

CITY OF OJAI

ORDINANCE NO. 929

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OJAI, CALIFORNIA AMENDING ARTICLE 1 OF
TITLE 4 (ARTS COMMISSION) AND SECTION 4-16.203
(DEFINITIONS) OF THE OJAI MUNICIPAL CODE TO
RESTRUCTURE THE ARTS COMMISSION**

WHEREAS, in 2003 the City Council of the City of Ojai (the “City Council”) adopted Ordinance 765 establishing an Arts Commission; and

WHEREAS, in 2008 the City Council adopted Ordinance 800 renumbering the Municipal Code and placing the relevant sections governing the Arts Commission at Article 1 of Title 10 of the Ojai Municipal Code; and

WHEREAS, Ojai Municipal Code Section 4-16.101 states that the Arts Commission consists of seven members appointed by the Mayor and subject to the approval of the City Council, or by a majority vote of the City Council; and

WHEREAS, the Arts Commission currently has five members with two vacancies; and

WHEREAS, on February 22, 2022 at a meeting of the City Council, the Council considered and approved a request to amend the Ojai Municipal Code sections related to the Arts Commission and modify the number of Arts Commissioner’s from seven to five; and

WHEREAS, at its February 22, 2022 meeting the City Council instructed the City Attorney to draft such an ordinance; and

WHEREAS, the City Council desires to amend Article 1 of Title 10 of the Ojai Municipal Code, to restructure the Arts Commission and reduce the number of Arts Commissioners from seven to five, and make related conforming changes to the public arts ordinance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. Code Amendment. Article 1 of Title 4 of the Ojai Municipal Code is hereby amended to read as follows, with additions denote by underlined text and deletions denoted by ~~strike-through text~~:

ARTICLE 1: ARTS COMMISSION

Section 4-16.101. Arts Commission created.

There is hereby established an Arts Commission consisting of five (5) ~~seven (7)~~ members who shall be appointed by the Mayor, subject to the approval of the Council, or by a majority vote of the total voting membership of the Council. Each Councilmember shall appoint one Commissioner in consultation with the Arts Commission Chair, ratified by the approval of a majority of the full City Council. The members shall be selected from among those in the community who have a special knowledge of and a demonstrated interest in the arts and who are interested in promoting such activity. In making such appointments, ~~the~~ each Councilmember, in consultation with the Arts Commission Chair, Mayor may consider representation on the Commission from a number of arts-related disciplines and activities, including, but not limited to, the following:

- (a) Performing arts, such as drama, music and dance;
- (b) Visual arts, such as painting, sculpture, photography, graphics, video art and applied art;
- (c) Literary arts, such as literature, poetry and journalism;
- (d) Communications arts involving film, television and radio;
- (e) Arts education, such as schools, libraries and community education; and
- (f) Funding, such as fund raisers, representatives of public and private funding agencies and art patrons.

No more than ~~three (3)~~ two (2) members of the Commission shall be nonresidents of the City. The first seat to become vacant after passage of Ordinance No. _____ amending this section shall be filled by the Mayor. The second seat to become vacant shall be filled by the Councilmember representing City Council District 1. Subsequent appointments shall be made in the following order: City Council District 2, City Council District 3, and City Council District 4 repeating as terms expire such that the five Arts Commission members correspond to the Mayor and four City Council Districts. If an Arts Commission member resigns before the end of their term, the City Councilmember for the Voting District that appointed that member shall appoint their replacement to fill the remainder of the original term.

Section 4-16.102. Terms.

Members of the Commission shall be appointed to terms of four (4) years. The terms of all members of the Commission shall expire at the second regular City Council meeting of May, as ~~provided below.~~ Members shall hold office until their successors have been appointed and qualified. A person who has been appointed to fill a vacancy shall hold office for the remainder of the unexpired term. The terms of all members of the Commission shall expire at the second regular City Council meeting of May. Terms shall be staggered for all members such that the terms of the three (3) members of the Commission whose terms began in May 2014 shall expire in May 2018 and those four (4) members whose terms began in May 2013 shall expire in May 2016, notwithstanding the provisions of this Code in effect when those members were appointed. Thereafter, appointments will be for four (4) years.

Section 4-16.103. Removal.

Any member of the Commission may be removed at any time, with or without cause, by the Mayor, subject to the approval of the Council, or by a majority vote of the total voting membership of the Council. Vacancies for the remainder of unexpired terms as a result of removal, resignation or any other cause shall be filled in the same manner in which original appointments were made.

Section 4-16.104. Organization.

The Commission shall annually elect a chairperson, vice-chairperson and such other officers deemed necessary, including a secretary who need not be a member of the Commission. In the absence or disability of either the chairperson or vice-chairperson, the Commission may designate a chairperson pro tempore. Regular meetings of the Commission shall be public and shall be held at least quarterly at such times and places as the Commission may fix.

Section 4-16.105. Minutes of meetings—Compensation.

Minutes of meetings of the Commission shall be kept of all meetings, and copies thereof shall be delivered by the secretary of the Commission to the City Clerk for filing and distribution to the members of the Council within fifteen (15) days after the Commission's approval. No member of the Commission shall receive compensation for his or her services as such a member, but the Council may fix the amount of compensation, if any, to be paid to the secretary.

Section 4-16.106. Rules of Procedure.

Except as provided in this chapter, the Commission shall have the power to prescribe its own rules of order and procedure. ~~Three (3) Four (4)~~ members of the Commission shall constitute a quorum, and a simple majority of the votes of a quorum shall be required to pass a motion. No quorum shall consist of a majority of nonresidents of the City. In the absence of specific rules of order and procedures, the conduct of such meetings shall be governed by the latest revised edition of Rosenberg's Roberts² Rules of Order.

Section 4-16.107. Powers and duties.

The Commission shall exercise the powers reasonably necessary to perform and carry out its delegated responsibilities. The duties of the Commission include the following:

- (a) Advise the Council on all matters pertaining to the arts in the community;
- (b) Make recommendations to the Council concerning the resources and needs of the community on the subject of the arts, opportunities for participation of artists and performers in City-sponsored activities, and ways to encourage community involvement;
- (c) Work cooperatively with City boards and commissions and other public and private organizations in promoting art and cultural activities within the City;
- (d) Encourage public and private partnerships to assure the survival of the arts and artists in the City;

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- (e) Encourage the flow of art into the City and stimulate art and cultural activities among residents of the City;
- (f) Review and evaluate submitted City art grant proposals and submit funding recommendations to the Council;
- (g) Carry out the duties necessary to oversee the Ojai Public Arts Program as specified in Article 2 of this chapter; and
- (h) Prepare and submit to the Council at least every two (2) years a five (5) year arts project plan. Prior to submission, the Arts Commission shall review all ongoing and future capital improvement and development projects for public art opportunities.

SECTION 3. Code Amendment. Section 4-16.203 of the Ojai Municipal Code is hereby amended to read as follows, with additions denote by underlined text and deletions denoted by ~~strike through text~~:

Section 4-16.203. Definitions.

For purposes of this article:

“Accession” shall mean the assignment of a basic number to the objects acquired for the permanent art collection. The accession number is composed of two (2) figures, one (1) indicating the year of the receipt and the other the number of the accession within the year. The source of the acquisition is also noted. Numbers are assigned in order of the acquisition and a master list maintained of all acquisitions.

“Acquisition” shall mean inclusion of an artwork in the City’s art collection whether by purchase, commissioning or donation.

“Arts consultant” shall mean an arts professional with demonstrated education, experience and training in the development of public art projects.

“Committee to Approve Public Art” (CAPA) shall mean a public body comprised of five members: two ~~three~~ members of the Arts Commission (or others appointed by the Arts Commission), one Planning Commission representative appointed by the Planning Commission, and two ~~one~~ members of the community with arts knowledge, appointed by the Arts Commission. The Committee shall be responsible for conceptual reviews of artwork covered by this Article, and recommendations to the Arts Commission for final review and approval or denial.

“Covered project” shall mean all new residential development consisting of five (5) or more units, all remodeling, repair or reconstruction of residential housing consisting of five (5) units or more the cost of which is Three Hundred Thousand and no/100ths (\$300,000.00) Dollars or more, and all commercial, manufacturing, institutional recreation, village mixed use (commercial portion only, unless residential portion of such development consists of five (5) or more units) and public/institutional construction, remodeling, repair or reconstruction exceeding Three Hundred Thousand and no/100ths (\$300,000.00) Dollars in value.

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“Deaccessioning” shall mean the removal of an artwork from the City art collection, whether by sale or otherwise. Such action shall be taken only on the recommendation of the Arts Commission with the official permission of the Council.

“Public Art” shall mean artwork created by artists for spaces accessible to the public for specified time periods. It may include, but is not limited to, works of sculpture, painting, tile work, street furniture, murals and place-making and arts programming. The installations may be either permanent or temporary.

“Public Art Jury” shall mean a Jury comprised of seven (7) members composed of: a representative of the Arts Commission, two arts professionals, at least one with public art experience, a representative of the Planning Commission, a community member-at-large, Representative of the developer (e.g. architect or landscape architect or, if there is no developer for the project, a member selected at the discretion of the Arts Commission), and an artist.

“Responsible party” shall mean the person or entity which is administering or managing a covered project and is the party responsible for complying with the requirements of the Public Arts Program as set forth in this article.

SECTION 4. Environmental Determination. The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds that the adoption of the foregoing amendment to the Ojai Municipal Code is exempt from the California Environmental Quality Act (CEQA) for the following independent reasons:

Under California Code of Regulations, Title 14, Section 15061, subdivision (b)(3), of the CEQA Guidelines, CEQA review is not required if an activity is not a project as defined in California Code of Regulations, Title 14, Section 15378, of the CEQA Guidelines. Under Section 15378, subdivision (b)(5), project for purposes of CEQA does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This ordinance is administrative in nature, and will not result in any direct or indirect physical changes in the environment. The adoption of this ordinance is therefore exempt from CEQA review pursuant to California Code of Regulations, Title 14, Sections 15060 and 15378, subdivision (b)(5) of the CEQA Guidelines.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

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SECTION 6. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 7. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.

CITY OF OJAI, CALIFORNIA.

By Betsy Stix
Betsy Stix, Mayor

April 14, 2022
Date signed

ATTEST:

Gail Davis
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

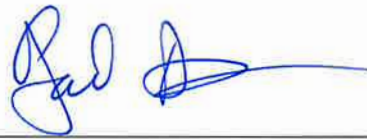
Matthew T. Summers
Matthew T. Summers, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on March 22, 2022 and adopted at a regular meeting held on April 12, 2022 by the following vote:

AYES: Blatz, Francina, Haney, Stix, Weirick
NOES: None
ABSTAIN: None
ABSENT: None



Gail Davis
Deputy City Clerk for the City of Ojai

