	X	X			
Arts Commission	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Director of Cultural Affairs	X			X		X	X	X	X	X	X	X	X	X
Controller											X	X		
City Attorney								X	X		X		X	X
Fine Arts Commission					X									
California Academy of Sciences					X									
War Memorial Commission					X									
Director of Grants for the Arts	X													
Mayor's Appointment Secretary												X		

II. SFAC and the Civic Art Collection

Respondent	Findings												
	F9	F10	F11	F12	F13	F14	F15	F16	F17	F18	F19	F20	F21
Mayor's Office	X	X			X				X	X	X		
Board of Supervisors	X	X			X				X	X	X		
Arts Commission	X	X	X	X	X	X	X	X	X	X	X	X	X
Director of Cultural Affairs	X	X	X	X	X	X	X	X	X	X	X	X	X
Recreation and Park Commission												X	X
Director of Recreation and Park												X	X
City Administrator										X	X		
Controller										X	X		
Capital Planning Committee										X	X		

Respondent	Recommendations							
	R7	R8	R9	R10	R11	R12	R13	R14
Mayor's Office		X	X	X	X	X	X	X
Board of Supervisors		X	X	X	X	X	X	X
Arts Commission	X	X	X	X	X	X	X	X
Director of Cultural Affairs	X	X	X	X	X	X	X	X
Recreation and Park Commission							X	X
Director of Recreation and Park							X	X
City Administrator		X	X	X	X	X		
Controller			X	X	X	X		
Capital Planning Committee			X					
City Attorney							X	X

III. Neighborhood Cultural Centers

Respondent	Findings			Recommendations	
	F22	F23	F24	R15	R16
Mayor's Office	X	X	X	X	X
Board of Supervisors		X	X	X	
Arts Commission	X	X	X	X	X
Director of Cultural Affairs	X	X	X	X	X
Controller				X	
City Attorney				X	X
Executive Director of Bayview Opera House	X	X	X	X	X
Executive Director of African American Art and Cultural Complex	X	X	X	X	X
Executive Director of Mission Cultural Center for Latino Arts	X	X	X	X	X
Executive Director of SOMArts	X	X	X	X	X
Director of Department of Children, Youth & Families				X	
Police Department				X	
Capital Planning Committee				X	
Department of Public Works				X	

IV. Street Artists Program

Respondent	Findings								
	F25	F26	F27	F28	F29	F30	F31	F32	F33
Mayor's Office			X					X	
Board of Supervisors			X						
Arts Commission	X	X	X	X	X		X	X	X
Director of Cultural Affairs	X	X	X	X	X		X	X	X
Street Artists Program Manager	X	X							X
District Attorney			X			X			
Sunshine Task Force			X						
City Attorney				X			X		
Controller				X					
Recreation and Park Commission							X		
Director of Recreation and Park							X		
Street Artists Market Managers				X	X		X	X	X

Respondent	Recommendations				
	R17	R18	R19	R20	R21
Mayor's Office	X	X		X	
Board of Supervisors	X	X			
Arts Commission	X	X	X	X	X
Director of Cultural Affairs	X	X	X	X	X
Small Business Commission	X			X	
Director of Small Business	X			X	
District Attorney		X			
Sunshine Task Force		X			
City Attorney			X		
Controller			X		
Street Artists Market Managers	X			X	X

V. Symphony Fund

Respondent	Findings						Recommendations		
	F34	F35	F36	F37	F38	F39	R22	R23	R24
Mayor's Office	X	X	X	X	X		X	X	
Board of Supervisors	X	X	X	X	X		X	X	
Arts Commission	X	X	X	X		X	X	X	X
Director of Cultural Affairs	X	X	X	X		X	X	X	X
Controller	X	X	X	X	X		X	X	
City Attorney	X	X	X	X	X	X	X		X
Director of Grants for the Arts					X			X	

APPENDIX

Glossary of Terms

Accession/De-accession: the formal acceptance or disposal of works of art into or out of a collection

Arts Commission/Commission: the Governing Body of the SFAC consisting of fifteen (15) members appointed by the Mayor

GFTA: Grants for the Arts- the disbursing agency for grant monies from the Hotel Tax Fund

Hotel Tax Fund: the fund established to receive monies from the Transient Occupancy Tax levied on hotels and motels in the City and County under the authority of the Business and Tax Regulation Code, Chapter 7, section 501, *et seq.*

Program: the Street Artists Program of the San Francisco Arts Commission

SFAC: San Francisco Arts Commission- the City Department

Sunshine Ordinance: San Francisco Administrative Code, Chapter 67, Sunshine Ordinance of 1999 adopted to ensure transparency in city government

Bibliography

- Andy Wright and Reyhan Harmanci. "City's Art Is a Victim of Neglect, Damage and Loss." *New York Times*, April 19, 2011.
- Beggs, Marjorie. *Grants for the Arts: The First 50 Years, 2011*. Grants for the Arts of the San Francisco Hotel Tax Fund.
- City and County of San Francisco *Arts Task Force Report*. 2006.
- City and County of San Francisco, Arts Commission. *Policies and Guidelines for the Civic Art Collection*.
- . *Maintenance of Public Art at San Francisco General Hospital, Policies, Procedures*.
- . *Street Artists Program Procedures, Criteria, Regulations, Maps*.
- . *Annual Report 2011 on District-Based Programming and Impact*. 2011.
- . Arts Commission By-Laws. March 7, 2005.
- City and County of San Francisco, City Administrator. *Guidebook for New Department Heads and Senior Managers*.
- City and County of San Francisco. *Grants for the Arts Annual Report*. 2010-2011.
- City and County of San Francisco, Office of the Controller, City Services Auditor. *San Francisco Arts Commission: SOMArts Properly Used Grant Funds But the Arts Commission Needs to Clarify Provisions of the Grant Agreement*. January 5, 2010.
- . *San Francisco Arts Commission: The Mission Cultural Center for Latino Arts Properly Used Grant Funds But the Arts Commission Needs to Clarify Provisions of the Grant Agreement*. January 5, 2010.
- . *San Francisco Arts Commission: The African American Art and Culture Complex Properly Used Grant Funds and the Arts Commission Needs to Clarify Some Provisions of the Grant Agreements*. November 10, 2010.
- . *Results of the Financial Management Review of the San Francisco Arts Commission*. November 15, 2011.
- . *San Francisco Arts Commission: Bayview Opera House, Inc., Did Not Comply With Some Grant Agreement Provisions and Needs to Improve Its Internal Controls*. April 23, 2012.

**City and County of San Francisco
Civil Grand Jury 2011-2012**

City and County of San Francisco Municipal Code

---. Charter.

---. Administrative Code.

---. Police Code.

---. Business and Tax Regulations Code.

City and County of San Francisco, Sunshine Ordinance Task Force - *The Street Artists Program*.

Cowen, Tyler. *Good & Plenty: The Creative Successes of American Arts Funding*. New Jersey: Princeton University Press, 2006.

Eskenazi, Joe. "Inefficient By Design, San Francisco's Commissions Are Uncountable -- And Unaccountable." *SF Weekly*. July 27 – August 2, 2011.

Florida, Richard. *The Rise of the Creative Class And How It's Transforming Work, Leisure, Community and Everyday Life*. New York: Basic Books, 2002.

Goldbard, Arlene. *New Creative Community: The Art of Cultural Development*. Oakland, CA: New Village Press, 2006.

Helicon Collaborative. *San Francisco Arts Commission Cultural Equity Grant Program Review*. December 2011.