



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:** December 9, 2014  
**Placement:** Departmental  
**Estimated Tme:** 30 Minutes  
**Continued Item:** Yes  
**If Yes, date from:** November 4, 2014  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Renée E. Bahl, Interim Community Services Director (805) 568-2467  
Director(s) 2467  
Contact Info: Ginny Brush, Executive Director, Arts Commission (805) 568-3992  
**SUBJECT:** Ordinance to Amend County Code Chapter 7A – Percent for Arts Program

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors consider the following recommendations to amend “Chapter 7A –Percent for Arts Program” of the Santa Barbara County Code, as follows:

- 1) Receive and file a presentation regarding proposed amendments to Chapter 7A – Percent for Arts Program;
- 2) Approve the introduction (first reading) of an Ordinance amending Chapter 7A of the Santa Barbara County Code;
- 3) Read the title of the Ordinance into the record and waive full reading of the Ordinance (Attachment A);
- 4) Continue the hearing to the Administrative Agenda for January 13, 2015; and
- 5) On January 13, 2015, consider the following:
  - A. Approve the adoption (second reading) of an Ordinance amending Chapter 7A of the Santa Barbara County Code;
  - B. Adopt a resolution to amend the “Percent for Arts Guidelines” (Attachment B);

- C. Determine that adoption of an Ordinance amending Chapter 7A of the Santa Barbara County Code is exempt from California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity may have a significant impact on the environment (Attachment C).

**Summary Text:**

At the August 26, 2014 Board of Supervisor's meeting following discussion of the North County Jail Project, 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.

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

County staff made a presentation on the history and policy application of the Percent for Art Ordinance to the Board of Supervisors at the November 4<sup>th</sup> meeting. The Board considered 5 options using the North County Jail Project (AB900) as an example of how different options might be applied. As part of the discussion regarding public art at the Jail supervisors encouraged the Arts Commission to consider using some portion of Percent for Art Funds generated from the Jail project to another public facility in North County that would have greater public access and exposure.

The Board voted to amend Ordinance #3068 to keep the 1% for Arts application on the total estimated construction cost, but to include a cap of \$75,000 on any individual project. The Board directed staff to return with proposed amendments to Santa Barbara County Code Chapter 7A for Board review.

**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. Guidelines for the Percent for Art provide details on 1) County Arts Fund Allocations and Responsibilities; 2) the Acquisition process; 3) Selection of Artists; 4) Contractual Agreements and Payments to Artists; and 5) Through the ordinance section 7A-2(e), specifies that works of art maybe an integral part of a structure, attached to a structure, detached within or outside a structure or can be exhibited in other public facilities.

The November 4, 2014 staff presentation included background information on the Arts Commission's Percent for Art Program and recent projects, and a variety of options including the following: a) Status Quo: 1% on estimated on total construction costs; b) Limit the portion of funds appropriated for Percent for art to eligible funds only; c) establish a dollar cap on total amount of funds appropriated from estimated project construction costs; d) Modify the percentage rate of funds appropriated from a construction project; and e) Explore other amendments or a combination of the above.

After consideration and discussion on November 4, 2014, the Board voted to have staff return with recommended amendments to the Ordinance to apply 1% on total estimated construction project costs but place a cap of \$75,000 on the amount allocated to the Arts per project.

In this board letter, staff provides language on the recommendation to amend Chapter 7A-Percent for Art Program Ordinance #3068 of the County Code.

**Fiscal and Facilities Impacts:**

Proposed ordinance amendments were absorbed by existing budgeted staff. Future projects with estimated construction costs exceeding \$7.5 million will budget less than 1% for the Percent for Arts program.

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

**Attachments:**

- A. Proposed Amended Ordinance – Chapter 7A
- B. Proposed Resolution to Amend Percent for Arts Guidelines
- C. Notice of Exemption

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