

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:

Sec. 7A-1. Purpose.

The county recognizes its responsibilities to foster culture and the arts and the necessity for the viable development of artists and craftsmen. The board of supervisors declares it to be a county policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for county buildings and other public facilities.

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

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 one hundred thousand dollars 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~~e) "County arts plan" means the plan provided for by section 7A-5(a) of this chapter.

(~~c~~d) "Works of art" ~~means~~ the application of skill and ~~taste~~ to ~~production of the tangible objects~~ creative expression of an idea, emotion, or culture, according to aesthetic principles. Art forms can include ~~ing~~, but are not limited to, paintings, sculpture, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, ceramics, bas-reliefs, tapestries, photographs, ~~and~~ 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 spaces and 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 county budgeting process. It is comprised of 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)

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)

Sec. 7A-4. County arts fund.

There is established in the county treasury a special fund designated "county arts fund" into which shall be deposited funds appropriated as provided by section 7A-3 hereof, together with such other funds as the board of supervisors shall appropriate for works of art, or received as gifts for such purpose, and from which expenditures may be made for specific works of art or for works of art in accordance with the approved plan provided for in section 7A-5(a) of this chapter. Separate accounts shall be established within the county arts fund to segregate receipts by source or, when so directed by the board of supervisors, for specific works of art.

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

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)

Sec. 7A-6. Applicable law.

Nothing in this chapter shall abrogate, limit, expand or otherwise affect any powers, rights, or duties granted to, or imposed on, the board of supervisors by Division 3 of Title 3 of the Government Code or any other applicable law.

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

Sec. 7A-7. Severability.

If any section, subsection, clause or provision of this chapter is held invalid, the remainder of this chapter shall not be affected by such invalidity.

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

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:
MONA MIYASATO
COUNTY EXECUTIVE OFFICE
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: _____
Deputy Clerk

By: _____
Steve Lavagnino, Chair
Board of Supervisors

APPROVED AS TO FORM:
Rachel Van Mullem
COUNTY COUNSEL

By: _____
Deputy County Counsel

