

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA AMENDING
CHAPTER 3.59, ARTS AND CULTURE COMMISSION

The Council of the City of Richmond does ordain as follows:

SECTION I. Findings and Declarations,

1. Public art fosters economic development, enhances community vitality and enriches the quality of life through the City.

2. Since 1997, the City of Richmond has had a policy requiring City capital improvement projects to devote 1.5 percent of the project's construction budget to public *art*, and in 2017 extended this requirement to private developments.

3. In 1999, the City of Richmond adopted the City of Richmond Arts and Culture Commission Public Art Program Policies and Procedures, which established the Public Art Advisory Committee. Through this amendment, the Public Art Advisory Committee shall be amended to serve as a subcommittee of the Richmond Arts and Culture Commission.

SECTION II. Amendment of Article III,

Article III of the Municipal Code of the City of Richmond is hereby amended by amending Chapter 3.59 to read as follows:

CHAPTER 3.59

ARTS AND CULTURE COMMISSION

Sections:

3.59.010	Creation of Commission
3.59.020	Definitions
3.59.020 3.59.030	Commission purpose and duties
3.59.030 3.59.040	Appointment and qualifications of members
3.59.040 3.59.050	Terms of office
3.59.050 3.59.060	Officer
3.59.060 3.59.070	Meetings.
3.59.070 3.59.080	Rules and records.
3.59.080 3.59.090	Absence from meetings
3.59.100	Public Art Advisory Committee
3.59.090 3.59.110	Relations with city departments and agencies.

3.59.010 - Creation of Commission.

There is created an Arts and Culture Commission.

¹ This document is pending legal review.

(Amended by Ordinance No. 43-90 N.S.)

3.59.020 - Definitions

- (a) "Artist" means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, performances, commissions, exhibition record, publications, and production of Artwork.
- (b) "Art in public places" means any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, within any city-owned facility in areas designated as public area, lobbies, or public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city
- (c) "Artwork" that may be used to satisfy the requirements of this Chapter includes, but is not limited to, the following:
 - (1) Sculpture: Of any material or combination of materials; freestanding, wall-supported, suspended, mounted, installed, kinetic, electronic, or mechanical.
 - (2) Murals or paintings: Made of any material or variety of materials including traditional or non-traditional materials and means.
 - (3) Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, books, literary and performing arts, calligraphy, found objects, any combination of media, including audio, video, film, CD-ROM, DVD, holographic or computer-generated technologies, or other genres currently known or which may come to be known.
 - (4) Artwork may be permanent, temporary, fixed, or portable; may be an integral part of a building, facility, or structure; and may be integrated with the work of other design professionals.
 - (5) For the purposes of this policy, the following, unless specified or designed by an Artist, are not considered Artworks:
 - (i) Reproductions, by mechanical or other means, of original Artworks; however, limited editions controlled by the Artist, or original prints, cast sculpture, or photographs, may be included.
 - (ii) Decorative, ornamental, or functional elements that are not designed by an Artist.
 - (iii) Elements generally considered to be components of architecture or landscape design, such as vegetative materials, pools, paths, benches, receptacles, fixtures, planters, etc., which are not designed by an Artist.
 - (iv) Art objects that are mass-produced, ordered from a catalog, or of standard design (such as benches or fountains), directional items or other functional elements such as graphics, signage, or maps.
 - (v) Corporate logos.

- (d) “City Capital Improvement Projects” includes any capital improvement project with a budget or anticipated costs of \$300,000 or more, including any acquisition, leasing, rental, construction or remodeling of any building, structure, park, utility, street, sidewalk, or parking facility, or any other type of capital project or any portion thereof within the geographical limits of the city, paid for wholly or in part by the City of by any board , commission, agency or department the City (inducing without limitation the Richmond Redevelopment Agency, the Richmond Housing Authority, the Port of Richmond and the Richmond Surplus Property Authority)
- (e) “Private Development” means a building project that is funded by private funds, except where the Private Developer is in partnership with the City.
- (f) “Public Art” means any Work or Art integrated into the design of or places in, or about the site of a City Capital Improvement Project or Private Development in a place accessible to the general public for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, within any city-owned facility in areas designated as public area, lobbies, or public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city

~~3.59.0203.59.030-~~ Commission purpose and duties.

The purpose of the Commission is to promote and encourage the development of and interest in the fine and performing arts, and to act in an advisory capacity to the City concerning its artistic and cultural development and the preservation of Richmond’s heritage. The duties of the Commission shall be as follows:

- (a) Advise the City Council on all art-related issues;
- (b) Evaluate the resources and needs of local arts organizations;
- (c) Facilitate communication and cooperation among art groups;
- (d) Pursue ways to increase funding and resources for the arts in the City of Richmond;
- (e) Cooperate with existing public and private agencies to develop programs to further the development and public awareness of the fine and performing arts reflecting the cultural diversity and historical resources of the City of Richmond;
- (f) Disseminate information concerning arts and cultural programs in the City of Richmond;
- (g) Recommend policies and advise the City concerning the receipt or purchase of art work to be placed on municipal property;
- (h) Recommend needed changes in laws, legislation, and policies needed to promote the aesthetic, cultural development and historical preservation of the City;
- (i) Be available to city departments, when appropriate, to advise on arts, cultural and historical issues.
- (j) Administer and coordinate the Neighborhood Public Art mini-grant program designated to stimulate arts and culture in the Richmond community, help emerging artists of all ages and ethnicities, and fund local visual, literary and performing arts projects.
- (k) Administer and coordinate the appointment of a Richmond Poet Laureate who provides a focus for the appreciation and dissemination of poetry in Richmond, promotes the appreciation and knowledge of poetry among our youth, and acts as a spokesperson for the growing number of poets and writers in Richmond.
- (l) To advise the city in matters pertaining to the quality, quantity, scope, and style of art in public places;

- (m) To periodically review the capital improvement program with the Arts and Culture Manager and such other members of the city staff as may be appropriate for inclusion of works of art in various projects;
- (n) To devise methods of selecting and commissioning artists with respect to the design, execution, and placement of art in public places and, pursuant to such methods, to advise the Arts and Culture Manager on the selection and commissioning of artists for such purposes;
- (o) To advise the city regarding the amounts to be expended on art in public places;
- (p) To review and approve plans for the installation of art in public places, specifically for City Capital Improvements Projects (RMC X.XX) and private development projects (RMC 12.62);
- (q) To review the inventory of art in public places and to advise the city in matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership, and acceptance or refusal of donations of, and other matters pertaining to art in public places;
- (r) To advise and assist private property owners who desire such advice and assistance regarding the selection and installation of works of art to be located on their property in the public view;
- (s) To act as a liaison between local artists and private property owners desiring to install works of art on their private property in public view; To give recognition to, and to maintain, an inventory of meritorious works of art in the public view;
- (t) To endeavor to preserve works of art in the public view deemed to be meritorious by the Richmond Arts and Culture Commission through agreements with the property owner and/or the artist.
- (u) Additional Duties. The Arts and Culture Commission shall perform such other duties and undertake such other responsibilities as the City Council may direct from time to time.

~~3.59.030~~3.59.040 - Appointment and qualifications of members.

The Commission shall consist of ~~sixteen (16) eleven (11)~~ members who shall reflect the demographic and cultural diversity of the City and who shall not be officers or employees of the City of Richmond and who shall be appointed by the Mayor with the concurrence of the City Council. Any vacancies on the Commission shall be filled by appointment by the Mayor with the concurrence of the City Council for the unexpired portion of the term of the appointee's predecessor. A majority of the appointees shall be residents of the City of Richmond, to maintain a balance of all the arts disciplines, and a majority of the members shall be professional artists, arts educators or arts administrators, and one local historian, with a commitment to public accessibility to the arts. There shall be at least a minimum of two years between serving on the RACC and compensation from the City for services.

(Amended by Ordinance Nos. 1-88 N.S. and 41-05 N.S.)

~~3.59.040~~3.59.050- Terms of office.

The term of each member of the Commission shall be for four years. Terms shall be staggered to ensure a degree of continuity.; provided, however, that of the members first appointed, four shall serve for a term of two years; four shall serve for a term of three years, and three shall serve for a term of four years. No member shall serve for more than two consecutive full terms. A term shall be defined as four full years from the appointment date by the Richmond City Council.

~~3.59.050~~3.59.060- Officers.

The Commission shall meet within thirty days after their appointment by the Mayor and the City Council and from their own number elect a chairperson and vice-chairperson. Said officers shall serve for a period of two full years from the appointment date one year with a maximum of two consecutive terms per office. In the case of a vacancy in the position of the chairperson or vice-chairperson, the Commission

shall elect a successor who shall serve for the balance of the predecessor's term. The Commission shall appoint a secretary who may be, but need not be, a member of the Commission.

~~3.59.060~~3.59.070- Meetings.

The Commission shall fix the time and place of regular meetings of the Commission which shall be not less frequent than once each month. All meetings of the Commission shall be open to the public. A majority of the currently serving members of the Commission shall constitute a quorum for the conduct of business, provided however that a quorum shall never be fewer than three (3) members. If a quorum is present, a majority of the votes cast is sufficient for the adoption of any motion, provided however that no fewer than three (3) affirmative votes shall be required for the adoption of a motion.

~~3.59.070~~3.59.080- Rules and records.

The Commission shall adopt rules for the transaction of the business of the Commission, which rules shall, among other things, include the term of the secretary of the commission, the manner of calling and giving notices of special meetings and hearings, and the appointment and powers of standing committees. The commission shall keep records which shall be open to the public of its resolutions, transactions, motions, orders, findings and determinations. There shall be 10 business days notice to the Arts and Culture Manager for placing an agenda item for a Richmond Arts and Culture Commission meeting.

~~3.59.080~~3.59.090- Absence from meetings.

The absence of any member of the commission from more than three regularly scheduled meetings of the commission within any twelve-consecutive- month period shall constitute an automatic resignation from the commission. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other city commission or board. In the event of any such resignations, the vacancy shall be filled by appointment for the unexpired portion of the term of the appointee's predecessor in the manner prescribed in Section 3.59.030.

3.59.100 Public Art Advisory Committee

The Public Art Advisory Committee shall be established as a sub-committee of the Richmond Arts and Culture Commission.

The Public Art Advisory Committee (PAAC) shall be composed of a maximum of seven members. Volunteers may be added to assist as needed. Term lengths for this subcommittee shall be four years. Ethnic, social, and professional diversity shall be represented in the PAAC's membership.

The Public Art Advisory Committee shall:

- a. Recommend program policies and procedures to the Arts and Culture Commission.
- b. Recommend public art projects and budgets, in the form of a Public Art Annual Plan, to the Arts and Culture Commission.
- f. Review for acceptance (or rejection) proposals for public art in private development, as recommended by selection panels, and forward a recommendation for acceptance or rejection to the Arts and Culture Commission.
- c. Review for acceptance (or rejection) proposals for public art acquisitions, as recommended by selection panels, and forward a recommendation for acceptance or rejection to the Arts and Culture Commission.

- d. Review and recommend to the Arts and Culture Commission the acceptance or rejection of all proposed gifts or loans of artwork to the City, and make recommendations for the lending of City-owned artwork to other organizations or institutions.
- e. Serve as community liaisons and provide advocacy for the Public Art Program and its activities in all of Richmond's neighborhoods

~~3.59.0903.59.120-~~ Relations with city departments and agencies.

So far as practicable and subject to the approval of the city manager, the services of all other city departments and agencies shall be made available by their respective heads to the commission for the purpose of carrying out the responsibilities of said commission. The city attorney may assign legal counsel to assist the commission in the conduct of its business.

(Source: Ordinance No. 41-87 N.S.)

SECTION III. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION IV. CEQA. This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because the adoption of this ordinance is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment; and a project does not include the creation of a government funding mechanism that does not involve any commitment to any specific project (CEQA Guidelines section 15378). In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the Ordinance would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION V. Effective Date. This ordinance becomes effective thirty (30) days after its final passage and adoption.

First read at a meeting of the Council of the City of Richmond, California, held _____, and finally passed and adopted at a meeting thereof held _____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

Mayor

Approved as to form:

City Attorney