

ORDINANCE NO. 1166

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, REINSTATING AND AMENDING CHAPTER 3.21 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES REGARDING VISUAL ART IN PUBLIC PLACES

WHEREAS, public art was first identified as a City priority in the 2003 General Plan as an essential component of placemaking. With the adoption of Municipal Code Chapter 3.21 in 2005, the City created the Public Art Fund, requiring eligible capital projects to set aside 1% for public art, and assigned review authority to the Parks and Recreation Advisory Committee (PRAC); and

WHEREAS, the last Art in Public Places expenditure occurred in 2009, when \$4,000 was used to purchase art display panels. Public Art Fund contributions were suspended during the Great Recession, and 2018 amendments formally placed the ordinance on hold, rendering the program inactive; and

WHEREAS, since 2012, limited projects have moved forward, and the Public Art Fund balance remains small, \$700 as of FY 2025. Several recent artist funded installations, including the Norma's Way archway (2019) and two temporary sculptures (2024), required unique processing due to the absence of a formalized program; and

WHEREAS, public art is a major contributor to Paso Robles' cultural, social, and economic vitality. According to the 2025 San Luis Obispo County Economic Impact of the Arts & Culture Sector Report, the Arts & Culture sector draws approximately 630,000 visitors to Paso Robles annually, supporting \$70.2 million in visitor spending and enriching overall quality of life. Public art enhances community identity, supports local artists, increases tourism, reduces blight, and helps activate public spaces; and

WHEREAS, the City's 5-Year Economic Development Strategic Plan (EDSP 2024–2029) identifies *placemaking, downtown revitalization, gateway enhancement, branding, and infrastructure improvements* as core economic development priorities. The EDSP specifically calls for a Downtown Placemaking Pilot Project, activation of public spaces, and strategic investments that improve "livability," visitor experience, and business attraction. Public art is one of the most cost-effective and visible tools for achieving these objectives, strengthening both tourism and long-term economic competitiveness; and

WHEREAS, to effectively administer the reinstated program, the City Council finds it necessary to establish an Arts and Culture Board to provide expert guidance, ensure community input, and align public art initiatives with City goals; and

WHEREAS, reinstating and amending Chapter 3.21 will provide a structured, sustainable framework for funding, acquiring, and maintaining public art, funded through tourism-related revenues to maximize economic benefits without burdening general funds.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. **Recitals.** All of the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. **Reinstatement and Amendment to Municipal Code.** Chapter 3.21 (Visual Art in Public Places) of Title 3 (Revenue and Finance) of the El Paso de Robles Municipal Code is reinstated and amended to read as follows:

"Chapter 3.21 VISUAL ART IN PUBLIC PLACES

3.21.010 Intent and purpose.

This chapter shall be known as the "Visual Art in Public Places Program of the City of El Paso de Robles." The City Council declares that visually pleasing and high-quality public art enhances community identity, promotes cultural tourism, and improves public welfare. In furtherance of these goals, the City shall fund, acquire, and maintain public art through revenues derived from the City's Transient Occupancy Tax ("TOT"), as provided in this chapter.3.21.020 Definitions.

For purposes of this chapter, the following terms shall have the meanings ascribed to them as follows:

“Acquire” or “acquisition” means to purchase, commission, accept as a donation, or otherwise obtain ownership or custodial rights to works of art.

“Artist” means a professional practitioner in the visual, media, or performing arts who is recognized by peers, critics, or relevant organizations and who has demonstrated experience creating public art.

“Arts and Culture Board” or “Board” means the City of El Paso de Robles Arts and Cultural Board.

“Commission” means a contract with an artist for the design, fabrication, and installation of a site-specific work of art.

“Director” means the Community Services Director or their designee in the El Paso de Robles Community Services Department.

“Donation” means a work of art that is gifted to the City with no conditions restricting City ownership, display, or disposition.

“High-profile work of art” or “high-profile” means a work of art (i) valued at \$50,000 or more; (ii) proposed for placement in a highly visible or prominent public location such as a City gateway, major park, or downtown area; (iii) anticipated to generate substantial public interest; (iv) otherwise deemed by the Director to warrant City Council review due to its scale, impact, or cost.

“Maintenance” means all actions required to preserve, clean, repair, and protect works of art to ensure their continued public display and safety.

“Public Art Collection” means the aggregate of all City-owned and maintained works of art.

“Public Art Fund” or “Fund” means the special revenue fund established by Section 3.21.050 of this Chapter.

“Public Art Plan” means an annual planning document prepared by the Board and Director setting forth proposed public art projects, priorities, funding allocations, and program objectives for the upcoming fiscal year consistent with the City’s budget process.

“Transient Occupancy Tax” or “TOT” means the tax imposed by the City on transient occupancy pursuant to Chapter 3.26 of this Code.

“Visual art in public places” or “public art” means any visual work of art displayed in a publicly visible location in a City-owned or City-controlled leased area.

“Works of art” include, but are not limited to, ornamental landscaping, sculpture, monument, mural, fresco, bas-relief, mobiles, photography, drawing, handcrafts, painting, decorative fountain, landscape composition, banners, mosaic, ceramic, weaving, carving, stained glass, and digital or lighted immersive installations.

“Works of art” are the creative result of individual or group effort, and are either unique or of limited-issue nature, and are normally not mass-produced or intended primarily for a commercial market. “Works of art” do not normally include landscaping, paving, architectural ornamentation or signs.

3.21.030 Arts and Culture Board and bylaws.

There is hereby established the Arts and Culture Board. The City Council shall adopt bylaws by resolution to regulate and govern the Board’s composition, terms of office, officers, meetings in compliance with the Brown Act, quorum, voting, conflict-of-interest rules, functions, and authority. The City Council may update bylaws from time to time by resolution.

3.21.040 Public art policies and guidelines.

- A. The City Council shall approve policies and guidelines for the administration of this Chapter, including artist selection criteria, procurement procedures, maintenance standards, and placement protocols, with opportunities for public review and comment.
- B. The Board shall exercise its decision-making authority pursuant to such City Council-approved policies and guidelines.

3.21.050 Funding authorization.

An amount equal to one-half of one percent (0.5%) of the City's annual Transient Occupancy Tax (TOT) revenues from unrestricted sources shall be annually appropriated to the Public Art Fund. The appropriation amount will be reviewed and adjusted through the City's annual budget adoption process based on available funds and program needs. Funds shall be deposited into the Public Arts Fund. Allocated funds shall not constitute an entitlement to any particular project or vendor and shall be expended solely for purposes consistent with this Chapter.

3.21.060 Public Art Fund.

- A. There is established a special fund designated as the "Public Art Fund," which is to be maintained by the Director in coordination with the Administrative Services Department. All monies appropriated or received for public art shall be deposited in this Fund and used solely for the following purposes:
 - 1. 1. Creation, acquisition, design, fabrication, and installation of public art on City-owned or City-controlled property;
 - 2. 2. Maintenance, conservation, and restoration of works of art in the Public Art Collection;
 - 3. 3. Temporary, rotating, or community-based art projects approved pursuant to this Chapter;
 - 4. 4. Public education and programming related to the Visual Art in Public Places Program;
 - 5. 5. Artist fees, materials, transportation, insurance, and documentation.
 - 6. 6. Administrative costs, professional services, and necessary program support.
- B. Interest earned on the Public Art Fund shall accrue to the Fund.

3.21.070 Guidelines for acquisition and installation of public art.

- B. In addition to any guidelines promulgated by the Director regarding approval and maintenance, works of art shall be:
 - 1. Clearly visible and easily accessible to the public.
 - 2. Constructed of durable, permanent-type materials to withstand weather, vandalism, theft, and environmental exposure.
 - 3. Related in terms of scale, material, form, and content to immediate and adjacent buildings and landscaping so that they complement the site and surrounding environment.
 - 4. Compatible with the unified design character or historical character of the site.
 - 5. Designed and constructed by persons experienced in the production of such artwork and recognized by critics and by their peers as one who produces works of art.
 - 6. Maintained by the City to an acceptable professional standard.
- C. The following items are not to be considered works of art for the purposes of this chapter:
 - 1. Art objects which are mass produced from a standard design;
 - 2. Reproductions of original art works;
 - 3. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the works of art;
 - 4. Services or utilities necessary to operate or maintain the works of art.

3.21.080 Authority and administration.

- A. The Director shall have the authority to:

1. Develop and administer guidelines, rules, policies, regulations, forms, and procedures deemed necessary to administer this Chapter and implement the Visual Art in Public Places Program, subject to City Council approval pursuant to Section 3.21.040.
 2. Review proposed works of art, artists, and donations for qualification under this Chapter and present qualifying items to the Board for consideration and decision.
 3. Coordinate with the Board and City departments.
 4. Determine whether a proposed work of art, placement, or donation is “high-profile,” as defined in Section 3.21.020, requiring City Council approval.
- B. The Board shall have the authority to:
1. Annually prepare and recommend a Public Art Plan in collaboration with the Director specifying proposed projects, sites, budgets, and program goals.
 2. Make final decisions on the selection of artists and works of art for commission, acquisition, or approval of donations, and on placements, pursuant to City Council-approved policies and guidelines under Section 3.21.040.
 3. Advise on maintenance priorities and funding needs for the Public Art Collection.
 4. Recommend to City Council the acceptance of high-profile public art donations and deaccessioning of works no longer suitable for display.
 5. Recommend the placement of works of art consistent with the provisions of Section 3.21.080.
 6. Promote public awareness, education, and engagement concerning the City’s Visual Art in Public Places Program.

3.21.090 Placement of works of art.

Works of art may be placed in, on or about City-owned, leased, or controlled properties, including municipal buildings, parks, streetscapes, and open spaces. The location and installation of all works of art shall conform to the adopted Public Art Plan and City Council-approved policies and guidelines and shall be approved by the Board pursuant to Section 3.21.080. The Director may approve placements valued at less than \$50,000 that are not high-profile works of art. High-profile placements and all placements valued at \$50,000 or more, shall require City Council approval upon recommendation of the Board and Director pursuant to Section 3.21.080. All placements shall comply with Section 3.21.060 and all applicable safety, accessibility, and building regulations.

3.21.100 Donations.

- A. All proposed donations shall be reviewed by the Director for initial qualification and presented to the Board.
- B. The Board shall approve routine donations. High-profile donations shall be recommended by the Board to the City Council for final approval.
- C. Approved donations shall be added to the Public Art Collection and subject to all provisions of this Chapter.

3.21.110 Deaccessioning and relocation.

The City may remove, relocate, or deaccession any work of art that becomes damaged, obsolete, hazardous, or inconsistent with program objectives based on criteria including artistic merit, physical condition, maintenance costs, public safety, and alignment with City goals. Deaccessioning and relocation of high-profile works of art shall occur only after review by the Board and approval by the City Council consistent with City Council-approved policies and guidelines. Any proceeds from deaccession sales shall be deposited into the Public Art Fund.

3.21.120 Appeals.

- A. Any person aggrieved by a decision of the Board or Director may file an appeal to the City Council within ten (10) calendar days of the decision.
- B. Appeals shall be filed with the City Clerk in accordance with City procedures.
- C. The City Council's decision shall be final."

SECTION 3. CEQA Determination. The City Council hereby finds and determines that this Ordinance is exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the Ordinance would not have the potential or possibility for causing a significant effect on the environment. Specifically, the proposed changes to the Municipal Code are primarily technical and administrative in nature. The Ordinance would reinstate a fully revised and updated Chapter 3.21 regarding public art requirements and procedures. No construction is proposed and the Ordinance does not constitute any project approval. In reviewing the Ordinance the City Council has exercised its independent judgment and has reviewed and considered the Ordinance in light of all testimony received, both oral and written. Therefore, based upon the entire administrative record, the City Council hereby determines that no further environmental review is required for the Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

SECTION 6. Certification. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk. Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 36937.

INTRODUCED at a regular meeting of the City Council held on February 17, 2026, for first reading by the City Council of the City of El Paso de Robles, and adopted on the 3rd day of March, 2026, by the following vote:

AYES: Gregory, Bausch, Beal, Strong, Hamon

NOES:

ABSENT:

ABSTAIN:



John R. Hamon, Jr., Mayor

ATTEST:



Melissa Martin, City Clerk