



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Community Services
Department No.: 057
For Agenda Of: November 4, 2014
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Renée E. Bahl, Interim Community Services Director (805) 568-2467
Director(s)
Contact Info: Ginny Brush, Executive Director, Arts Commission (805) 568-3992
SUBJECT: Discussion of County Percent for Art Program (Ordinance No. 3068)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A) Receive and file an update from the County Arts Commission regarding the Percent for Art Program (Ordinance No. 3068 (Attachment 1));
- B) Direct Staff to either:
 - 1. Continue to apply the Percent for Arts Policy according to Ordinance No. 3068 as it currently exists, leaving Chapter 7A unchanged; or
 - 2. Return to the Board with a proposed ordinance amending Chapter 7A of the Santa Barbara County Code to effect one or more of the following:
 - a. Limit the portion of funds appropriated from a construction project for works of art by basing the percentage rate of funds appropriated upon only eligible funds appropriated for a construction project instead of the estimated total cost of a construction project;
 - b. Establish a dollar cap on the total amount of funds appropriated from a construction project for works of art;

- c. Modify the percentage rate of funds appropriated from a construction project for works of art;
 - d. Direct Staff on other amendments; and
- C) Determine that the receipt and filing of an update on the Percent for Art Program and direction to Staff is not the approval of a project subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), finding that the action is an organizational or administrative activity of government that will not result in the direct or indirect physical changes in the environment, and direct staff to file a Notice of Exemption (Attachment 2).

Summary Text:

At the August 26, 2014 Board of Supervisor's meeting, some Supervisors requested that staff return to the Board and provide information on the County's Percent for Art Program and the application of policy for setting aside portions of requests for appropriations for construction projects for funds for works of art.

On September 10, 2014, the Santa Barbara County Arts Commission held a retreat that included a discussion of the Percent for Art Program policy and history. At the October 15, 2014 County Arts Commission meeting, members reviewed the options set forth above regarding changes to Chapter 7A of the Santa Barbara County Code and recommended no changes to the ordinance as written.

Background:

The Santa Barbara County Board of Supervisors adopted Ordinance No. 3068 establishing a Percent for Art Program on November 13, 1978. The ordinance established a policy for the inclusion of works of art on County-owned buildings or properties and established a special fund designated "County Arts Fund" [County Arts Trust #1001].

The purpose of the Ordinance was to recognize the County's responsibility to foster culture and the arts and the necessity for the viable development of its artists, artisans and craftsmen. According to the Ordinance, County policy is that a portion of appropriations equal to 1% of the estimated project cost be set aside for the acquisition of works of art to be used for County buildings and other public facilities. The Ordinance applies to "construction projects," which are defined as "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."

The Percent for the Arts Guidelines Relating to Ordinance No. 3068 (Attachment 4) provide specific details on the County Arts Fund Allocations and Responsibilities, the Art Acquisition Process, the Selection of Artists, and Contractual Agreements and Payments to Artist(s).

Ordinance No. 3068 specifies through Santa Barbara County Code Section 7A-2(e) that 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 in other public facilities.”

Attachment 3 shows the history since 2002 for construction projects that have had a portion of appropriations set aside for works of art. The majority of construction projects had at least 1% of the estimated project cost appropriated for works of art, but there are a couple construction projects for which less than 1% was set aside. The amounts set aside for works of art ranged from \$500 to \$76,680, with an average set-aside of \$16,800.

The Board of Supervisors brought up this topic in August as it related to the North County Jail (AB 900) project. This project has construction estimates now and in all likelihood will be revised as we finish the construction drawings and ultimately receive bids. So as a rough example, the current construction estimate for this project is \$65M. The one percent for Arts would be \$650,000. Of the construction costs, the General Fund is estimated to contribute \$3.6M and the remainder will come from the state grant (AB 900). The arts project is not an eligible expenditure from the state grant, so the entire allocation for the arts will come from the General Fund contribution.

Today, the Board should consider whether it wants to leave the ordinance unchanged as currently written or direct staff to return to the Board for consideration of amendments to Santa Barbara County Code Chapter 7A. In this board letter, staff provided a number of amendment options for the Board to consider should the Board decide to direct staff to amend Santa Barbara County Code Chapter 7A including, for example, limiting the application of the percent appropriated to works of art to only *eligible* funds used for a construction project instead of *all* funds in the total estimated cost of a construction project. Typically, the County General Fund would be a source of eligible funds, while a number of state and federal funding sources would not be. In these situations, the County General Fund has been funding the total appropriation for works of art even if the County General Fund only funds a portion of the total cost for a construction project. The Board could also consider modifying the percentage rate of funds to be appropriated to works of art to something other than 1%, or placing a ceiling on the dollar amount to be appropriated from the total cost of a construction project to works of art. Any of these options or other modifications can be combined together or stand alone. Staff would return to the Board at a later date with an ordinance proposing amendments to Santa Barbara County Code Chapter 7A if and as the Board may direct.

Special Instructions:

Please send minute order to Ginny Brush, Executive Director, Arts Commission.

Attachments:

Attachment 1 – Ordinance No. 3068

Attachment 2 – CEQA Notice of Exemption

Attachment 3 – Percent for Art since 2002

Attachment 4 – Percent for the Arts Guidelines Relating to Ordinance No. 3068

Authored by: Ginny Brush, Executive Director, Santa Barbara County Arts Commission