




Jesús Armas, Director, Community Services
Andrew Myung, Deputy Director, Administration & Chief Financial Officer
Joe Dzvonic, Deputy Director, Housing & Community Development
Jeff Lindgren, Deputy Director, Parks Division
Ashley Watkins, Division Chief, Sustainability & Libraries Division
Sarah York Rubin, Executive Director, Office of Arts & Culture



Memorandum

Date: May 2, 2024

To: Board of Supervisors

From: Andrew Myung, Chief Financial Officer 

Subject: Ordinance to Amend County Code Chapter 7A – County Arts Plan- Updated Attachments Since Set Hearing

The Community Services Department previously docketed materials for the April 23, 2024 set hearing date for the May 14th Departmental Agenda to consider recommendations regarding an Ordinance to Amend County Code Chapter 7A – County Arts Plan.

Between the set hearing and the board item date, the Ordinance formatting has been updated to include section headers. Sections have been added to identify the terms and conditions of the amendment as well as the timeline for it to take effect. There is no change to the redlined amendment language.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7A- COUNTY ARTS PLAN
OF THE SANTA BARBARA COUNTY CODE

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

Section 7A-2 of Chapter 7A of the Santa Barbara County Code, titled “Definitions,” is hereby amended to read as follows

Sec. 7A-2. Definitions.

- (a) "Commission" means the Santa Barbara County Arts Commission established by the board of supervisors on March 7, 1977.
- ~~(b) “Construction Project” means any capital project over \$100,000 paid for wholly or in part by the County of Santa Barbara to contract or remodel any buildings, structure, park or parking facility, or any portion thereof, within the limits of the County of Santa Barbara.~~
- (b) "County arts plan" means the plan provided for by section 7A-5(a) of this chapter.
- (c) "Works of art" means the application of skill and taste to ~~production of tangible objects~~the creative expression of an idea, emotion or culture according to artistic and aesthetic principles. Art forms can include, but are not limited to, paintings, sculpture, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, ceramics, bas-reliefs, tapestries, photographs, drawings, and traditional crafts. Works of art may be an integral part of a structure, attached to a structure, detached within or outside of a structure, or can be exhibited or presented in other public facilities.
- ~~(d) “Annual Capital Budget” means the capital appropriations approved annually by the Board of Supervisors, and ex-officio Board of Directors for dependent special districts, as part of the annual Budget process. It comprises the following classes: Land Improvements; Buildings and Building Improvements; Equipment; Individual IT Hardware/Software; Infrastructure; and Maintenance Projects.~~
- ~~(e) “County Arts Program Administration” means administration and project management, and other expenses associated with the research, initiation, development, completion, public education, and documentation of public art projects funded in any part by the County Arts Trust #1001.~~

(Ord. No. 3068, § 1; Ord. No. 4913, § 1, 3-17-2015)

SECTION 2.

Section 7A-3 of Chapter 7A of the Santa Barbara County Code, titled “Policy and funds for works of art,” is hereby amended to read as follows:

Sec. 7A-3. Policy and funds for works of art.

~~All requests for appropriations for construction projects shall include as an item therein an amount equal to one percent of the estimated cost of such project or works of art. If the Board of Supervisors approves any such request, the board shall include an appropriation of funds for works of art, at the rate of one percent of the estimated project cost to be deposited into the appropriate account to the county art fund. In the case of county construction projects with estimated construction costs over seven and one-half million dollars, Percent for Art Projects must be presented to the board of supervisors for discussion and direction as to how much would be allocated. Notwithstanding this section, each phase of the Northern Branch Jail Project (AB 900 and SB 1022) will be capped at seventy-five thousand dollars.~~

Each Annual Capital Budget request and recommendation presented to the Board of Supervisors shall contain an amount equal to one percent (1%) of the total amount of such Annual Capital Budget to be allocated for Works of Art and related purposes set forth in Section 7A-4 ("Percent for Arts Allocation") and deposited directly into the County Arts Fund upon Board adoption of such Annual Capital Budget, and administered in accordance with Section 7A-4; provided however, that the annual aggregate amount of such Percent for Arts Allocation shall not exceed a cap in the initial amount of \$200,000, which cap shall be adjusted annually to reflect the percentage change in the California Consumer Price Index (CPI) of the U.S. Bureau of Labor Statistics of the Department of Labor for All Urban Consumers, All Items, for the Los Angeles-Long Beach-Anaheim, CA; provided further, however, that in no event shall such Percent for Arts Allocation cap CPI adjustment result in a Percent for Arts Allocation in any given fiscal year in an amount constituting an increase of more than 3.5% increase over the amount of the Percent for Arts Allocation in the immediately preceding fiscal year. Twenty-five percent (25%) of each annual Percent for Arts Allocation shall be reserved for use by the County Office of Arts & Culture for County Arts Program Administration.

Money collected in the county art fund shall be available for (i) expenditure by the county board of supervisors for the purpose of constructing, creating, installing, exhibiting, maintaining, conserving, or acquiring works of art. In making such expenditures, the board shall consider the advice and recommendations of the arts commission regarding the works of art proposed to be constructed, created or acquired and (ii) County Art Program Administration.

~~In case the amount shall not be required in total or in part for any project, such unrequired amounts may be accumulated in the county arts fund to be expended for other art projects.~~

(Ord. No. 3068, § 1; Ord. No. 4913, § 1, 3-17-2015)

SECTION 3.

Section 7A-5 of Chapter 7A of the Santa Barbara County Code, titled "Commission authority," is hereby amended to read as follows:

Sec. 7A-5. Commission authority.

To carry out its responsibilities hereunder, the commission shall:

- (a) Prepare a proposed plan and guidelines to carry out a county arts plan, which shall include, but not be limited to a method or methods for the selection of artists or works of art and for placement of works of art, and present such proposed plan and guidelines to the board of supervisors for the board's approval.
- (b) Make recommendations to the board of supervisors concerning the purchase of works of art or commissioning of the design, execution and/or replacement of works of art. ~~Upon approval by the board of such recommendations, the commission shall advise the department responsible for a particular construction project of the board's decision regarding the design, execution and/or replacement of a work of art in connection with such construction project and shall provide assistance~~

~~and advice to such departments in carrying out the board's decision and in implementing the approved art plan.~~

- (c) Prepare proposed rules and regulations consistent with this chapter to facilitate the implementation of its responsibilities hereunder and present such proposed requisitions to the board of supervisors for approval.

(Ord. No. 3068, § 1; Ord. No. 4913, § 1, 3-17-2015)

SECTION 4.

Except as amended by this Ordinance, the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 5.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared to be invalid.

SECTION 6.

This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. Before the expiration of 15 days after its passage, a summary of it shall be published once together with the names of the Board of Supervisors acting for and against the same in the *Santa Barbara Independent* and *Santa Maria Times*, newspapers of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County Santa Barbara, State of California, on this _____ day of _____, 2024 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

COUNTY OF SANTA BARBARA

MONA MIYASATO
COUNTY EXECUTIVE OFFICE
CLERK OF THE BOARD

By: _____
Deputy Clerk

By: _____
Steve Lavagnino, Chair
Board of Supervisors

APPROVED AS TO FORM:
Rachel Van Mullem
COUNTY COUNSEL

By: _____
Deputy County Counsel

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- (e) "County Arts Program Administration" means administration and project management, and other expenses associated with the research, initiation, development, completion, public education, and documentation of public art projects funded in any part by the County Arts Trust #1001.

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- (b) Make recommendations to the board of supervisors concerning the purchase of works of art or commissioning of the design, execution and/or replacement of works of art.
- (c) Prepare proposed rules and regulations consistent with this chapter to facilitate the implementation of its responsibilities hereunder and present such proposed requisitions to the board of supervisors for approval.

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AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

COUNTY OF SANTA BARBARA

MONA MIYASATO

COUNTY EXECUTIVE OFFICE

CLERK OF THE BOARD

By: _____

Deputy Clerk

By: _____

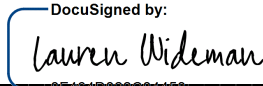
Steve Lavagnino, Chair

Board of Supervisors

APPROVED AS TO FORM:

Rachel Van Mullem

COUNTY COUNSEL

By:  _____
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Deputy County Counsel

