

ORDINANCE NO. \_\_\_\_\_  
PERCENT FOR ART PROGRAM

ORDINANCE AMENDING CHAPTER 7A OF THE COUNTY CODE, DEFINING AND ESTABLISHING A POLICY FOR THE INCLUSION OF WORKS OF ART ON COUNTY-OWNED PUBLIC BUILDINGS OR PROPERTIES, ESTABLISHING A SPECIAL FUND DESIGNATED "COUNTY ARTS FUND" AND A REQUIREMENT FOR A PRESENTATION TO THE BOARD ON PUBLIC ART PROJECTS THAT ARE GENERATED FROM ELIGIBLE CONSTRUCTION PROJECTS ESTIMATED AT \$7.5 MILLION OR MORE.

The Board of Supervisor of the County of Santa Barbara does ordain as follows:

SECTION 1:

Chapter 7A of the Santa Barbara County Code is hereby amended to read as follows:

CHAPTER 7A.

SECTION 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.

SECTION 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.
- (c) "County Arts Plan" means the plan provided for by Section 7A-5(a) of this chapter.
- (d) "Works of Art" is defined hereby as the application of skill and taste to production of tangible objects according to aesthetic principles including, but not limited to, paintings, sculpture, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, ceramics, bas-reliefs, tapestries, photographs and drawings. 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.

SECTION 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 (1%) 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 (1%) 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 \$7.5 million, 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 \$75,000.

Money collected in the County Art Fund shall be available for expenditure by the County Board of Supervisors for the purpose of constructing, creating, 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.

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.

#### SECTION 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.

#### SECTION 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 ordinance to facilitate the implementation of its responsibilities hereunder and present such proposed requisitions to the Board of Supervisors for approval.

SECTION 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.

SECTION 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.

SECTION 2.

The ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage and, before the expiration of fifteen (15) days after its passage, it shall be published once, with the names and members of the Board of Supervisors voting for and against the same, in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara, State of California.

PASSED, APPROVED, and ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

ATTEST:  
MONA MIYASATO, COUNTY  
EXECUTIVE OFFICER  
CLERK OF THE BOARD

\_\_\_\_\_  
JANET WOLF, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Deputy County Counsel