Laws in the City of Sacramento and County of Sacramento Requiring at Least Two Percent of Capital Improvement Program Construction Funds to be Spent on Public Art through the Sacramento Metropolitan Arts Commission

CITY OF SACRAMENTO MUNICIPAL CODE REFERENCES

Chapter 2.84 SACRAMENTO METROPOLITAN ARTS COMMISSION

2.84.010 Established.
The Sacramento metropolitan arts commission is established. (Prior code § 60.09.060)

2.84.020 Definitions.
As used in this chapter, the following definitions apply:
“Board” means the board of supervisors of Sacramento County.
“Capital improvement program” or “CIP” means the annual program for city financed public improvement projects.
“City” means the city of Sacramento.
“Commission” means the Sacramento metropolitan arts commission.
“Council” means the city council of the city of Sacramento.
“County” means the county of Sacramento.
“Division” means the Sacramento metropolitan arts commission division of the city’s department of convention, culture and leisure.
“Mayor” means the mayor of the city of Sacramento.
“Member” means a person appointed as a member of the commission.
“Public art” means an original work of art or artwork that is accessible to the public and that has been approved as public art by the commission.
“Works of art” or “artwork” means all forms of the visual arts conceived in any medium, material, or combination thereof. (Ord. 2011-052 § 1; prior code § 60.09.061)

2.84.030 Appointment of members and qualifications.
The commission shall consist of eleven (11) members, who shall be appointed as follows:
A. Five members shall be appointed by the mayor with approval of the council.
B. Five members shall be appointed by the board.
C. One member shall be jointly appointed by the council and board upon recommendation by the commission.
D. Each member shall be qualified by reason of the following knowledge, training, and professional experience:
   1. Demonstrated knowledge about the arts;
   2. History of involvement with the local arts community;
   3. Experience as an arts educator, arts supporter, arts advocate, arts administrator, art curator, art historian, art critic, or practicing artist; and
   4. Basic understanding of the commission’s activities.
The members should reflect the diversity of the city and county to the maximum extent practicable. (Ord. 2011-052 § 2; prior code § 60.09.062)

2.84.040 Term of office—Eligibility for reappointment.
A. Each member shall serve for a term of three years.
B. No member who has served two consecutive full three-year terms shall be eligible for reappointment to the commission until two years after the last prior date the member served on the commission.
C. Notwithstanding subsection A, the term of a member who fills a vacancy pursuant to Section 2.84.070 shall be for the remainder of the predecessor’s term. For purposes of calculating the two-consecutive term limit under subsection B, the term of a member filling more than half of a vacant term shall constitute a full term. (Ord. 2011-052 § 3; prior code § 60.09.063)

2.84.050 Organization and procedures.
Annually, the commission shall elect from its members a chairperson and a vice-chairperson, each of whom shall hold that office for a term of one year. The commission shall fill vacancies in the offices of chairperson and vice-chairperson from among its members. The commission may adopt such lawful rules as it deems necessary, consistent with the provisions of this chapter, for the conduct of its business. (Ord. 2011-052 § 4; prior code § 60.09.064)

2.84.060 Regular meetings—Compensation.
The commission shall establish a time and place for regular meetings to be held approximately monthly and not less than nine times per year. The members shall not be compensated for attendance at commission or committee meetings. (Ord. 2011-052 § 5; prior code § 60.09.065)

2.84.070 Vacancies—Absences from meetings.
A. The mayor, with approval of the council, shall fill any vacancy occurring among the members who the mayor appoints. The board shall fill any vacancy occurring among the members who it appoints. The commission shall make a recommendation to the council and board for filling a vacancy occurring in the position of the jointly appointed member.
B. The position of any member who fails to attend three or more regular meetings in one year without the approval of the majority of the members of the commission shall automatically become vacant. (Ord. 2011-052 § 6; prior code § 60.09.066)

2.84.080 Powers and duties.
The powers and duties of the commission shall be as follows:
A. To foster and develop support for the arts;
B. To advise the council and the board on all matters concerning the arts, including pending legislation;
C. To advise the council and the board on the allocation of funds in support of the arts, to establish firm and equitable standards for such allocations, and to evaluate those allocations annually;
D. To develop an awareness in the business community, in local government, and in the general public of the value of the arts and culture to Sacramento;
E. Except for works of art given to or purchased by museums, to review and make recommendations upon all works of art to be acquired by the city or county either by purchase or gift;

F. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages;

G. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages. Actions of the council, planning and design commission, and preservation commission shall not be delayed by such review;

H. To advise the city and county of, and to seek, state, federal, and private funds in support of the arts;

I. To act as a liaison between the city and county, local artists and cultural groups, and the community at large;

J. To research the needs of artists and the community, and then develop, and regularly update and evaluate progress against a long term plan for the growth of the arts in Sacramento;

K. To explore the future of the aesthetic quality of life in the community, with vision and imagination, and to report and recommend periodically to the council and board;

L. To recommend to the council and board policies, programs, and services to further the purposes of the commission;

M. To advise and assist the city and county in other activities as may be referred to it by the council or board. (Ord. 2012-004 § 8; Ord. 2011-052 § 7; Ord. 2006-065 § 6; prior code § 60.09.067)

2.84.090 Joint participation—Funding.

A. The county and city shall, within the limits of available funding, jointly share the cost of maintaining and financing the activities of the commission and the division.

B. The city and county shall specify in their annual budgets, or through subsequent appropriations during the fiscal year, the amount of money to be expended for the activities of the commission and the division.

C. The city as fiscal agent shall provide the initial and ongoing financial outlay for administrative costs and expenditures. Upon receipt of itemized invoice for approved administrative costs and other expenditures, the county shall reimburse the city.

D. The city as fiscal agent shall provide the county with an annual accounting of all income from private, local, state and federal sources, as well as profits earned from any source.

E. If the commission goes out of existence, the city and county shall divide equally any unspent funds that the commission has received from any source whatsoever. (Ord. 2011-052 § 8; prior code § 60.09.068)

2.84.100 Allocation of funds for art—Purpose.

The purpose of Sections 2.84.110 through 2.84.130 of this chapter is to establish the procedure for the allocation and expenditure of funds for artworks and projects capable of exhibiting the arts. The city desires to expand public experience with visual arts. A policy is therefore established to direct the inclusion of artworks in public works of the city. (Prior code § 60.09.071)
2.84.110 Definitions for Sections 2.84.100 through 2.84.130.

As used in Sections 2.84.100 through 2.84.130 of this chapter, the words and terms shall mean:

“Artworks” as included in the definitions contained in Section 2.84.020 of this chapter.

“Capital improvement program” means the annual program for city financed public improvement projects.

“Eligible construction project” means any capital project paid for wholly or in part by the city or the parking authority of the city to construct or remodel any building, decorative or commemorative structure, parking facility, recreational facility, or any portion thereof, located on city property within the limits of the city, provided that the source of funds for such project(s) is not restricted by law or regulation as to its use for artworks. (Prior code § 60.09.072)

2.84.120 Funds for artworks.

A. Not less than two percent of the total cost of any eligible construction project shall be expended for artworks. The city shall specify in the annual capital improvement program budget or through subsequent capital improvement appropriations an amount of at least two percent of total construction costs to be expended for works of art. Expenditures for artworks may include an amount for the administrative costs incurred in the process of selection and installation of artwork projects by the metropolitan arts division of the department of parks and community services, and for costs incurred to maintain or repair artworks commissioned by the city pursuant to this chapter.

B. If the source of funding or other applicable law or regulation with respect to any particular project prohibits or restricts the use of funds for artworks, the amount of funds so prohibited or restricted shall be excluded from the total project cost.

C. All funds involving properties undergoing historic restoration (or portion of those funds for restoration) or located in the Old Sacramento redevelopment areas, or single detached housing as part of a planned unit development, and publicly assisted rehabilitation or private property, shall be excluded as expenditures for artwork or artwork projects. (Prior code § 60.09.073)

2.84.130 Responsibilities of commission.

The arts commission shall provide for the nature, selection, and placement of artwork projects. Such projects may be placed as an integral part of the construction or exhibited in, on, or about public facilities. Such projects may be attached or detached, within or about such property, and may be either temporary or permanent, in order to insure that the commission will be able to select the most appropriate and beneficial artwork project for the site, people, and community for which the artwork project is intended. (Prior code § 60.09.074)

COUNTY OF SACRAMENTO CODE REFERENCES

Chapter 2.96 SACRAMENTO METROPOLITAN ARTS COMMISSION

2.96.010 Purpose.

a. The arts and through them the artists and artistic groups of Sacramento, provide educational, cultural, entertainment and recreational benefits available to and used by the citizens of Sacramento City and County, in this way contributing to the quality of life.
b. Sacramento City and County have a richly varied ethnic and cultural heritage in their diverse neighborhoods.

c. The role played by the cultural life of the community is recognized as attracting commerce to this area.

d. It is therefore appropriate and beneficial to public welfare to establish a Sacramento Metropolitan Arts Commission as provided in this chapter to foster and develop support for the fine and performing arts in the Sacramento metropolitan area. (SCC 284 § 1, 1977.)

2.96.020 Established.

The Sacramento Metropolitan Arts Commission is hereby established. (SCC 284 § 1, 1977.)

2.96.030 Definitions.

As used in this chapter:

1. “Board” means the Board of Supervisors of Sacramento County;

2. “City” means the City of Sacramento;

3. “Commission” means the Sacramento Metropolitan Arts Commission;

4. “Council” means the City Council of the City of Sacramento;

5. “County” means the County of Sacramento;

6. “Division” means the Sacramento Metropolitan Arts Commission Division of the City’s Department of Convention, Culture and Leisure;

7. “Mayor” means the Mayor of the City of Sacramento;

8. “Member” means a person appointed as a member of the Commission;

9. “Works of art” or “artwork” means all forms of the visual arts conceived in any medium, material, or combination thereof. (SCC 1507 § 1, 2012; SCC 0821 § 1, 1991; SCC 284 § 1, 1977.)
2.96.040 Appointment of Members and Qualifications.

The Commission shall consist of eleven (11) members, who shall be appointed as follows:

1. Five members shall be appointed by the Mayor with approval of the Council.

2. Five members shall be appointed by the Board.

3. One member shall be jointly appointed by the Council and Board upon recommendation by the Commission.

4. Each member shall be qualified by reason of the following knowledge, training, and professional experience:
   a. Demonstrated knowledge about the arts;
   b. History of involvement with the local arts community;
   c. Experience as an arts educator, arts supporter, arts advocate, arts administrator, art curator, art historian, art critic, or practicing artist; and
   d. Basic understanding of the Commission’s activities. (SCC 1507 § 2, 2012; SCC 284 § 1, 1977.)

2.96.050 Term of Office—Eligibility for Reappointment.

A. Each member shall serve for a term of three years.

B. No member, who has served at least two consecutive full three-year terms, shall be eligible for reappointment to the Commission until two years after the last prior date the member served on the Commission.

C. Notwithstanding subsection A of this section, the term of a member who fills a vacancy pursuant to Section 2.96.080 shall be for the remainder of the predecessor’s term. For purposes of calculating the two consecutive term limit under subsection B of this section, the term of a member filling more than half of a vacant term shall constitute a full term. (SCC 1507 § 3, 2012; SCC 0837 § 1, 1991; SCC 338 § 1, 1978; SCC 284 § 1, 1977.)

2.96.060 Organization and Procedures.

Annually, the Commission shall elect from its members a chairperson and a vice-chairperson, each of whom shall hold that office for a term of one year. The Commission shall
fill vacancies in the offices of chairperson and vice-chairperson from among its members. The Commission may adopt such lawful rules as it deems necessary, consistent with the provisions of this chapter, for the conduct of its business. (SCC 1507 § 4, 2012; SCC 284 § 1, 1977.)

2.96.070 Regular Meetings and Compensation.

The Commission shall establish a time and place for regular meetings to be held approximately monthly and not less than nine times per year. The members shall not be compensated for attendance at Commission or committee meetings. (SCC 1507 § 5, 2012; SCC 0821 § 2, 1991; SCC 284 § 1, 1977.)

2.96.080 Vacancies—Absences From Meetings.

A. The Mayor, with approval of the Council, shall fill any vacancy occurring among the members which the Mayor appoints. The Board shall fill any vacancy occurring among the members which it appoints. The Commission shall make a recommendation to the Council and Board for filling a vacancy occurring in the position of the jointly appointed member.

B. The position of any member who fails to attend three or more regular meetings in one year without the approval of the majority of the members of the Commission shall automatically become vacant. (SCC 1507 § 6, 2012; SCC 290 § 1, 1977; SCC 284 § 1, 1977.)

2.96.090 Powers and Duties.

The powers and duties of the Commission shall be as follows:

1. To foster and develop support for the arts;

2. To advise the Council and the Board of all matters concerning the arts, including pending legislation;

3. To advise the Council and the Board on the allocation of funds in support of the arts, to establish firm and equitable standards for such allocations, and to evaluate those allocations annually;

4. To develop an awareness in the business community, in local government, and in the general public of the value of the arts and culture to Sacramento;

5. Except for works of art given to or purchased by museums, to review and make recommendations upon all works of art to be acquired by the City or County either by purchase or gift;
6. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages;

7. To work with City and County departments, community organizations, businesses, schools, and colleges to develop art possibilities;

8. To advise the City and County of, and to seek, State, Federal, and private funds in support of the arts.

9. To act as a liaison between the City and County, local artists and cultural groups, and the community at large;

10. To research the needs of artists and the community, and then develop, and regularly update and evaluate progress against a long-term plan for the growth of the arts in Sacramento;

11. To explore the future of the aesthetic quality of life in the community, with vision and imagination, and to report and recommend periodically to the Council and Board;

12. To recommend to the Council and Board policies, programs and services to further the purposes of the Commission; and

13. To advise and assist the City and County in other activities as may be referred to it by the Council or Board. (SCC 1507 § 7, 2012; SCC 0821 § 3, 1991; SCC 424 § 1, 1980; SCC 284 § 1, 1977.)

2.96.100 Joint Participation and Funding.

1. The County and City shall, within the limits of available funding, jointly share the cost of maintaining and financing the activities of the Commission and the Division.

2. The City and County shall specify in their annual budgets or through subsequent appropriations during the fiscal year, the amount of money to be expended for the activities of the Commission and the Division.

3. The City as fiscal agent shall provide the initial and ongoing financial outlay for administrative costs and expenditures. Upon receipt of itemized invoices for approved administrative costs and other expenditures, the County shall partially reimburse the City.

4. The City as fiscal agent shall provide the County with an annual accounting of all income from private, local, State and Federal sources, as well as profits earned from any source.
5. If the Commission goes out of existence, the City and County shall divide equally any unspent funds which the commission has received from any source whatsoever. (SCC 1507 § 8, 2012; SCC 0821 § 4, 1991; SCC 284 § 1, 1977.)

2.96.130 Inclusion of Artwork in County Building Projects—Purpose.

The County of Sacramento wishes to expand the public’s experience with the visual arts; to make available to County residents artwork of the highest quality that will in turn enhance the quality of life in Sacramento County and to help create a more visually pleasing and humane environment. The purpose of Sections 2.96.130 through 2.96.170 is to establish policies for the inclusion of artwork in County building construction projects. (SCC 546 § 1, 1983.)

2.96.140 Eligible Construction Project.

a. An eligible construction project is defined as:

1. Any capital building project in excess of one hundred thousand dollars ($100,000.00) constructed by the County of Sacramento which is located in a highly visible public area, or is regularly frequented by the general public; or

2. Any remodeling project of an existing building in excess of hundred thousand dollars ($100,000.00) for the purpose of enlarging or improving the space in a building regularly frequented by the general public, or which is located in a highly visible public area, and constructed by the County of Sacramento.

b. The following types of projects shall not be deemed to be “eligible”:

1. Projects involving only remodeling for maintenance purposes, such as roof repairs, elevator repairs and communications systems;

2. Leased buildings. (SCC 546 § 1, 1983.)

2.96.150 Funding for Artwork in County Building Construction Projects.

The following policies for the funding of artwork in eligible construction projects are established:

a. Unless a different amount is directed by the Board of Supervisors, a budget allowance of two percent of the total construction costs of the eligible projects shall be allocated for works of art.
b. A final allowance for artwork for eligible construction projects shall be approved by the Board of Supervisors after reviewing the recommendations of the Sacramento Metropolitan Arts Commission and the County Executive.

c. The allowance for artwork shall include an amount for administrative costs incurred by the Sacramento Metropolitan Arts Commission in the process of selection and installation of artwork projects. (SCC 1070 § 1, 1997; SCC 546 § 1, 1983.)

2.96.160 Responsibilities of Commission for Artwork in County Building Projects.

The Sacramento Metropolitan Arts Commission shall make recommendations to the Board of Supervisors regarding the nature, selection and placement of artwork projects. Such projects may be placed as an integral part of the construction or exhibited in, on, or about public facilities. Such projects may be attached or detached, within or about such property, and may be either temporary or permanent, in order to insure that the commission will be able to select the most appropriate artwork project for the site, people, and community of which the artwork project is intended. (SCC 546 § 1, 1983.)

2.96.170 Implementation of Policies for Artwork in County Building Projects.

Implementation of the policies for artwork in County building projects shall be accomplished in accordance with procedures to be established by resolution of the Board. (SCC 0821 § 7, 1991, SCC 546 § 1, 1983.)