CITY OF VENTURA

ADMINISTRATIVE REPORT

Date: October 1, 2013

Agenda Item No.: 2

Commission Action Date: October 9, 2013

To: **CULTURAL AFFAIRS COMMISSION**
PUBLIC ART COMMISSION
WATER RATE ADVISORY COMMITTEE

From: **DENISE SINDELAR, COMMUNITY PARTNERSHIPS MANAGER**

Subject: **CITY OF VENTURA PUBLIC ART PROGRAM**

RECOMMENDED ACTION

This item is for information purposes only, no action is recommended at this time.

DISCUSSION

Ventura's Public Art Program was enacted in 1991 and since then has incorporated an artist's vision to capital improvement projects providing visitors and residents alike with a new understanding of urban design in Ventura. Recognizing the substantial economic and social benefits gained through an aesthetic treatment of public spaces and consequent increased retail activity, the City established an ordinance allocating 2% of eligible City capital improvement project costs for the commissioning of artist design services and artwork integrated in the construction of public works. Policy oversight of the program is the responsibility of the Public Art Commission, a seven person volunteer advisory body.

Ordinances pertaining to the Public Art Program (Attachments A, B, C, D, E, F) state that in conjunction with City staff, the Public Art Commission advises and recommends to City Council an Annual Public Art Work Plan (Attachment G) as part of the Capital Improvement Program and approval process. In developing the plan, public art staff and appropriate City departments, in consultation with the Public Art Commission, review all on-going and new capital improvement projects annually. The Annual Work Plan, including project descriptions, budgets, locations, and recommended design approaches, are submitted to City Council for approval concurrent with the capital improvements plan and budget as well as the operating budget.

Since the establishment of the Public Art program over seventy permanent site-specific works have been commissioned and ninety-two portable works have been acquired through the Municipal Art Collection. The works in the Public Art Collection run the gamut from sculptural installations in City parks and golf courses to murals in underpasses and bus shelters. Functional installations include the front doors at EP Foster Library and the gates at the Avenue Water Treatment Plant. Recently public art funds were utilized for the

creation of a water conservation demonstration garden near Ventura High School. Projects like the upcoming California Street Bridge improvements and the artist designed transit center at the Pacific View Mall have been the result of artists working in collaboration with design teams of architects, planners and engineers. In addition, the program has funded six temporary installations occurring in conjunction with previous City Art Walks to capitalize on Ventura's designation as a prime tourist destination. Over twenty years in the making, the Public Art Collection is as diverse as the citizens that make up the community.

Adopted Goals of the Ventura Public Art Program:

- Promote and support the work of local and national innovative and accomplished artists
- Respond to and reflect the diverse nature of Ventura's population, history and growth
- Cultivate audiences for public art
- Consider ways in which public art can play a role in achieving other community building goals and objectives
- Approach the entire city as a showcase for public art
- Foster sponsorship and stewardship of public art
- Leverage CIP program resources with other sources of support

In May of 1999, the Municipal Art Acquisition program was established by City Council to document the history of visual art in Ventura by featuring and highlighting important works of art created by area artists. The collection provides increased access to artwork of high artistic merit and aesthetic quality through its display in the public areas of City Hall and other municipal buildings. The Municipal Art Acquisition Committee, a subcommittee of the Public Art Commission, oversees the purchase of master works in a variety of artistic media. This highly successful program has resulted in the creation of a renowned art collection showcased in the galleries at City Hall and rotated to City and County facilities on an annual basis. Art collection tours are provided by docents trained to provide meaningful outreach to visitors, residents and hundreds of school children every year. Most recently, a sculpture was commissioned in conjunction with the Centennial Celebration of historic City Hall.

All funding for public art staff, outreach, maintenance and conservation efforts are provided through 20% of the 2% allocation. No general fund monies are expended on Public Art or related programming. Due to the City's considerable budget cuts all areas associated with this program have been reduced significantly. In May of 2010, City Council approved the elimination of ten projects from the Public Art Work Plan equaling a reduction of $732,000 in FY 10/11 public art funding. Currently there are five active public art projects in various stages of planning initiation, design and fabrication. The projects slated for the Harbor Wetlands Ecological Reserve at the Wastewater Treatment Plant have been placed on hold pending the outcome of the feasibility analysis of the future of the settling ponds on

site. In July of 2012 City Council adopted an ordinance placing a two-year moratorium on public art funding contribution by eligible Water and Wastewater CIP projects (Attachment H).

While the number of City funded public artworks has been decreased significantly, staff has worked proactively with private sector developers to voluntarily include public art in their projects. Community Memorial Hospital is working with an artist team to develop designs for the new plaza/park entrance to the hospital. Three recent murals have been completed on city owned properties funded through County trust funds and outside grant funding. A third mural was completed at the north end of the Ventura River Trail in conjunction with funding by the Hillsides Conservancy; designed by muralist MB Hanrahan working with students from De Anza Academy of Technology and the Arts. Utilizing art to focus on the Ventura River ecosystem and to educate students and the public about the importance of protecting the watershed is a shining example of how the City's cultural legacy through public art continues to involve and impact the community.

Updated 10/1/13

PUBLIC ART WORK PLAN
2013 – 2019
DRAFT

Project Year	Project name	Type (Fund)	(Proposed) Art Allocation	Available Funding
Active	Beachfront Promenade	Facilities (General)	$32,000	$32,000
Active	Mission Park Gateway	Parks & Recreation	$90,000	$87,876
Active	California St. Bridge and Off Ramp	Streetscapes (Gas Tax)	$400,000	$178,979
On hold	Harbor Wastewater Wetlands Ph I	Wastewater	$440,000	$244,272 (Remaining from initial budget)
Active	Streetscape Murals: Bus Shelters Phase II	Streetscapes (Gas Tax)	$25,000	$25,000
On hold	Harbor Wastewater Wetlands Phase II	Wastewater	$400,000	$400,000
TBD	Wells Neighborhood Park	Parks and Recreation	$60,000	0
TBD	Westpark Improvements	Parks and Recreation	$65,000	0
Annual	Community Response Project	General	$5,000	$5,000
Annual	Conservation Fund	Varies per fund source	$20,000	$20,000
Annual	Municipal Art Acquisition Program	General	$15,000	$15,000
Annual	P.L.A.C.E. (Public and Local Artists Creating Environments) Community Projects	General	$17,500	$17,500
Annual	Web & Electronic Outreach Project	General	$12,500	$12,500
Not identified	Barranca Vista Center Enhancements	Not identified / Potential Project	$50,000	0
Not identified	City Gateways	Not identified / Potential Project	$80,000	0
Not identified	Community Park Phase II	Not identified / Potential Project	$100,000	0
Not identified	Downtown Parking Structure	Not identified / Potential Project	$160,000	0
Not identified	Multi Modal Transportation Center	Not identified / Potential Project	$1,000,000	0

PUBLIC ART WORK PLAN
2013 – 2019

ACTIVE PROJECTS

FACILITIES AND OTHER PROJECTS: (Funded from a variety of sources, primarily General Fund monies)

BEACHFRONT PROMENADE / SURFERS' POINT
The promenade up to Surfers Point is a key feature of Ventura's waterfront and is heavily utilized by visitors and residents alike. The Ventura Vision document emphasizes the importance of Ventura's natural assets such as the beach areas. As part of current upgrades to the promenade, lighting, planters, benches and railings are prime opportunities for the inclusion of an artist in the design process. In order to create a fluid linkage between the beachfront, California Plaza and the California Street Bridge it was recommended that Michael Davis be included in this design process. Promenade Park located at the end of Figueroa Street could provide an excellent opportunity to incorporate artist designed amenities and a sculptural or water feature in conjunction with the development of the Embassy Suites Hotel. This location has been called out as a prime location for public art in the updated Downtown Specific Plan. Design concepts have been developed and funding is being explored for phased implementation.
Proposed Art Allocation: $32,000 **Amount Funded: $32,000**

PARKS AND RECREATION: (Funded primarily with Parks and Recreation Funds)

MISSION PARK GATEWAY
This project consists of a sculptural element to create a linkage between Mission Park and the Museum of Ventura County. The artist, Ventura resident Paul Lindhard, was selected through a competition for artist-initiated projects in 1999. Lindhard has proposed a sculptural element to be sited in Mission Park at the entry to the Museum's courtyard entrance. The expansion of the Museum of History and Art and improvements to the surrounding area are a key component of the Downtown Cultural District Plan adopted by City Council. This project is being funded through Parks and Recreation Tax funds.
Art Allocation: $90,000 **Amount Funded: $90,000**

STREETS AND STREETSCAPES: (Funded primarily with Gas Tax Funds)

CALIFORNIA STREET BRIDGE PROJECT
The first phase of this downtown catalytic project will consist of improvements to the California Street Bridge that will be legible to both cars on the 101 and to pedestrians on California Street. In 2003, well-known artist Michael Davis was selected to develop a treatment that will enhance this important gateway to the city. This project will proceed in phases. Additional funding for Phase II will be needed to better address this key intersection when the California Street off ramp is relocated to Oak Street, and to enable the artist to consider all three of the adjacent crossings near the site: the pedestrian bridge at Ash, the southbound 101 on-ramp fly-over, and the railroad trestle. The project was originally approved by the Public Art Commission for inclusion in the 1996-1997 Annual Public Art Projects Plan, and approved by Council as an amendment to the Projects Plan on September 22, 1997. The first phase of the project will proceed in coordination with the California Bridge Upgrade project 91894, and design is currently complete and in review with Caltrans.
Art Allocation: $400,000 **Amount Funded: $205,000**

STREETSCAPE MURALS: BUS SHELTERS PROJECT PHASE II
An additional ten bus shelters were installed in FY 2010-11. This presents an excellent opportunity to commission additional artist designed panels to add to the vibrancy created by the Phase I project. This project will move in coordination with Bus Shelters Phase II 75039.
Art Allocation: $25,000 **Amount Funded: $25,000**

WASTEWATER: (Funded primarily with Wastewater Funds)

HARBOR WASTEWATER WETLANDS – PHASE I (On Hold)
Environmental artist Lorna Jordan was selected in spring 2001 as the project lead of a multidisciplinary team to develop minimally intrusive amenities that will provide improved access to the lagoon area of the harbor wastewater facility as well as an enhanced visual appearance to the site. Improvements might include walkways, viewing platforms, benches and a bird blind among other things. The area is also a critical link between the harbor and other natural resources such as the Santa Clara River estuary. The project is very large and will be undertaken in a series of phases, with the first phase being the development of a master plan as well as a small demonstration project. The area is an under-appreciated natural resource for Ventura. It is also a key connection point linking the harbor to other beach areas south of the wastewater facility. Providing increased access and visual enhancement will benefit residents as well as visitors to Ventura. The project team has conducted interviews with key stakeholders, two focus group workshops, and a town hall meeting. The draft vision was approved by the Commission in December 2007. The project has been placed on hold pending the outcome of analysis relating to the future of the settling ponds.
Art Allocation: $440,000 **Amount Funded: $440,000**

PROJECTS TO BE INITIATED FY 2013-19

WASTEWATER: (Funded primarily with Wastewater Funds)

HARBOR WASTEWATER WETLANDS – PHASE II (On Hold)

Pending the adoption of a Harbor Wastewater Wetlands Master Plan and the success of Phase I, Phase II of this project will begin the implementation of the master plan. Increased access and visual enhancement to the wetlands area will benefit both residents and visitors. The project will promote Ventura's natural environment while upgrading visual and physical access to the shoreline. This project was previously scheduled for FY 2006-07, but is pushed back so as to proceed in coordination with Phase I.

Art Allocation: $400,000 **Amount Funded: $400,000**

PARKS AND RECREATION: (Funded primarily with Parks and Recreation Funds)

WELLS NEIGHBORHOOD PARK

This project would provide for the funding of artist designed improvements in conjunction with the two park sites identified within the UC Hansen Trust project. Since the improvement of the Wells Neighborhood Park will be undertaken by the developer and not as a capital improvement project by the City, there would not be a public art requirement. However, the Parks and Recreation Commission has recommended that public art be incorporated as part of the Wells Neighborhood Park. $60,000 is available in the 1990 CIDS Wells Neighborhood Park Trust Account (23999-82480) to be utilized for the public art component of the Wells Neighborhood Park. The public art component would be incorporated into the park design and coordinated with the developer. The proposed neighborhood park will be unique since it will be developed on two separate parcels. It is proposed that the public art could be integrated as part of the play structure. The higher cost allocation for public art is based on these unique features.

Art Allocation: $60,000 **Amount Funded: $0**

WESTPARK IMPROVEMENTS

This project would provide for the funding of public art improvements at locations identified through the Westpark Management Plan currently under way. The consultant team of Roesling, Nakamura and Terada working in conjunction artist Philip Matzigkeit are creating a comprehensive Management Plan for the design and construction of the repair, maintenance, and improvements to Westpark. As a part of the team's scope of services public art opportunities will be identified. This project is anticipated to include items such as pedestrian and park entrance improvements, repair and/or reconfiguration and improvements of sports field, snack bar and restrooms, removal of a handball court, landscape, new park signage, community center repairs and enhancements. Westpark's location on the Westside adjacent to Sheridan Way elementary and the Ventura River Trail make the park an ideal site for the inclusion of public art. Ideally this project would target local artists to propose projects for this heavily utilized site. This project would move in conjunction with Westpark Improvements Project 92905 and Westpark Skateboard Park Improvements 71048.

Proposed Art Allocation: $65,000 **Amount Funded: $0**

ACTIVE PROJECTS AND INITIATIVES RECURRING ON AN ANNUAL BASIS: (Funded mainly through General Fund monies)

COMMUNITY RESPONSE PROJECTS
Through public art, community issues can be addressed and resolved in unique and unusual ways. This project offers the opportunity to respond to a need in the community, if presented, in a timely and direct manner. (Note: Operating Budget)
2013-2014 Art Allocation: $20,000 **Amount Funded: $20,000**

CONSERVATION FUND
This project consists of the ongoing conservation and repair of works in the public art collection. Monies will be allocated from pending public art funds and utilized for public art collection management expenses on an as-needed basis, as approved by the Public Art Commission. (Note: Operating Budget)
2013-2014 Art Allocation: $20,000 **Amount Funded: $20,000**

MUNICIPAL ART ACQUISITION PROGRAM
This project consists of the ongoing development of a collection of works of art by Ventura County artists for the City, which enhances the public areas of City Hall. The program has been formulated to accomplish the following: a) increase public access to artwork of high artistic merit, and b) document the history of art in Ventura by showcasing artwork produced by Ventura artists both living and deceased. The program was initially adopted by Council as part of the 1998 Public Art Projects Plan. Additional funding will provide for the continuation of this popular and successful project. Definitive examples of the work of a number of artists have been acquired to date, illustrating the range of talent in Ventura. (Note: Operating Budget)
2013-2014 Art Allocation: $15,000 **Amount Funded: $15,000**

P.L.A.C.E. (PUBLIC & LOCAL ARTISTS CREATING ENVIRONMENTS) COMMUNITY PROJECTS
Combined with the Temporary Public Art Project, this expanded project presents an opportunity for local and regional artists to create temporary or semi-permanent public art projects, selected based on their proposals or based on a call to artists for temporary multi-media installation projects. Through temporary community public art projects with limited budgets, local and regional artists are able to enhance public space, work with the community and gain valuable experience. Multi-media installations offer the opportunity to interact with a multigenerational public in unique and innovative ways, fostering new dialogue and enhancing public space. These temporary projects are funded bi-annually and scheduled to occur in conjunction with the ArtWalks. Ventura Vision has identified art by local artists as a strategy in achieving an enhanced economy and aesthetic character. (Note: Operating Budget)
2013-2014 Art Allocation: $17,500 **Amount Funded: $17,500**

WEB & ELECTRONIC OUTREACH PROJECT
This project consists of creating greater exposure to the City's Public Art offerings through the development of marketing and outreach materials including a new website and social marketing outreach campaign. The Public Art Collection includes both permanent site specific and portable artworks sited throughout the community. A grant submitted to the National Endowment for the Arts outlined a three-phase approach to audience expansion through innovative website technology, a scene-specific and narrated video tour and color collection catalog. This project will allow for increased access and interaction with the education community.
2013-2014 Art Allocation: $12,500 **Amount Funded: $12,500**

POTENTIAL NEW PROJECTS FY 2013-18

BARRANCA VISTA CENTER PUBLIC ART ENHANCEMENTS
This project consists of public art enhancements at the Barranca Vista Center, the main facility where City arts classes are taught. Potential public art enhancements include artist designed amenities, such as seating and lighting, or artistic elements such as sculpture or murals. The proposed enhancements are to be sited outdoors. This project presents an excellent opportunity to integrate public art at the City's primary center for arts education, enhancing and enriching visitor's experiences to the center. This project would also benefit east Ventura residents.
Proposed Art Allocation: $50,000

CITY GATEWAYS
This project consists of a comprehensive gateway project at multiple entries into the city, enhancing a unique identity and sense of arrival into Ventura. This project would benefit both visitors and residents. This project has been discussed at City Council, Public Art Commission, and Executive Management Team planning meetings. This project will be coordinated with the forthcoming Mobility Plan, which will identify gateways and recommended corridor design. This project may move in coordination with private development of CIP projects taking place at various locations. However, until an underlying project and funding sources are identified, it is recommended that this project remain at potential status.
Proposed Art Allocation: $80,000 to $200,000

COMMUNITY PARK PHASE II
Phase II of the Community Park will entail the design and build out of the remaining 60 acres of the site. Future improvements as part of phase II will allow for a combination of sports fields, a park maintenance facility, a parking lot, and, among other improvements, an internal roadway. An artist can work with the design team to integrate artistic enhancements into these functional amenities. Phase II improvements offer an excellent opportunity for an artist to enhance public space used by local groups and citizens. Additionally this project offers an ideal opportunity for the City to leverage its investment in the physical infrastructure by making an investment in the cultural life of the community at the same time. This project has been re-categorized to a potential project due to the re-categorization of the underlying capital project.
Proposed Art Allocation: $100,000

DOWNTOWN PARKING STRUCTURE
This project consists of public art enhancements as part of the potential construction of a 450 space above-ground parking structure in the downtown cultural district that will serve residents and visitors to Ventura. Unique artist designed features will enhance the city's image and support cultural tourism.
Proposed Art Allocation: $160,000

MULTI-MODAL TRANSPORTATION CENTER
The potential multi-modal transit center in the downtown area creates an excellent opportunity to aesthetically enhance a facility that will be highly used by riders using Amtrak, Metrolink, SCAT, VISTA, and Greyhound transit services. The integration of public art will not only enhance the experience of resident riders and visitors to Ventura, but will enhance the facility for residents and visitors to the downtown cultural district. The facility would serve as a gateway in to Ventura and provide a unique and exciting sense of arrival through public art.
Proposed Art Allocation: $500,000 - $1,000,000

POSSIBLE FUTURE PUBLIC ART PROJECTS AND INITIATIVES

Possible future public art projects, sites, and initiatives include:

- Artist In Residence Initiative: Public Outreach And Community Education
- Lower Seaward Site
- Marina Park
- Parklands Parks Project
- Private Development Public Art Fund
- Police Department Kiosk/Signage
- Public Art Master Plan Update and Ordinance Revision
- Sanjon Barranca
- Ventura County Government Center
- Ventura County Veterans Home

ORDINANCE NO. 2012- 015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA SUSPENDING CONTRIBUTIONS FROM THE WATER AND WASTEWATER FUNDS TO THE PUBLIC ART FUND FOR A PERIOD OF TWO YEARS

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Findings. The City Council finds and determines as follows:

A. Section 4.610.030 A. of the San Buenaventura Municipal Code requires the City Council to appropriate funds for public art as follows:

> "Appropriations. As part of the annual capital improvement plan budget, the city council will appropriate within each project two percent of each eligible capital improvement project for public art. Public art monies will be transferred to the public art fund each time a contract for any portion of the overall eligible capital improvement project is approved. The two percent will be based upon the approved contract amount. Further adjustments will not be made if the project's completion produces a final cost that is different from the council's initial award of contract."

B. The City Council has determined that with respect to the water and wastewater funds, public art appropriations should be suspended for a period of two years in order to minimize the impact of new water and wastewater charges.

Section 2. Section 4.610.030 A. of the San Buenaventura Municipal Code is hereby suspended with respect to the water and wastewater funds for a period of two years from the effective date of this Ordinance.

Section 3. The City Manager is directed to report on the implementation of this Ordinance before expiration of the two-year suspension period.

Section 4. CEQA Findings.

EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council further finds that this Ordinance is exempt under Section 15061(b)3 of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that the enactment of this Ordinance merely implements an

administrative process that will not foreseeably result in construction activities or other physical activities, either directly or indirectly. Accordingly, it can be seen with certainty that the enactment of this Ordinance does not have the potential to result in significant effects on the environment.

PASSED and ADOPTED this 18 day of June 2012.

Mike Tracy, Mayor

ATTEST:

Cynthia M. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM

By:
Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, ELAINE M. PRESTON, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular June 18, 2012, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, Deputy Mayor Heitmann, and Mayor Tracy.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on June 19, 2012.

Roxanne Trovillo
Deputy City Clerk

CITY OF SAN BUENAVENTURA
1866
EUREKA
1905
CALIFORNIA

ORDINANCE NO. 91-18

AN ORDINANCE ADDING ARTICLE 2 TO CHAPTER 8 OF DIVISION 1 OF SAN BUENAVENTURA ORDINANCE CODE AUTHORIZING THE ALLOCATION OF 2% OF THE ELIGIBLE CITY CAPITAL IMPROVEMENT PROJECT COSTS FOR THE COMMISSIONING OF ART WORKS AND ARTISTS' SERVICES IN THE CONSTRUCTION OF PUBLIC WORKS; ESTABLISHING A METHOD FOR CALCULATING ART IN PUBLIC PLACES APPROPRIATIONS FOR CAPITAL PROJECTS; ESTABLISHING AN ART IN PUBLIC PLACES ADVISORY COMMITTEE AND SPECIAL PROGRAMS WITHIN EACH CAPITAL IMPROVEMENT FUND DESIGNATED AS THE "PUBLIC ARTWORKS PROGRAM"

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1: An Article 2 is hereby added to Chapter 8 of Division 1 of the City of San Buenaventura Ordinance Code to read as follows:

ARTICLE 2 - ART IN PUBLIC PLACES PROGRAM

Sec. 1820. Art in Public Places Program - General.

Sec. 1820.1 - Intent and Purpose. The City Council of the City of San Buenaventura accepts responsibility for expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of artists in public places throughout the City. The City further recognizes the substantial economic benefits to be gained through aesthetic enhancement of its public spaces and consequent retail activity throughout the City. A policy is hereby established to direct the inclusion of works of art in public spaces throughout the City and/or the design services of artists in certain City capital improvement projects.

Sec. 1820.2 - Definitions.

The following terms are defined for the purpose of the Ordinance:

(a) "Capital Improvement Project" means any capital improvement paid for wholly or in part by funds appropriated by the City of San Buenaventura to construct or remodel a building, decorative or commemorative structure, park, street, sidewalk, parking facility, or utility or any portion thereof, within the City limits of, or under the jurisdiction of, the City of San Buenaventura. Specifically excluded from this definition are street resurfacing and water and sewer line replacement projects.

(b) "Public Artworks" are enduring original works of art in public places. The works of art should be integral to both their location and the associated work of other design professionals. They should contribute to a sense of place and enhance the quality of life in the City by contributing to its unique identity. The works of art should be of the

highest quality and engage one's mind and senses. They should be of a lasting nature, but may incorporate such transitory design elements as light, sound, odor and touch. While they are the creation of an artist, the art works may rely on natural forces and human interaction to be fulfilled. The artworks may be permanently sited or be portable, and may serve as venues for various performing and cultural art forms.

(c) "Art in Public Places Projects" involve all necessary tasks associated with the selection of sites for art works through their design, construction and installation.

(d) "Art in Public Places Coordinator" shall mean either a contract consultant hired for this purpose, a position of Art in Public Places Coordinator if authorized by the City Council, or the City Manager or designee.

(e) "Art in Public Places Project Plan" means a prioritized list of arts projects to be approved by the City Council concurrent with the annual Capital Improvement Program and Budget, and developed by the Art in Public Places Coordinator in conjunction with the appropriate City departments, and in consultation with the Art in Public Places Committee.

(f) "Public Artworks Program" means a clearinghouse program within each eligible Capital Improvement Fund, established to receive the 2% public art dedication from all eligible capital improvement projects within that Fund, as well as monies from other sources as may be appropriate.

Sec. 1820.3 - Funding.

(a) Appropriations. Annually, as part of the Capital Improvement Budget, the City Council shall appropriate to the Public Artworks Program within each Capital Improvement Fund, 2% of that Capital Improvement Fund's eligible capital improvement projects' projected construction, construction administration and inspection costs. This amount should be adjusted on an annual basis to reflect actual costs.

(b) Pooling. Funds appropriated for the Art in Public Places Program through a 2% dedication from any one capital improvement project, but not deemed necessary or appropriate to be expended in total or in part for public art at said project site, may be expended on other projects approved under an Art in Public Places Projects Plan when such funds are eligible to be so used.

(c) Exclusions. If the source of funding or other applicable law or regulation with respect to any particular capital improvement project or portion thereof prohibits or restricts the use of the 2% dedication of such funds for art in public places, this Ordinance shall not apply to those funds so prohibited or restricted.

(d) Grant Applications. All City departments shall, from the effective date of this Ordinance, include in applications to outside granting authorities for capital improvement projects which will include site-specific artwork, amounts for artists' services and/or artworks as specified herein, where permitted or unless otherwise waived by the City Council. Receipt of such funds shall be administered as part of the City's Art in Public Places Program.

(e) Waiver. The City Council may exclude certain capital improvement projects or budgeted portions thereof from the provisions of this Ordinance by passage of an authorizing motion.

Sec. 1820.4 - Use of Funds.

(a) Monies appropriated under this Ordinance may be used for hiring artists to develop design concepts and for the selection, acquisition, purchase, and commissioning of public artworks. Artist fees may also include the following:

(1) Structures which enable the display of artwork(s).

(2) Artistic design and fabrication fees.

(3) Labor of assistants, materials, and contracted services, including engineering, required for the production and installation of the work of art.

(4) Any required permit or certificate fees, business and legal costs directly related to the project.

(5) Dealer's fees of up to 15% of the artist's fee to be paid as a dealer or gallery commission, if necessary and where appropriate.

(6) Communication and other indirect costs (insurance, utilities, travel and per diem expenses).

(7) Transportation of the work of art to the site.

(8) Preparation of site to receive artwork.

(9) Installation of the completed work of art.

(b) Monies appropriated under this Ordinance may be used for operating costs of the Art in Public Places Program, but in no event should such costs exceed 15% of the annual total Public Artworks Program funds. Eligible costs may include the following:

(1) Costs incurred in the process of managing the Art in Public Places Program including staff time, direct costs and overhead.

(2) Documentation (color slides and black and white photographs) of the artwork's fabrication and installation and plaques to identify the artwork.

(3) Costs to maintain and refurbish art in public places when the cost of such maintenance exceeds funds currently available for the maintenance of public property in general.

(4) Other expenses which are, or may become, an integral part of the Art in Public Places Program, including community educational activities and public dedications of completed art works.

(c) Monies appropriated under this Ordinance shall not be used for the following:

(1) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions.

(2) "Art objects" which are mass produced of standard design such as playground equipment or fountains.

(3) Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photographs, printmaking or other media arts.

(4) Decorative or functional elements, or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect.

(5) Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.

Sec. 1820.5 - Public Artworks Programs.

(a) Funds appropriated to the Public Artworks Program within each Capital Improvement Fund, if not expended in any given fiscal year, shall be carried over to the next fiscal year. Funds appropriated from sources placing time restrictions on expenditure of such funds shall be expended according to such restrictions. Funds in the Public Artworks Programs shall be used solely for the Art in Public Places Program.

(b) Disbursements from the Public Artworks Programs shall be made in accordance with the annual Art in Public Places Projects Plan adopted by the City Council as part of the Capital Improvement Program and Budget.

Sec. 1820.6 - Annual Art in Public Places Projects Plan. The Art in Public Places Coordinator and appropriate City departments, in consultation with the Art in Public Places Advisory Committee, shall review all on-going and new capital improvement projects from any eligible funds, grants and other sources at least once a year. An Art in Public Places Projects Plan, including project descriptions, budgets, locations, and recommended design approaches, will be submitted to the City Council for approval and implementation as part of the annual Capital Improvement Program and Budget process.

Sec. 1820.7 - Art in Public Places Advisory Committee. An Art in Public Places Advisory Committee shall be appointed by and be advisory to the City Council. This Committee shall provide general oversight of the Art in Public Places Program, its projects, the sites, scope of project, artworks, and artists for the Art in Public Places Projects. The composition and responsibilities of the Art in Public Places Advisory Committee shall be established by City Council resolution.

Sec. 1820.8 - Ownership. All art objects acquired by monies appropriated pursuant to this Ordinance shall be acquired in the name of the City of San Buenaventura and title shall vest in the City of San Buenaventura.

Sec. 1820.9 - Application. This Ordinance shall apply to all existing and future capital improvement projects that begin construction on or after July 1, 1992.

Sec. 1820.10 - Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this Ordinance.

SECTION 2: This Ordinance shall take effect on the 31st day after final passage and adoption.

PASSED AND ADOPTED this 15th day of July, 1991.

Mayor

ATTEST:

City Clerk

MLS:5-101A

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting thereof, held on the 15th of July, 1991 by the following vote:

AYES: Councilmembers Collart, Bean, Tuttle, McWherter, Villeneuve and Francis.

NOES: Councilmember Monahan.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura this 16th day of July, 1991.

City Clerk

ORDINANCE NO. 99-15

AN ORDINANCE AMENDING SECTIONS 1820.2, 1820.3, 1820.4, AND 1820.7 IN ARTICLE 2, CHAPTER 8, DIVISION 1 OF THE SAN BUENAVENTURA ORDINANCE CODE REGARDING THE CITY'S ART IN PUBLIC PLACES PROGRAM.

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1: Article 2 of Chapter 8 in Division 1 of the San Buenaventura Ordinance Code ("SBOC") is amended to read "Public Art Program." All instances of the phrase "art in public places" in SBOC §§ 1820-1820.10 are changed to read "public art."

SECTION 2: SBOC § 1820.2 is amended to read as follows:

"**Definitions.** The following terms are defined for the purpose of the ordinance:

A. "Annual Projects Plan" means a prioritized list of arts projects developed by the Public Art Supervisor in conjunction with the appropriate City departments and in consultation with the Public Art Commission to be approved by City Council concurrent with the capital improvement plan and budget.

B. "Eligible Capital Improvement Project" means any capital improvement paid for wholly or in part by funds appropriated by the City of San Buenaventura to construct or remodel a building, decorative or commemorative structure, park, street, sidewalk, parking facility, or utility or any portion thereof, within the city limits of, or under the jurisdiction of, the City of San Buenaventura. Specifically excluded from this definition are street resurfacing and water and sewer line replacement projects.

C. "Eligible Capital Improvement Project Budget" means project appropriations, including land acquisition, contracted planning and design services, construction, contracted construction management services and capital equipment, but not including, legal fees, demolition, soils remediation, and portable equipment of standard manufacture.

D. "Public Art Fund" means a fund established for the purpose of tracking the public art program that will consist of specific accounts established according to fund source and can include sources other than the Capital Improvement Plan as may be appropriate.

E. "Public Art Projects" involve all necessary tasks associated with the selection of sites for art works through their design, construction and

installation.

F. "Public Art Supervisor" means either a contract consultant hired for this purpose, the position of public art supervisor, or the city manager or designee.

G. "Public Artworks" means enduring original works of art in public places. The art should be integral to both the location and the associated work of other design professionals. They should contribute to a sense of place and enhance the quality of life in the city by contributing to its unique identity. The works of art should be of the highest quality and engage one's mind and senses. They should be of a lasting nature, but may incorporate such transitory design elements as light, sound, odor and touch. While they are the creation of an artist, the art works may rely on natural forces and human interaction to be fulfilled. The artworks may be permanently sited or be portable, and may serve as venues for various performing and cultural art forms.

SECTION 3: All instances of the phrase "art in public places coordinator" in SBOC §§ 1820-1820.10 are changed to read "public art supervisor."

SECTION 4: All instances of the phrase "annual art in public places plan" in SBOC §§ 1820-1820.10 are changed to read "annual projects plan."

SECTION 5: All instances of the phrase "public artworks program" in SBOC §§ 1820-1820.10 are changed to read "public art fund."

SECTION 6: SBOC § 1820.3(a) is amended to read as follows:

"Appropriations. As part of the annual capital improvement plan budget, the City Council will appropriate within each project two percent (2%) of each Eligible Capital Improvement Project for public art. Public art monies will be transferred to the Public Art Fund each time a contract for any portion of the overall Eligible Capital Improvement Project is approved. The 2% will be based upon the approved contract amount. Further adjustments will not be made if the project's completion produces a final cost that is different from the Council's initial award of contract. "

SECTION 7: SBOC § 1820.7 is amended to read as follows:

"Public Art Commission. A Public Art Commission will be appointed by and be advisory to the city council. The Commission will provide general oversight of the public art program, its projects, the sites, project scopes, artworks, and artists for public art projects. The composition and responsibilities of the Public Art Commission will be established by ordinance or city council resolution."

SECTION 8: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity shall not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: This Ordinance shall take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this 21st day of June, 1999.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM
ROBERT G. BOEHM, CITY ATTORNEY

By:

Karl H. Berger
Deputy City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Ordinance was passed and adopted by the Council of the City of San Buenaventura, at a regular meeting thereof, held on the 21st day of June, 1999, by the following vote:

AYES: Councilmembers Smith, De Paola, Tingstrom, Monahan, Di Guilio and Friedman.

NOES: None.

ABSENT: Councilmember Brennan.

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of San Buenaventura this 22nd day of June, 1999.

Barbara J. Kam
City Clerk

RESOLUTION NO. 99-27

A RESOLUTION ADOPTED BY THE SAN BUENAVENTURA CITY COUNCIL ESTABLISHING A MUNICIPAL ART ACQUISITION PROGRAM AND THE PROCEDURE FOR ACQUIRING ART FOR THE PROGRAM.

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1: This Resolution is adopted with reference to the Intent and Purpose set forth in the City's Art in Public Places Program, San Buenaventura Ordinance Code ("SBOC") § 1820.1.

SECTION 2: To further implement the City's Public Art Program, the City Council finds it desirable to establish a Municipal Art Acquisition Program and set forth the procedure that must be followed to acquire artwork for the Program.

SECTION 3: The City Council, therefore, establishes the City of San Buenaventura Municipal Art Acquisition Program ("Program") which will document the history of visual art in San Buenaventura by featuring and highlighting artworks created by Ventura County artists. The Program is also intended to increase access to artwork of high artistic merit and aesthetic quality through the display of semi-permanent art installations in the public areas of City Hall and other municipal buildings.

SECTION 4: To ensure that the Program acquires, and retains, the highest quality artwork, the City Council establishes the following policies regarding acquisition of artwork for the Program:

A. Acquisitions should be directed toward artworks of the highest quality.

B. Acquisition of artworks is a commitment to the ongoing preservation, protection, maintenance, and display of the artworks for the public benefit.

C. Acquisition of artworks should be permanent so long as the physical integrity, identity, and authenticity are retained, and so long as the physical sites for the artworks remain intact.

D. Artworks should generally be acquired without restrictions as to future use and disposition, except with respect to copyrights and any other clearly defined residual rights that are incorporated into the contracts with the artist(s).

E. A legal instrument of conveyance, in a form approved by the City Attorney, must accompany all acquisitions. Complete accession records must be

created and maintained for all artworks.

F. Deaccessioning should be a seldom-employed action that operates with a strong presumption against removing artworks from the Program collection.

SECTION 5: The City Council also establishes the following procedure to purchase artwork to be included in the Program:

A. Appointment of Jurors: Annually, three members of the Public Art Commission will be selected to serve on an Acquisition Program Committee ("the Committee"). The Committee, along with three to five additional appointees, will serve as the Acquisition Program Committee Selection Panel ("the Selection Panel"). The additional panelists will be appointed by the Commission, and will consist of professionals in the arts field, selected for their expertise in a particular area. Panelists will serve on an ad-hoc basis.

B. Annual Purchase Process: The Committee will convene to formulate an Acquisition Program Annual Purchase Plan ("Plan") for spending monies allocated by the City Council for the purpose of acquiring artworks. The Plan will include the number and type of artworks to be purchased. Before purchasing any artwork, the Plan must be approved by the Public Art Commission. The Committee will establish review periods and application procedures for the year.

C. Selection of Artwork for Purchase: The following guidelines will be used by the Selection Panel in the purchase of artwork:

1. Artworks must be created by artists residing in Ventura County and/or by artists who have made a direct contribution to the history of art in Ventura County.

2. Artworks must be of distinctive artistic merit and aesthetic quality.

3. The suitability of artwork and, if it is site specific, its compatibility with the proposed site.

4. The context of the work within the City's collection.

5. Professional credentials of the artist, to include established and emerging artists.

6. Ongoing maintenance and other liabilities of the City in connection with the artwork.

7. Artwork of the Selection Panel members or Public Art Commission members may not be considered for purchase.

8. Artwork will be purchased at the most favorable price to the City, which will be determined on a case-by-case basis.

D. Display of Artworks: The Committee will annually determine where artworks will be displayed. Artworks should initially be displayed in the public areas of City Hall including the following areas:

1. Foyer;

2. Atrium;

3. Conference Rooms;

4. Community Meeting Room;

5. Hallways;

6. City Offices (primarily Formal Reception Areas); and

7. Any officially designated "Municipal Gallery" space in City Hall.

E. When the collection consists of a substantial number of works, the Program may be expanded to include loans of artworks to other City buildings and public agencies. Loan requests will be considered during the annual development of the Plan.

PASSED AND ADOPTED this 24th day of May, 1999.

City Clerk

APPROVED AS TO FORM:
ROBERT G. BOEHM, CITY ATTORNEY

By:
Karl H. Berger
Deputy City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was duly passed and adopted by the Council of the City of San Buenaventura at a regular meeting thereof held on the 24th day of May, 1999, by the following vote:

AYES: Councilmembers Smith, Brennan, Tingstrom, De Paola, Monahan, and Di Guilio.

NOES: Mayor Friedman.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the City of San Buenaventura this 25th day of May, 1999.

Barbara J. Kam

Barbara J. Kam, City Clerk

RESOLUTION NO. 99-28

A RESOLUTION ADOPTED BY THE SAN BUENAVENTURA CITY COUNCIL ESTABLISHING PROCEDURES FOR MANAGING THE CITY'S ART COLLECTION.

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1: This Resolution is adopted with reference to the Intent and Purpose set forth in the City's Art in Public Places Program, San Buenaventura Ordinance Code ("SBOC") § 1820.1.

SECTION 2: To further implement the City's Art in Public Places Program, the City Council finds it desirable to establish procedures for managing the City's Art Collection ("Collection").

SECTION 3: The City Council believes that a single City division or department should have responsibility for managing and maintaining the Collection. The city manager should identify which division or department is best suited for such responsibility.

SECTION 4: To ensure that the integrity of the Collection is maintained, the City Council determines that the city manager should establish uniform procedures for reviewing and accepting gifts or loans of artworks to the City and for placing artwork on public property. Any procedure promulgated by the city manager should include:

A. Aesthetic considerations, to ensure that the Collection has art of the highest quality, based on a detailed written proposal and concept drawings for the proposal, or photographs of an existing artworks, documentation of the artist's professional qualifications and, in some instances, a current certified appraisal of the work of the artwork.

B. Financial considerations based on the cost of installation, sources of funding for the project, a maintenance agreement between the City and the donor, and the estimated cost of maintenance and liability associated with the artwork, based on the susceptibility of the artwork to damage and vandalism, potential danger to the public, and special insurance requirements.

C. Environmental considerations based on the physical appropriateness of the artwork to the site and the scale of the artwork.

D. Legal considerations, including an instrument of conveyance showing that the artwork is free of any encumbrances, claims, or defects in title.

E. If a temporary loan is offered to the City, the person offering the temporary loan must submit the following:

1. A description and documentation of the artwork(s) including photographs, slides, size, media, title, date of creation, the current value of the artwork(s) and the professional resume of the artist, if available.

2. Information regarding the proposed length of the loan, any maintenance requirements, and any special conditions.

F. The following should be excepted from any procedure promulgated by the City Manager:

1. Proposed gifts of artworks that have a current appraised value of less than $1,000.

2. Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States that may be accepted by the City Council or city manager on behalf of the City. Such gifts will be reviewed as follows: permanent placement of artworks will be determined jointly by the appropriate city department and the Public Art Commission, subject to the approval of the City Council. Appropriate recognition and publicity will be the responsibility of the city department with jurisdiction over the site of permanent placement of the art. If not provided by the donor, maintenance of the art will be the responsibility of the department with jurisdiction over the site, in consultation with the Public Art Commission.

3. Art or exhibitions loaned for display on public property for ninety (90) days or less will not be subject to the standard review process. Review and approval in these instances will be the responsibility of Cultural Affairs Division staff in consultation with the department with jurisdiction over the site of the display or exhibition.

SECTION 5: The City Council recognizes that many city facilities were developed without public art. City departments are therefore encouraged to allocate non-public art funds to enhance their offices and facilities. In doing so, city departments should abide with the following procedure:

A. CAD should be consulted by departments planning to acquire art with non-public art funds if the value of the proposed acquisitions exceeds $1,000.

B. Proposed art acquisitions by departments with a value of over $1,000 will

be reviewed and approved by the Public Art Commission.

C. Art acquisition proposals should be accompanied by the following information:

1. Slides, photos or a model of the proposed work

2. Biography of the artist

3. Proposed site and installation plans

4. Cost of the artworks and budget for installation

5. Maintenance requirements for the work.

D. Artworks in private offices or non-public areas of city facilities are not subject to Public Art Commission review.

SECTION 6: To ensure that the City Collection is kept current and well maintained, the City Council establishes the following procedures for administering the Program's artwork collection:

A. At least once in every ten-year period, the Collection will be evaluated by the Public Art Commission for the purposes of collection management and in order to assess the Collection's future.

B. The City will establish a review process meeting the following objectives:

1. Establish a regular procedure for evaluating the value, whether monetary or artistic, of the Collection.

2. Ensure that deaccessioning of artworks is governed by careful procedures.

3. Insulate the deaccessioning process from fluctuations in artistic taste.

C. Art may be considered for review toward deaccessioning from the City Art Collection if one or more of the following conditions apply:

1. The art has received consistent adverse public reaction over a period of ten (10) years as determined by letters, memorialized verbal comments, and/or other ascertainable methods.

2. The site for the art has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or altered in a significant way.

3. The art is found to be fraudulent or not authentic.

4. The art possesses demonstrated faults of design or workmanship.

5. The art causes excessive or unreasonable maintenance.

6. The art is irreparably damaged, or is in a condition where repair is unreasonable or impractical.

7. The art represents a physical threat to public safety.

8. A suitable place for display of the art no longer exists.

9. The art is not, or is rarely, displayed within a period of ten (10) years.

10. A written request for deaccessioning has been received from the artist.

D. *Unless there is a significant issue of public safety, or the site for a public* artwork has been lost, no art will be considered for deaccessioning unless the art has been in the Collection for a minimum of ten (10) years.

E. *Should the City choose to deaccession a work of art, the following* methods will apply:

1. The City will give the artist the first opportunity to purchase the art back at its current fair market value.

2. The City may obtain a bona-fide appraisal of the art and advertise it for sale.

3. The City may seek competitive bids for the art.

4. The City may dispose of the art through its standard surplus property procedures.

PASSED AND ADOPTED this 24th day of May, 1999.

City Clerk

APPROVED AS TO FORM:
ROBERT G. BOEHM, CITY ATTORNEY

By:
Karl H. Berger
Deputy City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was duly passed and adopted by the Council of the City of San Buenaventura at a regular meeting thereof held on the 24th day of May, 1999, by the following vote:

AYES: Councilmembers Smith, Brennan, Tingstrom, De Paola, Monahan, and Di Guilio.

NOES: Mayor Friedman.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the City of San Buenaventura this 25th day of May, 1999.

Barbara J. Kam, City Clerk

RESOLUTION NO. 99-29

A RESOLUTION ADOPTED BY THE SAN BUENAVENTURA CITY COUNCIL ESTABLISHING PROCEDURES FOR COMMISSIONING ART AND ARTISTS PURSUANT TO THE PUBLIC ART PROGRAM.

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1: This Resolution is adopted with reference to the Intent and Purpose set forth in the City's Public Art Program, San Buenaventura Ordinance Code ("SBOC") § 1820.1.

SECTION 2: To ensure that artwork commissioned by the City's Public Art Program ("Program") is of the highest quality and public benefit, the City Council finds that artists commissioned pursuant to the Program will be selected by a public process.

SECTION 3: The City Council finds that the City should form a Selection Panel ("Panel") to commission artists for the Program. Panels should have not less than three and not more than five people and must include a majority of individuals who have a background or professional expertise in the arts. The number of panelists will generally be relative to the dollar value and complexity of the project. In addition, Panels should have a composition that emphasizes knowledge and interest in art, as well as community concerns. The following groups may have representation on Panels:

A. Representatives of the Public Art Commission.

B. At least one community representative who has a direct relationship to the proposed public art project.

C. One or more practicing professional visual artists.

D. Other arts-related professionals and knowledgeable amateurs, including curators, art historians, architects, designers, writers and critics, arts administrators, collectors, arts activists, and arts volunteers.

E. Representatives from City staff, including the cultural affairs division, who will serve as non-voting advisors to the Panel.

F. The lead project designer, who may be an architect, engineer or landscape architect.

SECTION 4: The City Council finds that Panels should use the following procedures to facilitate art and artist selections:

A. Cultural affairs division staff will send written instructions and project description and duties and responsibilities to the Panel before its first meeting.

B. Panelists who are City employees, Commissioners or City residents under contract to the City will be invited to serve on the panel as community service and will not be paid a fee.

C. Panelists invited from outside the area who incur travel related expenses will be reimbursed for such expense provided the expense is directly related to serving on the selection panel.

D. Panels will meet in open session, but votes may be taken in closed session at the discretion of the Panel Chair.

E. Panelists will use the following criteria in evaluating artists and proposals:

1. Artists' credentials, including experience, training, and professional recognition.

2. Evaluation of the artist's proposed budget, if one is required.

3. The artist's ability to successfully complete the project. When evaluating proposals, the Panel must consider both the creative response to the site and the artist's ability to manage the complex logistics of public art projects, including: budgetary and insurance requirements, committees, sub-contractors, installers, and other construction and administrative logistics associated with the proposed project.

4. The artist's ability to respond to the particular contextual issues and considerations of the project, its community and users.

5. Evaluation of the proposed materials and their appropriateness to the project, including issues of structural and surface integrity, protection against theft, vandalism, public safety and weathering, and an analysis of long term maintenance needs.

6. An analysis of the artist's proposed method of installation of the artwork and an evaluation of safety and structural factors involved in the installation.

7. Additional criteria may be added if agreed by consensus.

F. Panelists will use consensus in their decision-making unless a failure to

reach a decision requires a formal vote, determined by a simple majority.

G. Panelists may elect not to recommend any applicants for the project, in which case, staff will recommend another round of artist selection or an alternative process to the Public Art Commission.

SECTION 5: The City Council finds that the following methods should be used to commission public art:

A. Request for Qualifications: The City will notify artists regarding a specific public art project. The Panel's preliminary round of selection will be based upon artists' submittals of past work to create a short list of finalists who will be invited to meet the Panel for an interview. The Panel will choose one artist and recommend an alternate from the interview.

1. Alternatively, each of the finalists may be asked to develop a conceptual proposal that will be evaluated during the second round of the panel process. If a conceptual proposal is requested, an honorarium will be paid to the artists that will be deducted from the project budget.

B. Request for Proposals: A Request for Proposals should be considered for smaller projects which might interest artists who have not yet entered the public art field. Reviewing proposals rather than qualifications gives the Panel insight into the artist's vision and approach. The Panel may identify a small group of finalists to meet with the Panel for interviews before the final selection. Artists will not be compensated for submitting proposals in an open competition.

1. City staff may pre-screen applicants for RFPs and RFQs to verify any minimum qualifications that may have been established by the Panel or the Public Art Commission. Panels will receive a list of all applicants, and any panelist may include of any artist that may have been eliminated by staff.

C. Invitational Competition: Under this process, the Panel invites a limited number of artists to submit qualifications or proposals. This may also be conducted in a two stage manner with the first phase based on qualifications and the second phase based upon a proposal. This is appropriate for complex art projects where only a limited number of artists may be capable of successfully completing the project. Artists who are invited to develop proposals will be compensated.

D. Direct Selection: In very limited circumstances the Panel may select one artist and a list of alternates. This may be for the purchase of a completed

artwork or the contracting of an artist to create an artwork. This option should be used only in rare circumstances when there is no time for more accessible and competitive approaches.

E. Regardless of the selection method used, the Panel will forward its recommendations to the Public Art Commission. The Public Art Commission may approve, or if the contract is for over $25,000 recommend to City Council for approval. If the Public Art Commission disagrees with a Panel recommendation, it will direct staff to present specific concerns to the Panel for consideration.

PASSED AND ADOPTED this 24th day of May, 1999.

City Clerk

APPROVED AS TO FORM:
ROBERT G. BOEHM, CITY ATTORNEY

By: _____
Karl H. Berger
Deputy City Attorney

ATTACHMENT A

ARTICLE 2. ART IN PUBLIC PLACES PROGRAM

Sec. 1820. Art in public places program, general.

1820.1. Intent and purpose. The city council of the City of San Buenaventura accepts responsibility for expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of artists in public places throughout the city. The city further recognizes the substantial economic benefits to be gained through aesthetic enhancement of its public spaces and consequent retail activity throughout the city. A policy is hereby established to direct the inclusion of works of art in public spaces throughout the city and/or the design services of artists in certain city capital improvement projects. (Ord. No. 91-18, § 1, 7-15-91)

1820.2. Definitions. The following terms are defined for the purpose of the ordinance:

a) ~~(a) Capital~~"Annual Projects Plan" means a prioritized list of arts projects developed by the Public Art Supervisor in conjunction with the appropriate City departments and in consultation with the Public Art Commission to be approved by City Council concurrent with the capital improvement plan and budget.

b) ~~project~~"Eligible Capital Improvement Project" means any capital improvement paid for wholly or in part by funds appropriated by the City of San Buenaventura to construct or remodel a building, decorative or commemorative structure, park, street, sidewalk, parking facility, or utility or any portion thereof, within the city limits of, or under the jurisdiction of, the City of San Buenaventura. Specifically excluded from this definition are street resurfacing and water and sewer line replacement projects.

c) "Eligible Capital Improvement Project Budget" means project appropriations, including land acquisition, contracted planning and design services, construction, contracted construction management services and capital equipment, but not including, legal fees, demolition, soils remediation, and portable equipment of standard manufacture.

d) "Public Art Fund" means a fund established for the purpose of tracking the public art program that will consist of specific accounts established according to fund source and can include sources other than the Capital Improvement Plan as may be appropriate.

e) "Public Art Projects" involve all necessary tasks associated with the selection

of sites for art works through their design, construction and installation.

f) "Public Art Supervisor" means either a contract consultant hired for this purpose, the position of public art supervisor, or the city manager or designee.

g) ~~(b) Public artworks are~~"Public Artworks" means enduring original works of art in public places. The~~works of~~ art should be integral to both the~~ir~~ location and the associated work of other design professionals. They should contribute to a sense of place and enhance the quality of life in the city by contributing to its unique identity. The works of art should be of the highest quality and engage one's mind and senses. They should be of a lasting nature, but may incorporate such transitory design elements as light, sound, odor and touch. While they are the creation of an artist, the art works may rely on natural forces and human interaction to be fulfilled. The artworks may be permanently sited or be portable, and may serve as venues for various performing and cultural art forms.

~~(c) Art in public places projects involve all necessary tasks associated with the selection of sites for art works through their design, construction and installation.~~

~~(d) Art in public places coordinator shall mean either a contract consultant hired for this purpose, a position of art in public places coordinator if authorized by the city council, or the city manager or designee.~~

~~(e) Art in public places project plan means a prioritized list of arts projects to be approved by the city council concurrent with the annual capital improvement program and budget, and developed by the art in public places coordinator in conjunction with the appropriate city departments, and in consultation with the art in public places committee.~~

~~(f) Public artworks program means a clearinghouse program within each eligible capital improvement fund, established to receive the two percent (2%) public art dedication from all eligible capital improvement projects within that fund, as well as monies from other sources as may be appropriate.~~ (Ord. No. 91-18, § 1, 7-15-91)

1820.3. Funding.

(a) Appropriations. ~~Annually, as part of the capital improvement budget, the city council shall appropriate to the public artworks program within each capital improvement fund, two percent (2%) of that capital improvement fund's eligible capital improvement projects' projected construction, construction administration and inspection costs. This amount should be adjusted on an annual basis to reflect actual costs.~~ As part of the annual capital improvement plan budget, the

City Council will appropriate within each project two percent (2%) of each Eligible Capital Improvement Project for public art. Public art monies will be transferred to the Public Art Fund each time a contract for any portion of the overall Eligible Capital Improvement Project is approved. The two percent (2%) will be based upon the approved contract amount. Further adjustments will not be made if the project's completion produces a final cost that is different from the Council's initial award of contract.

(b) Pooling. Funds appropriated for the art in public places program through a two percent (2%) dedication from any one capital improvement project, but not deemed necessary or appropriate to be expended in total or in part for public art at said project site, may be expended on other projects approved under an art in public places projects plan when such funds are eligible to be so used.

(c) Exclusions. If the source of funding or other applicable law or regulation with respect to any particular capital improvement project or portion thereof prohibits or restricts the use of the two percent (2%) dedication of such funds for art in public places, this ordinance shall not apply to those funds so prohibited or restricted.

(d) Grant applications. All city departments shall, from the effective date of this ordinance, include in applications to outside granting authorities for capital improvement projects which will include site-specific artwork, amounts for artists' services and/or artworks as specified herein, where permitted or unless otherwise waived by the city council. Receipt of such funds shall be administered as part of the city's art in public places program.

(e) Waiver. The city council may exclude certain capital improvement projects or budgeted portions thereof from the provisions of this ordinance by passage of an authorizing motion. (Ord. No. 91-18, § 1, 7-15-91)

1820.4. Use of funds.

(a) Monies appropriated under this ordinance may be used for hiring artists to develop design concepts and for the selection, acquisition, purchase, and commissioning of public artworks. Artist fees may also include the following:

(1) Structures which enable the display of artwork(s).

(2) Artistic design and fabrication fees.

(3) Labor of assistants, materials, and contracted services, including engineering, required for the production and installation of the work of art.

(4) Any required permit or certificate fees, business and legal costs directly related to the project.

(5) Dealer's fees of up to fifteen percent (15%) of the artist's fee to be paid as a dealer or gallery commission, if necessary and where appropriate.

(6) Communication and other indirect costs (insurance, utilities, travel and per diem expenses).

(7) Transportation of the work of art to the site.

(8) Preparation of site to receive artwork.

(9) Installation of the completed work of art.

(b) Monies appropriated under this ordinance may be used for operating costs of the~~art in~~ public ~~places~~art program, but in no event should such costs exceed ~~fifteen percent (15%) of the annual total public artworks program funds.~~twenty percent (20%) of the Public Art Fund. Eligible costs may include the following:

1. Costs incurred in the process of managing the~~art in~~ public ~~places~~art program including staff time, direct costs and overhead.

2. Documentation~~(color slides and black and white photographs)~~ of the ~~artwork's~~artwork's fabrication and installation and plaques to identify the artwork.

3. Costs to maintain and refurbish art in public places when the cost of such maintenance exceeds funds currently available for the maintenance of public property in general.

(4)____—Other expenses which are, or may become, an integral part of the~~art in public places~~ program, including community educational activities and public dedications of completed art works.

(c) Monies appropriated under this ordinance shall not be used for the following:

(1) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions.

(2) "Art objects" which are mass produced of standard design such as playground equipment or fountains.

(3) Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photographs, printmaking or other media arts.

(4) Decorative or functional elements, or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect.

(5) Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist. (Ord. No. 91-18, § 1, 7-15-91)

1820.5. Public ~~artworks programs~~ Art Fund.

(a) Funds appropriated to the public art~~works program~~ fund within each capital improvement fund, if not expended in any given fiscal year, shall be carried over to the next fiscal year. Funds appropriated from sources placing time restrictions on expenditure of such funds shall be expended according to such restrictions. Funds in the public art~~works programs~~ fund shall be used solely for the ~~art in~~ public art~~places~~ program.

(b) Disbursements from the public art fund~~works programs~~ shall be made in accordance with the annual ~~art in public places~~ projects plan adopted by the city council as part of the capital improvement program and budget. (Ord. No. 91-18, § 1, 7- 15-91)

1820.6. Annual ~~art in public places~~ projects plan. The ~~art in public places coordinator~~ public art supervisor and appropriate city departments, in consultation with the ~~art in public places advisory committee~~ public art commission, shall review all on-going and new capital improvement projects from any eligible funds, grants and other sources at least once a year. An annual~~art in public places~~ projects plan, including project descriptions, budgets, locations, and recommended design approaches, will be submitted to the city council for approval and implementation as part of the annual capital improvement program and budget process.

1820.7. ~~Art in public places advisory committee. An art in public places advisory committee shall~~Public Art Commission. A Public Art Commission will be appointed by and be advisory to the city council. ~~This committee shall~~The Commission will provide general oversight of the~~art in~~ public ~~places~~art program, its projects, the sites, ~~scope of project,~~project scopes, artworks, and artists for~~the art in~~ public ~~places~~art projects. The composition and responsibilities of the ~~art in public places advisory committee shall~~Public Art Commission will be established by ordinance or city council resolution. (Ord. No. 91-18, § 1, 7-15-91)

1820.8. Ownership. All art objects acquired by monies appropriated pursuant to this ordinance shall be acquired in the name of the City of San Buenaventura and title shall vest in the City of San Buenaventura. (Ord. No. 91-18, § 1, 7-15-91)

1820.9. Application. This ordinance shall apply to all existing and future capital improvement projects that begin construction on or after July 1, 1992. (Ord. No. 91-18, § 1, 7-15-91)

1820.10. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance. (Ord. No. 91-18, § 1, 7-15-91)

ATTACHMENT B

Sec. 3.500.050. Duties.

The Public Art Commission shall have the following duties:

(a) Advise and recommend on the quality, quantity, scope, and style of ~~art in public places projects.~~ public art projects.

(b) Insure, through artist recruitment and selection policies, accessibility and diversity in ~~art in public places.~~ public art.

(c) Advise and recommend to the City Manager on the development and implementation of the~~art in~~ public ~~places~~art program policies and guidelines.

(d) Provide general oversight of the~~art in~~ public ~~places~~art program, its projects, the sites, scope of projects, artworks, and artists for the art in public places project.

(e) In conjunction with ~~city~~City staff, advise and recommend to the ~~city council a annual art in public places~~City Council an annual projects plan as part of the ~~capital improvement program~~Capital Improvement Program and budget approval process.

(f) Be responsible for final selection of artists and artworks for projects designated in the ~~art in public places~~annual projects plan

(g) Develop with ~~city~~City staff objectives and parameters of each project including, without limitation, the site, medium/media, scope of the project, method of artist selection, and composition of artist-selection juries.

(h) Upon the request of the ~~redevelopment agency,~~Redevelopment Agency, provide technical advice, assistance, and/or recommendations concerning design enhancements or public art for Redevelopment Agency Projects

(i) Appoint two (2) members of the Commission, annually, to serve on an ad-hoc art and design sub-committee with members of the Design Review Committee that will review capital improvement projects which include an integral public art component.

(j) Appoint three (3) members of the Commission annually to serve on an acquisition program committee to acquire artwork for the City's Municipal Art Acquisition Program.

(k) Review all art murals to be created in or on city facilities.

(Ord. No. 98-3, § 9, 3-30-98)

ATTACHMENT C

Sec. 3.210.050. Duties.

The Design Review Committee shall have the authority, and it shall be the Committee's discretionary duty, to:

a) Review and consider applications for approval of design review in accordance with Title 15 of this Code including, without limitation, review and consider the design of public and private projects pursuant to chapter 15.845 of this Code;

b) Review and consider of applications for sign variances in accordance with chapters 15.620 and 15.835 of this Code;

c) Review and consider of the proposed design elements or components of specific plans, historic districts, or other special areas in accordance with the procedures set forth in this Code;

d) Cooperate and assist the City Council, Planning Commission, Parks and Recreation Commission, Public Art Commission, or the Historic Preservation Committee with any aesthetic or architectural judgment which may assist in preserving or enhancing the physical environment and character of the City;

e) Present, review, advise, recommend or act on other architectural, landscaping, aesthetic, or design related matters as the city council may direct; and

f) Appoint two (2) members of the committee, annually, to serve on an ad-hoc art and design sub-committee with members of the Public Art Commission that will review capital improvement projects which include an integral public art component.

(Ord. No. 98-3, § 3, 3-30-98)

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was duly passed and adopted by the Council of the City of San Buenaventura at a regular meeting thereof held on the 24th day of May, 1999, by the following vote:

AYES: Councilmembers Smith, Brennan, Tingstrom, De Paola, Monahan, and Di Guilio.

NOES: Mayor Friedman.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the City of San Buenaventura this 25th day of May, 1999.

Barbara J. Kam, City Clerk

ORDINANCE NO. 2000-05

AN ORDINANCE AMENDING CHAPTER 4.610 OF THE SAN BUENAVENTURA MUNICIPAL CODE RELATING TO THE CITY'S PUBLIC ART PROGRAM.

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1: Chapter 4.610 of the San Buenaventura Municipal Code ("SBMC"), entitled "*Public Art Program*," is amended in its entirety as follows:

"Chapter 4.610

Public Art Program

4.610.010. ~~Generally~~*Intent and Purpose.*

~~A. Intent and purpose.~~ The city council of the City of San Buenaventura accepts responsibility for expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of artists in public places throughout the city. The city further recognizes the substantial economic benefits to be gained through aesthetic enhancement of its public spaces and consequent retail activity throughout the city. A policy is hereby established to direct the inclusion of works of art in public spaces throughout the city and/or the design services of artists in certain city capital improvement projects.

~~B.~~*4.610.020.* Definitions. The following terms are defined for the purpose of the ordinance:

~~1.~~*A.* "Annual Projects Plan" means a prioritized list of arts projects developed by the Public Art Supervisor in conjunction with the appropriate city departments and in consultation with the Public Art Commission to be approved by *the* city council concurrent with the capital improvement plan and budget.

~~2.~~*B.* "Eligible Capital Improvement Project" means any capital improvement paid for wholly or in part by funds appropriated by the city of San Buenaventura to construct or remodel a building, decorative or commemorative structure, park, street, sidewalk, parking facility, or utility or any portion thereof, within the city limits of, or under the jurisdiction of, the city of San Buenaventura. Specifically excluded from this definition are street resurfacing and water and sewer line replacement projects.

~~3.~~*C.* "Eligible Capital Improvement Project Budget" means project appropriations, including land acquisition, contracted planning and design services, construction, contracted construction management services and capital equipment, but not including legal fees, demolition, soils remediation, and portable equipment of standard manufacture.

~~4.~~*D.* "Public Art Fund" means a fund established for the purpose of tracking the public art program that will consist of specific accounts established according to fund source and can include sources other than the Capital Improvement Plan as may be appropriate.

~~5.~~*E.* "Public Art Projects" involve all necessary tasks associated with the selection of sites for art works through their design, construction and installation.

~~6.~~*F.* "Public Art Supervisor" means either a contract consultant hired for this purpose, the position of public art supervisor, or the city manager or designee.

~~7.~~*G.* "Public Artworks" means enduring original works of public art. The art should be integral to both the location and associated work of other design professionals. They should contribute to a sense of place and enhance the quality of life in the city by contributing to its unique identity. The works of art should be of the highest quality and engage one's mind and senses. They should be of a lasting nature, but may incorporate such transitory design elements as light, sound, odor and touch. While they are the creation of an artist, the art works may rely on natural forces and human interaction to be fulfilled. The artworks may be permanently sited or be portable, and may serve as venues for various performing and cultural art forms.

***~~C.~~4.610.030.* Funding.**

~~1.~~*A.* Appropriations. As part of the annual capital improvement plan budget, the city council will appropriate within each project two percent (2%) of each Eligible Capital Improvement Project for public art. Public art monies will be transferred to the Public Art Fund each time a contract for any portion of the overall Eligible Capital Improvement Project is approved. The 2% will be based upon the approved contract amount. Further adjustments will not be made if the project's completion produces a final cost that is different from the council's initial award of contract.

~~2.~~*B.* Pooling. Funds appropriated for the public art program through a two percent dedication from any one capital improvement project, but not deemed necessary

or appropriate to be expended in total or in part for public art at said project site, may be expended on other projects approved under a public art projects plan when such funds are eligible to be so used.

~~3.~~*C.* Exclusions. If the source of funding or other applicable law or regulation with respect to any particular capital improvement project or portion thereof prohibits or restricts the use of the two percent dedication of such funds for public art, this ordinance shall not apply to those funds so prohibited or restricted.

~~4.~~*D.* Grant applications. All city departments shall, from the effective date of this ordinance, include in applications to outside granting authorities for capital improvement projects which will include site-specific artwork, amounts for artists' services and/or artworks as specified herein, where permitted or unless otherwise waived by the city council. Receipt of such funds shall be administered as part of the city's public art program.

~~5.~~*E.* Waiver. The city council may exclude certain capital improvement projects or budgeted portions thereof from the provisions of this ordinance by passage of an authorizing motion.

~~D.~~*4.610.040.* Use of funds.

~~1.~~*A.* Monies appropriated under this ordinance may be used for hiring artists to develop design concepts and for the selection, acquisition, purchase, and commissioning of public artworks. Artist fees may also include the following:

~~(a)~~*1.* Structures which enable the display of artwork(s).

~~(b)~~*2.* Artistic design and fabrication fees.

~~(c)~~*3.* Labor of assistants, materials, and contracted services, including engineering, required for the production and installation of the work of art.

~~(d)~~*4.* Any required permit or certificate fees, business and legal costs directly related to the project.

~~(e)~~*5.* Dealer's fees of up to 15 percent of the artist's fee to be paid as a dealer or gallery commission, if necessary and where appropriate.

~~(f)~~*6.* Communication and other indirect costs (insurance, utilities, travel and per diem expenses).

~~(g)~~*7.* Transportation of the work of art to the site.

~~(h)~~*8.* Preparation of site to receive artwork.

~~(i)~~*9.* Installation of the completed work of art.

~~2.~~*B.* Monies appropriated under this ordinance may be used for operating costs of the public art program, but in no event should such costs exceed *twenty percent (20%) of the Public Art Fund*~~15 percent of the annual total public art fund~~. Eligible costs may include the following:

~~(a)~~*1.* Costs incurred in the process of managing the public art program including staff time, direct costs and overhead.

~~(b)~~*2.* Documentation (color slides and black and white photographs) of the artwork's fabrication and installation and plaques to identify the artwork.

~~(c)~~*3.* Costs to maintain and refurbish public art when the cost of such maintenance exceeds funds currently available for the maintenance of public property in general.

~~(d)~~*4.* Other expenses which are, or may become, an integral part of the public art program, including community educational activities and public dedications of completed art works.

~~3.~~*C.* Monies appropriated under this ordinance shall not be used for the following:

~~(a)~~*1.* Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions.

~~(b)~~*2.* "Art objects" which are mass produced of standard design such as playground equipment or fountains.

~~(c)~~*3.* Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photographs, printmaking or other media arts.

~~(d)~~*4.* Decorative or functional elements, or architectural details, which are designed solely by the building architect as opposed to an artist

commissioned for this purpose working individually or in collaboration with the building architect.

~~(e)~~5. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.

~~E.~~*A.610.050.* Public art funds.

~~1.~~*A.* Funds appropriated to the public art fund within each capital improvement fund, if not expended in any given fiscal year, shall be carried over to the next fiscal year. Funds appropriated from sources placing time restrictions on expenditure of such funds shall be expended according to such restrictions. Funds in the public art funds shall be used solely for the public art program.

~~2.~~*B.* Disbursements from the public art funds shall be made in accordance with the annual public art projects plan adopted by the city council as part of the capital improvement program and budget.

~~3.~~*C.* Annual projects plan. The public art supervisor and appropriate city departments, in consultation with the public art commission, shall review all on-going and new capital improvement projects from any eligible funds, grants and other sources at least once a year. A public art projects plan, including project descriptions, budgets, locations, and recommended design approaches, will be submitted to the city council for approval and implementation as part of the annual capital improvement program and budget process.

~~4.~~*D.* Public art advisory committee. A public art advisory committee shall be appointed by and be advisory to the city council. This committee shall provide general oversight of the public art program, its projects, the sites, scope of project, artworks, and artists for the public art projects. The composition and responsibilities of the public art advisory committee shall be established by city council resolution.

~~5.~~*E.* Ownership. All art objects acquired by monies appropriated pursuant to this ordinance shall be acquired in the name of the City of San Buenaventura and title shall vest in the City of San Buenaventura.

~~6.~~*F.* Application. This ordinance shall apply to all existing and future capital improvement projects that begin construction on or after July 1, 1992.

7.G. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance."

SECTION 2: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 3: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this 7th day of February, 2000.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
ROBERT G. BOEHM, CITY ATTORNEY

By:
Karl H. Berger, Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Ordinance was passed and adopted by the Council of the City of San Buenaventura, at a regular meeting thereof, held on the 7th day of February, 2000, by the following vote:

AYES: Councilmembers Friedman, Brennan, Morehouse, Di Guilio, Monahan, De Paola, and Smith.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand affixed the official seal of the City of San Buenaventura this 8th day of February, 2000.

Barbara J. Kam

Barbara J. Kam, City Clerk