



CITY OF MOORPARK

# ARTS MASTER PLAN

Prepared By





# TABLE OF CONTENTS

<b>Introduction</b> .....	5
<b>Executive Summary</b> .....	6
<b>How the Arts Benefit the Community</b> .....	8
<b>Research Methodology</b> .....	12
<b>Sources of Community Input</b> .....	13
Stakeholder Interviews .....	14
Community Visioning Sessions.....	16
Online Survey .....	19
Social Media .....	25
<b>Research Findings</b> .....	29
Highlights of Moorpark’s Arts & Culture Evolution .....	30
Moorpark’s Arts & Culture Assets .....	34
Creative Economy in Moorpark.....	37
Arts in Neighboring Cities .....	40
Funding the Arts in Moorpark .....	44
<b>Moorpark Arts Master Plan</b> .....	46
Mission & Goals .....	46
Goals & Objectives.....	48
Goal 1: Engage .....	48
Goal 2: Strengthen .....	52
Goal 3: Harness .....	56
<b>About the Consultant</b> .....	60
<b>Appendices</b> .....	61



# CITY OF MOORPARK OFFICIALS

## Moorpark City Council

Janice S. Parvin, *Mayor*

Dr. Antonio Castro, *Councilmember*

Chris Enegren, *Councilmember*

Daniel Groff, *Councilmember*

David Pollock, *Councilmember*

## City of Moorpark Arts Commission

Charles Blaugrund, *Chair\**

Rose Hoberg, *Vice Chair*

Tania De Haz

Carol Roullard\*

Kim Simons

*\*Arts Master Plan Committee*

## City of Moorpark Staff

Troy Brown  
*City Manager*

Jeremy Laurentowski  
*Parks & Recreation Director*

Jessica Sandifer  
*Community Services Manager*

Brian Chong  
*Assistant to the City Manager*

Chris Ball  
*Senior Management Analyst*



# INTRODUCTION

The City of Moorpark is truly fortunate to have an established Art in Public Places Program that provides a strong funding mechanism to beautify and distinguish the community aesthetically. Having successfully selected and installed a number of works through the program, City leaders recently determined that its current policies and procedures, which were established in 2005, would benefit from a review by experts in the field, and that development of an Arts Master Plan that provides a more comprehensive vision for public art in the community was necessary to guide future program initiatives.

Arts Orange County was engaged to facilitate the cultural planning process which began in August 2019, with the results to date documented within this report. This report represents the beginning of an active engagement and dialogue with the public to participate in their arts environment in their community, now, and years to come.

The City of Moorpark Arts Master Plan results from the compilation and synthesis of significant community input collected over the course of one year and reflects the dreams and wishes of Moorpark residents. The methodology included collecting input through interviews with stakeholders representing broad sectors of the community, facilitating multiple widely publicized community visioning sessions, conducting a vigorously promoted online survey, and open engagement with the public through a dedicated Arts Master Plan Facebook page. Throughout the process, communication was maintained with and guidance was provided by Moorpark's Arts Commission and City staff.

It is our hope that this report will stimulate greater arts and cultural inclusion and activity for the benefit of the residents and the greater community of Moorpark.

## EXECUTIVE SUMMARY

Moorpark is on the cusp of becoming a sterling example of a community enhanced by arts and culture. It has the legacy, assets, resources and wide public enthusiasm to infuse the city with a diverse, innovative and active creative environment. Moorpark residents are eager to engage in arts and culture offerings and value the role that the arts play in their community. When asked about the importance of arts and culture in their lives, 70% of survey respondents ranked it “very important,” and top priorities included activating High Street through arts and culture, having access to more programs such as concerts and festivals, and adding more public art to activate and beautify the City. This document includes a comprehensive summary of survey results and selected public comments and insights that demonstrate the community’s appetite and enthusiasm for artistic and cultural endeavors in the community.

The Arts Master Plan is anchored by a Mission Statement that distills the needs, wishes and ideas communicated by the public:

**It is the mission of this Arts Master Plan to spark the imaginative spirit and enrich the lives of all Moorpark residents and visitors to the community, with a commitment to respect, diversity, equity and inclusion.**

*To fulfill this mission, the City commits to the following goals:*

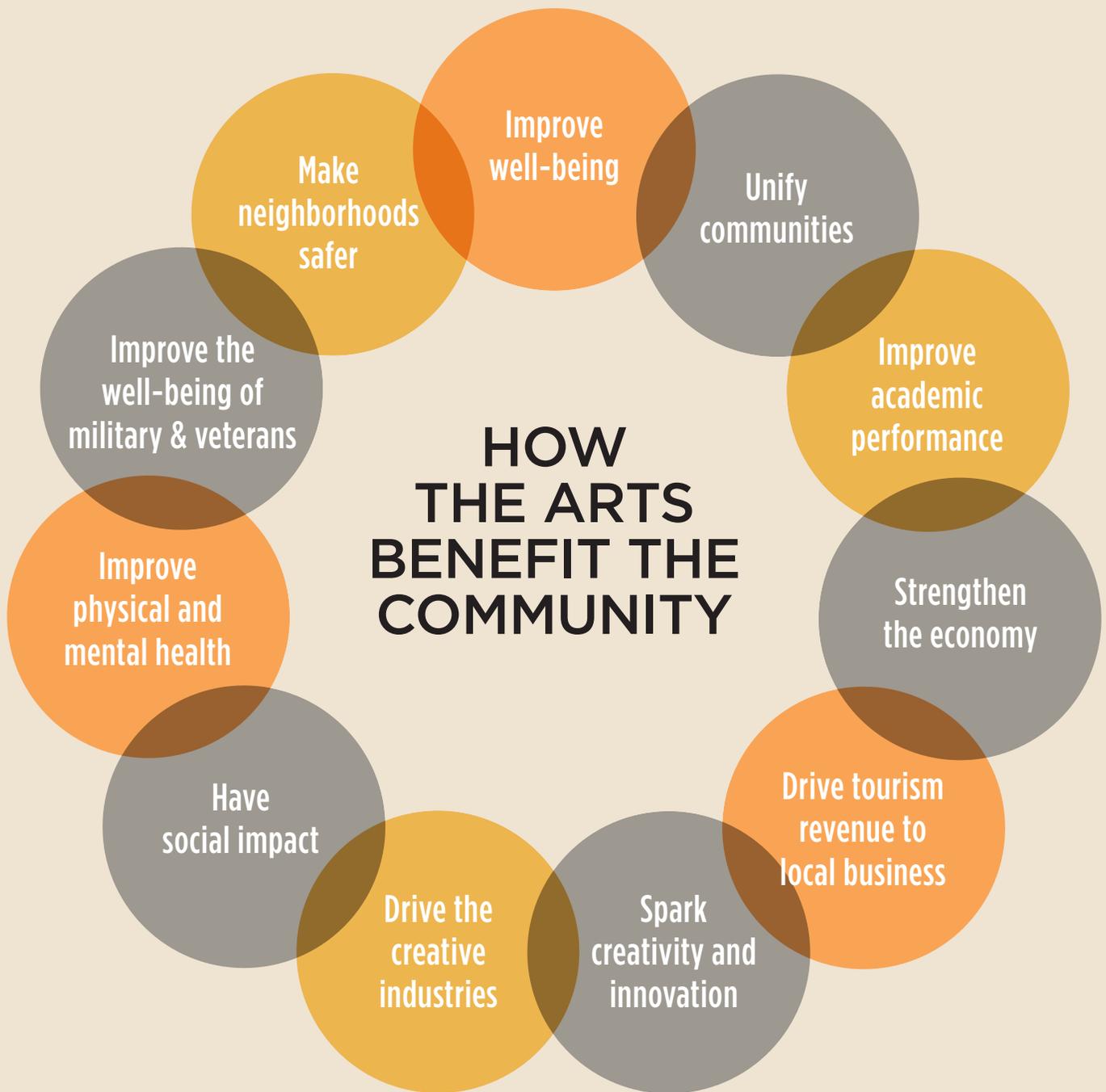
- ENGAGE** the community in a robust array of arts and cultural experiences that provide opportunities for all to connect and socialize, to create and learn, and to celebrate Moorpark.
- STRENGTHEN** Moorpark’s creative community of artists, arts organizations and arts educators.
- HARNESS** the economic vitality generated by the arts for the benefit of all.

Prescribed objectives accompany each of these goals to update and fortify the City’s Art in Public Places program, align its priorities with those of the community, and provide short and long term direction for program activities. The adoption of recommendations contained herein is at the City’s sole discretion. Any modifications to current ordinances, policies and procedures should be made with City Attorney guidance and are subject to final approval of the Moorpark City Council.

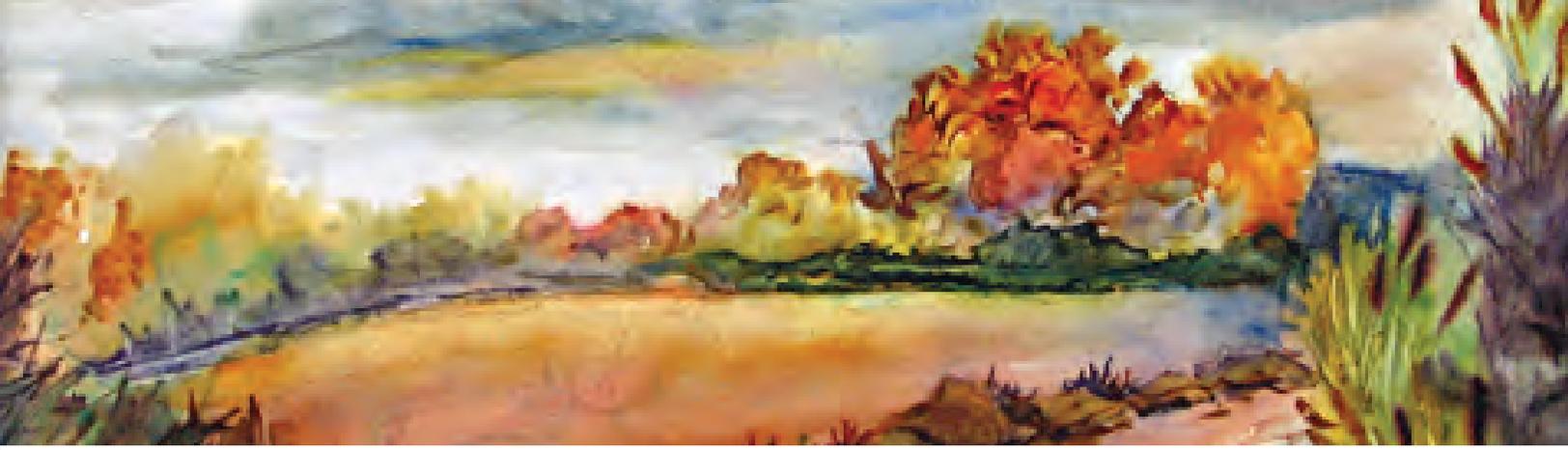


A thorough review of the City of Moorpark’s Art in Public Places Program is also included, along with recommendations to update its policies and procedures to bring it into alignment with best practices in the field. Additional policy proposals for murals, siting of artworks, and the acquisition and deaccessioning of artworks are also included to assist the City in expanding and strengthening the program.

There is no doubt that the impact of the pandemic will present challenges for civic leadership and the public to overcome unprecedented obstacles. Wise and disciplined leadership will be needed to determine the recovery of the local economy and the social life of its citizens. Some sacrifices are sure to follow. But, a modest investment in the arts and cultural infrastructure will—as it has been proven across the country in thousands of other communities—actually serve to leverage the local economy, stimulate greater community citizenship and participation, and improve the local environment with a creative, enhanced civic identity and source of local pride. This Arts Master Plan provides a blueprint, constructed by the citizens and leaders themselves, that can forge a greater, more beautiful and thriving community.



**The arts are fundamental to our humanity.** They ennoble and inspire us—fostering creativity, goodness, and beauty. The arts bring us joy, help us express our values, and build bridges between cultures. The arts are also a fundamental component of a healthy community—strengthening them socially, educationally, and economically—benefits that persist even in difficult social and economic times.



Source: *Americans for the Arts*

1

**Arts improve individual well-being.**

69 percent of the population believe the arts “lift me up beyond everyday experiences,” 73 percent feel the arts give them “pure pleasure to experience and participate in,” and 81 percent say the arts are a “positive experience in a troubled world.”

3

**Arts improve academic performance.**

Students engaged in arts learning have higher GPAs, standardized test scores, and college-going rates as well as lower drop-out rates. These academic benefits are reaped by students regardless of socio-economic status. Yet, the Department of Education reports that access to arts education for students of color is significantly lower than for their white peers. *91 percent of Americans* believe that arts are part of a well-rounded K-12 education.

2

**Arts unify communities.** 72 percent of Americans believe “the arts unify our communities regardless of age, race, and ethnicity” and 73 percent agree that the arts “helps me understand other cultures better” – a perspective observed across all demographic and economic categories.

4

**Arts strengthen the economy.**

The production of *all arts and cultural goods in the U.S.* (e.g., nonprofit, commercial, education) added \$804 billion to the economy in 2016, including a \$25 billion international trade surplus – a larger share of the nation’s economy (4.3 percent) than transportation, tourism, and agriculture (U.S. Bureau of Economic Analysis). *The nonprofit arts industry alone generates \$166.3 billion in economic activity annually* – spending by organizations and their audiences – which supports 4.6 million jobs and generates \$27.5 billion in government revenue.

**5 Arts drive tourism and revenue to local businesses.** Nationwide, attendees at nonprofit arts events spend \$31.47 per person, per event, beyond the cost of admission on items such as meals, parking, and babysitters — valuable commerce for local businesses. 34 percent of attendees live outside the county in which the arts event takes place; they average \$47.57 in event-related spending. Arts travelers are ideal tourists, staying longer and spending more to seek out authentic cultural experiences.

**7 Arts drive the creative industries.** The Creative Industries are arts businesses that range from nonprofit museums, symphonies, and theaters to for-profit film, architecture, and design companies. A 2017 analysis of Dun & Bradstreet data counts 673,656 businesses in the U.S. involved in the creation or distribution of the arts — 4.01 percent of all businesses and 2.04 percent of all employees.

**9 Arts improve healthcare.** Nearly one-half of the nation's healthcare institutions provide arts programming for patients, families, and even staff. 78 percent deliver these programs because of their healing benefits to patients — shorter hospital stays, better pain management, and less medication.

**6 Arts spark creativity and innovation.** Creativity is among the top 5 applied skills sought by business leaders, per the Conference Board's *Ready to Innovate* report — with 72 percent saying creativity is of high importance when hiring. Research on creativity shows that Nobel laureates in the sciences are 17 times more likely to be actively engaged in the arts than other scientists.

**8 Arts have social impact.** University of Pennsylvania researchers have demonstrated that a high concentration of the arts in a city leads to higher civic engagement, more social cohesion, higher child welfare, and lower poverty rates.

**10 Arts for the health and well-being of our military.** The arts heal the mental, physical, and moral injuries of war for military servicemembers and Veterans, who rank the creative arts therapies in the top 4 (out of 40) interventions and treatments. Across the military continuum, the arts promote resilience during pre-deployment, deployment, and the reintegration of military service-members, Veterans, their families, and caregivers into communities.



## ADDITIONAL HEALTHY COMMUNITY BENEFITS FROM THE ARTS

### **Making Neighborhoods Safe**

According to a 2017 study by the Social Impact of the Arts Project (SIAP) at the University of Pennsylvania School of Social Policy & Practice, low- and moderate-income residents in New York City neighborhoods with many cultural resources are healthier, better educated, and safer overall than those in similar communities with fewer creative resources. The report documented:

- **An 18% decrease in the serious crime rate**
- **An 18% increase in children scoring in the top stratum on English and math exams**
- **A 14% decrease in cases of child abuse and neglect**
- **A 5% decrease in obesity**

Source: University of Pennsylvania School of Social Policy & Practice  
<https://www.sp2.upenn.edu/new-research-shows-arts-culture-improve-health-safety-well/>

# RESEARCH METHODOLOGY

**During the past twelve months, the consultant collected community input and data through a variety of tools.**

- Conducted 26 individual key stakeholder interviews to identify community arts and cultural needs. These individuals were identified in consultation with City of Moorpark staff and the Arts Master Plan Committee, and included a representative sampling of various important constituencies within or serving the City of Moorpark.
- Conducted four visioning sessions to which the public was invited to attend, participate and provide input by identifying arts and cultural strengths and weaknesses in the community and sharing ideas for advancing arts and culture in the City. These were held in various locations around the City.
- Conducted an online survey that was open to the public, and promoted widely, to collect input from Moorpark residents and visitors to the City. The survey was available in English and Spanish, and more than 400 responses were received.
- Maintained ongoing communication with City of Moorpark staff, members of the Arts Commission and its Arts Master Plan Committee to review project goals and scope of work, to keep them informed of our progress, and to seek assistance in our research.
- Obtained from City of Moorpark staff documentation of city policies related to art in public places, arts programs and facilities, and historical background.
- Collected information from neighboring cities and others within the region regarding their arts expenditures, facilities, programs and public art policies for comparative purposes.

## Arts & Culture

- High Street Arts Center
- Moorpark Symphony Orchestra
- Moorpark Film Festival
- Moorpark Foundation for the Arts
- Moorpark Historical Society

## Business

- Moorpark Chamber of Commerce
- Moorpark Morning Rotary Club

## City Government

- Mayor and City Council
- City Manager
- Moorpark Arts Commission
- Community Services Department
- Economic Development Department
- Moorpark Public Library

## Education

- Moorpark College
- Moorpark Education Foundation
- Moorpark Unified School District
- Ventura County Office of Education

# SOURCES OF COMMUNITY INPUT

## Residents

- Visioning Sessions
- Online Survey (*English and Spanish*)
- Facebook/Social Media





## STAKEHOLDER INTERVIEWEES

*(listed alphabetically)*

Stephanie Anderson, *Recreation Services Manager, City of Moorpark*

Chris Barrett, *Board Member, Morning Rotary Club, sponsors of Moorpark Film Festival*

Troy Brown, *City Manager, City of Moorpark*

Dr. Antonio Castro, *Associate Superintendent, Ventura County Office of Education  
and President, Board of Directors, Ruben Castro Charities, Moorpark*

Christine Conwell, *Library Director, City of Moorpark*

Jay Ellison, *Board Member, Morning Rotary Club, sponsors of Moorpark Film Festival*

Chris Enegren, *Councilmember, City of Moorpark*

Bill Gomez, *President, Moorpark Chamber of Commerce*

Kelli Hayes, *Superintendent of Schools, Moorpark Unified School District*

John Loprieno, *Chair, Theatre Arts Department, Moorpark College*

Michael Marion, *Former Chair, Board of Directors, Moorpark Foundation for the Arts*

Roger Mason, *Board Member, Moorpark Symphony*

Roseann Mikos, Ph.D., *Councilmember, City of Moorpark*

Monica Morenu, *Dean, Applied Arts, Moorpark College*

Janice S. Parvin, *Mayor, City of Moorpark*

Pennie Paterson, *Former Director of Moorpark Arts Festival*

Bernardo Perez, *Former Mayor, City of Moorpark; Trustee, Ventura County Community College  
District; Trustee, Moorpark Foundation for the Arts*

Victoria Perez, *Real Estate Professional*

David Pollock, *Councilmember, City of Moorpark; President, Moorpark Education Foundation*

Ken Rayzor, *General Manager/Artistic Director, High Street Arts Center*

Hugh Riley, *Chair, Board of Directors, Moorpark Foundation for the Arts*

Ken Simons, *Councilmember, City of Moorpark*

Jeff Smith, *Board Member, Moorpark Symphony*

Julius Sokenu, *Interim President, Moorpark College*

Douglas Spondell, *Planning Manager, City of Moorpark*

Mike Winters, *President, Moorpark Historical Society*



Community Visioning Session  
November 18, 2019 – Apricot Room, City Hall



Community Visioning Session  
January 24, 2020 – Moorpark Methodist Church



Community Visioning Session  
January 26, 2020 – The Alley



# COMMUNITY VISIONING SESSIONS ATTENDEES

## 42 Attendees

### September 16, 2019

**City Hall  
Conference Room**

Michelle Barrett  
Charles Blaugrund  
Tania De Haz  
Rose Hoberg  
Carol Roullard

### November 18, 2019

**City Hall  
Apricot Room**

Cathy Agnew  
Wayne Agnew  
Mark Di Cecco  
Jim Friery  
Linda Goble  
David Kropp  
Eliza Kropp

Andrea Lamberth  
Linda Legman  
Moorpark Symphony  
Pennie Patterson  
Hugh Riley  
David Ross  
Miriam Ross  
Lisa Sophos  
Robert Thompson  
Mary Zangerle

### January 24, 2020 Moorpark United Methodist Church

Tania De Haz  
Kathleen Puntar  
Patricia Torres  
Christina Torres

### January 26, 2020 The Alley at Enegren Brewing Co.

Traci Adams  
John Bird  
Steve Burch  
John Chester  
Molly Chester  
Chris Enegren  
Ron Fischbach  
Rachel Fischbach  
Geri Freeland  
Dylan Gunning  
KC Kellman  
Eliza Kropp  
Linda Legman  
Luigi Lucas  
Linda Plaks  
Jill Quijada  
Robert Thompson

*A fifth Visioning Session, scheduled to take place on March 16, 2020 at High Street Arts Center, was canceled to comply with the required COVID-19 shutdown.*

*Thanks to all who assisted the consultant on organizing and hosting these Visioning Sessions, including Rev. Kathleen Puntar, Moorpark United Methodist Church; Chris Enegren, Enegren Brewing Company; Bernardo Perez and Hugh Riley, Moorpark Foundation for the Arts; Ken Rayzor, High Street Arts Center.*





# ONLINE SURVEY

## OVERVIEW

### **SURVEY UNIVERSE**

- Moorpark residents
- People who work in Moorpark
- People who visit Moorpark

### **SURVEY PERIOD**

February 18 – May 18, 2020

### **RESPONSES**

407 total

400 (English language version)

7 (Spanish language version)

### **PROMOTION**

- *Moorpark Acorn* (2 articles)
- City of Moorpark e-mail, website, publications, and social media
- High Street Arts Center newsletter
- Moorpark Arts Master Plan Facebook page
- Targeted Facebook advertising to Moorpark residents (English and Spanish speaking)
- Various Moorpark-focused Facebook pages
- Stakeholders’ networks
- Visioning session attendees’ networks

*High Street Arts Center graciously provided complimentary admission tickets for random drawings used as an incentive to encourage public participation in the survey.*

# ONLINE SURVEY

## RESPONSES

**Importance of arts & culture in your life**

70% responded  
**“Very”**  
 Additional  
 28% responded  
**“Somewhat”**

**Economic value of arts in the community**

- TOP REASONS**
- Providing reasons to stay & spend in Moorpark
  - Strengthening local support for the creative & cultural sector
  - Supporting or developing local creative talent

**How the arts benefit the community**

- TOP REASONS**
- Providing opportunities for residents to have fun and socialize
  - Engaging youth in creative practices and life skills
  - Engaging the personal creativity of city residents

**How often do you attend or participate in arts in Moorpark?**

**72%**  
 Several times each year

**27%**  
 At least monthly

**Activating public spaces through arts & culture**

**TOP LOCATION**

**81%**  
 High Street

**Programs you'd like more of in Moorpark**

**TOP CHOICES**

**Concerts and festivals**

**Value of public art in the community**

- TOP REASONS**
- Enrich the vibrancy of commercial districts (e.g. High Street, etc.)
  - Add fun, color, and enjoyment in the city
  - Transform public spaces into gathering spots

**Are you an artist, creative worker or engage in creative expression?**

**54%**  
 Responded “Yes”  
 50% of those that said yes have creative careers

# SURVEY RESPONSE HIGHLIGHTS AT A GLANCE

## PERSONAL CREATIVE ENDEAVORS

<p>The creative activities survey respondents take part in</p> <p>(Multiple responses permitted, does not add to 100%)</p>	<ul style="list-style-type: none"> <li><b>70%</b> Book reading, creative writing, poetry</li> <li><b>49%</b> Play an instrument, write music, sing in a choir</li> <li><b>42%</b> Drawing, painting, ceramics</li> <li><b>41%</b> Photography, movie-making, animation</li> <li><b>41%</b> Prepare traditional foods, cooking classes</li> <li><b>40%</b> Crafts i.e. quilting, knitting, scrapbooking</li> <li><b>36%</b> Dance shows, dance lessons, social dancing events</li> <li><b>19%</b> Designing and building, woodworking, 3D printing, etc.</li> </ul>
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<p>At what level would you describe your creative practice?</p>	<ul style="list-style-type: none"> <li><b>50%</b> Personal expression/hobby</li> <li><b>21%</b> Committed practice</li> <li><b>11%</b> Emerging career professional</li> <li><b>11%</b> Established professional</li> <li><b>7%</b> Mid-career professional</li> </ul>
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<p>In what ways could the City of Moorpark help you advance your artistic or creative practice?</p> <p>(Multiple responses permitted, does not add to 100%)</p>	<ul style="list-style-type: none"> <li><b>56%</b> Local artists showcases</li> <li><b>44%</b> Grants for artists or arts organizations</li> <li><b>38%</b> Free or inexpensive studio or exhibit space</li> <li><b>36%</b> Produce cultural festivals</li> <li><b>33%</b> Free or inexpensive rehearsal or performance space</li> <li><b>33%</b> Grants to create public events</li> <li><b>27%</b> Incentives for creative businesses</li> <li><b>22%</b> Improved permitting processes</li> </ul>
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## SEEK OUT ARTS AND CULTURE ACTIVITIES OUTSIDE MOORPARK

Respondents who travel to other communities to participate in arts & culture activities	<b>Thousand Oaks</b>	70% 1-3 times a year	12% monthly	6% weekly
	<b>Los Angeles</b>	68% 1-3 times a year	11% monthly	1% weekly
	<b>Simi Valley</b>	58% 1-3 times a year	4% monthly	4% weekly
	<b>Ventura</b>	54% 1-3 times a year	3% monthly	2% weekly
	<b>Santa Barbara</b>	50% 1-3 times a year	1% monthly	1% weekly

The types of arts & culture events or activities respondents travel to attend  (Multiple responses permitted, does not add to 100%)	<b>66%</b>	Plays, musicals & dance
	<b>42%</b>	Concerts
	<b>36%</b>	Festivals & fairs (street, food, craft)
	<b>20%</b>	Museums
	<b>16%</b>	Art shows & artwalks
	<b>10%</b>	Libraries, lectures & classes

## WHAT WOULD YOU LIKE FOR MOORPARK?

Respondent's favorite ideas for activating or improving public space  (Multiple responses permitted, does not add to 100%)	<b>82%</b>	High Street development project with focus on arts, culture & heritage
	<b>47%</b>	Visual improvements on Los Angeles Avenue corridor
	<b>41%</b>	Arts component in recreation features (bike trails, play structures)
	<b>39%</b>	Murals, community-engaged mural making
	<b>35%</b>	Infuse art into public works (utility boxes, bridges, etc)
	<b>30%</b>	Public art that is quirky, original, prompts "selfies"

The top programs that respondents would like to have more available in Moorpark  (Multiple responses permitted, does not add to 100%)	<b>66%</b>	Concerts and musical offerings
	<b>63%</b>	Festivals (arts, crafts, performances, food, etc.)
	<b>53%</b>	Performing arts (dance, storytelling, theater, etc.)
	<b>40%</b>	Comedy, cabarets, date-night options
	<b>35%</b>	Culinary events (tastings, wine-making, beer brewing)
	<b>34%</b>	Film festivals, independent cinema



## ABOUT THE RESPONDENTS

### Have school-age children living at home

33%  
Yes

67%  
No

### Gender

68%  
Female

29%  
Male

3%  
Other or no  
answer

### Age

1% Under 18

3% 18 – 24

6% 25 – 34

15% 35 – 44

24% 45 – 54

25% 55 – 64

20% 65 – 74

6% 75 or above

### Education

2% Some high school

10% High school diploma, GED, or HiSET

18% 2-Year associate's or technical degree

37% Bachelor's degree

33% Master's, doctoral, or  
professional degree

### Annual income

6% \$39,999 or less

8% \$40,000 – \$69,999

15% \$70,000 – \$99,999

22% \$100,000 – \$149,999

13% \$150,000 – \$199,999

12% \$200,000 or more

24% Prefer not to answer

### Ethnicity

64% White, alone

<1% Black or African American, alone

<1% American Indian or Native American,  
alone

3% Asian, alone

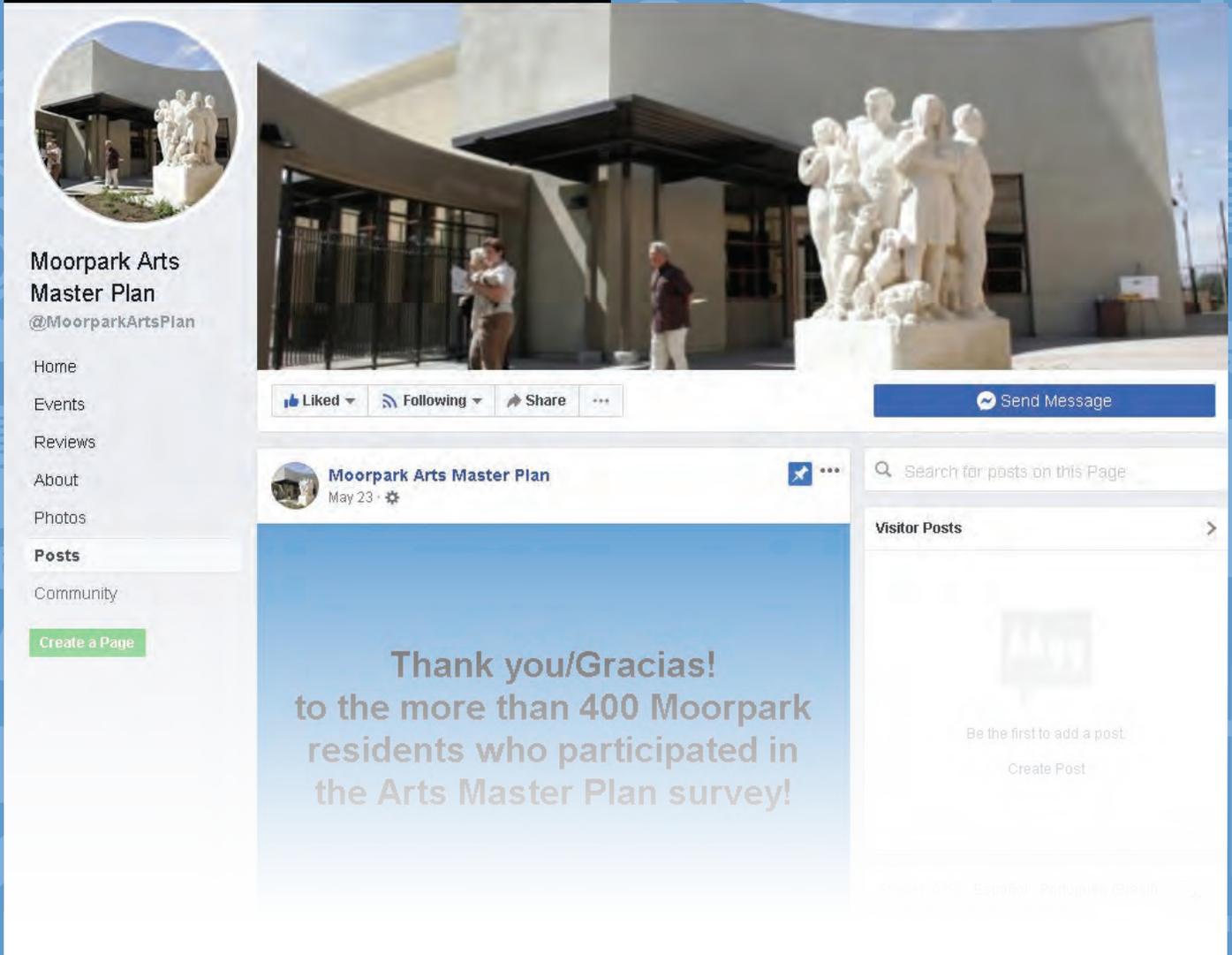
0% Native Hawaiian & other Pacific Islander,  
alone

10% Two or more races

9% Hispanic or Latino

12% Decline to state or other

# SOCIAL MEDIA



## ARTS MASTER PLAN PAGE ON FACEBOOK

In an effort to promote community engagement in the Arts Master Plan process, consultant launched a dedicated Facebook page in September 2019. Identified as being operated by the consultant (and not an official City of Moorpark page), the page was used to share examples of public art and arts programs from other communities to stimulate discussion. These ranged from sculptures, murals, utility box art, street art and festivals to performing arts of various genres and types. It also shared examples of arts activities already taking place in Moorpark—in the City’s parks and community centers, public schools, Moorpark College, churches and synagogues, and High Street Arts Center.

## A SELECTION OF COMMENTS FROM THE ARTS MASTER PLAN FACEBOOK PAGE

The page attracted 225 followers and succeeded in collecting dozens of comments by visitors, offering their reactions to posts and prompting them to share their own ideas. Here is a selection of them:

### Public Art

How about placing art on the BACKS of buildings facing all the train passengers? When I take the trains in & out of Moorpark I'm always thinking it would be an awesome way to tell others about what a great community this is. – **Brenda Duncan Cusick**

How about a community wall that artists can freely paint? It can be monitored and policed by the community. Give the kids an outlet for their expression. – **Alex Mendoza**

Ventura has art pieces around town painted on the cable boxes in very beautiful bright colors. I like to look at them when I go there. – **Margaret Rios**

The bridge at Arroyo Vista would be great site for a mural. – **Belén Contreras**

### Festivals

Bring back the “Moorpark Beautiful” that we had back in the day. Everyone participated, all groups and schools. It maintained pride of our town. It was originally conceived by the principal of the elementary school. He was an art major. The large rooms in the school were opened and set up like an art gallery. All the organizations in town chose a project to help beautify our town. Some painted things that needed it. Some planted flowers. Murals can be made. It's up to the organization. There was a parade. There was a list of beautifications made and where they could be viewed. Historical buildings can be open. A stage for a talent show to share talent with the town. – **Terry Davenport**

### Facilities

I would like to see a nonprofit art center like Studio Channel Islands Art Center (SCIART) in Old Town Camarillo where local artists could have studios in which to work that would be open to the viewing public on one Saturday a month (Open Studios). Since SCIART's Open Studios is the first Saturday of every month, Moorpark's needs to be on another Saturday so we could support the arts in both communities. – **Linda Legman**

A gallery on High Street would be wonderful. A place to go with the whole family. – **Victoria Laba**

## High Street

Please continue to support High Street Arts Center. It is an incredible gift of talent and incredible performances in our community! – **Bobbette Gantz**

How about a mural walk up and down High Street? (In hopes we will still someday build High Street up) – **Joell Cunningham Lennox**

How about venues for musicians, strolling street musicians/a capella groups or a music festival? – **Linda Shishino-Cruz**

## Arts in Schools

I'd like to have more funding for the non-magnet schools in the community. Funding to support our children's K-12 education in visual arts & instrumental music. More funding would help alleviate much of the stress volunteers like Boosters & PTAs face in trying to raise funds for arts programs in the schools. In some cases, these volunteer run organizations need to earn over \$90,000 for school programs year after year in order to supplement our kids education. In addition, having more City exposure & support for Music performances that MHS develops would be nice for people in the community to enjoy. We have many remarkable & talented students at the high school. – **Pamela Kirkland**

The Moorpark High School PTSA has a wonderful Reflections Program!  
– **Jackie Along Flame**

## Collaboration

I hope that local artists will be integral parts of the entire process. An Arts Festival inclusive of public art, visual arts, music and film would be fantastic. Moorpark has High Street, its diamond in the rough that is just calling out for something like this. Partnerships with Moorpark College, Cal Lutheran and/or the Ronald Reagan Presidential Library either in sponsorship or in collaboration could be great resources. – **Andres Duran**

## A Robust Vision for the Arts

I would love to see a once-a-month arts Festival, where local, Ventura County artists set up their work for display/sale, while local bands play original songs. Additionally, opening up a Moorpark Art Gallery on High Street would also allow restaurant patrons to have a place to stroll to and enjoy. Expansion of the Film Festival (through sponsorship) would be amazing. I'd also love to see art at/on our freeway exits to set the tone for the city. (Like Agoura, Westlake, and Calabasas). We've also got to do something theatre-related. Can't wait to see what you come up with! – **Joey Carnes**



Apricot Lane Farms

## RESEARCH FINDINGS

### **A Brief Summary of Moorpark History, Arts and Culture**

Moorpark's first residents, the Chumash people, inhabited this fertile valley with its sweeping vistas 10,000 years ago. They were also its earliest artists, adorning caves in the region with pictographs 1,000 years ago and crafting beautiful functional objects—examples of which may be seen at the Chumash Indian Museum in nearby Thousand Oaks.

A new era began when Robert W. Poindexter, a Los Angeles investment banker, acquired title to the land that is now Moorpark (1887) in anticipation of securing a railway station (1900). This enabled Moorpark's growth as a farm community and led to the establishment of its earliest cultural assets: a public library (1912), a high school (1919), and a theater on High Street (1927). Moorpark is believed to have held its very first arts festival in 1930. These preceded Moorpark's incorporation as a City by more than 50 years, reflecting the important value placed upon arts, culture, and education by its residents.

Like much of California, Moorpark depended through most of its agricultural heyday upon migrant farm laborers who mostly came from Mexico but also included workers of other backgrounds as well. While many returned to their homes after the harvest, some settled permanently in Moorpark and today Latinos constitute about one third of the City's population.

Like much of the region, Moorpark experienced rapid growth in recent decades as a result of having available land for new home construction and business expansion along the heavily trafficked Los Angeles Avenue highway corridor that bisects the community. The City has worked to keep pace with this growth through the construction of new schools and parks and recreation facilities, and has plans to build a new library.

A large residential development, Hitch Ranch, is also in the works, and early plans call for it to include a park and amphitheater. This may be Moorpark's last residential building project of comparable size and scale due to the lack of available land. But other opportunities exist, such as repurposing shopping plazas or other underutilized commercial areas. One infill project, High Street Depot, a mixed use residential and retail development on High Street, is currently under review.

# Highlights of Moorpark's Arts & Culture Evolution



## PRE-1542

Quimisac, a Chumash village established in what is now Happy Camp Canyon Regional Park

## 1542-1821

Spanish Colonial Era



## 1821-1848

Mexican Era



## 1850

California statehood



## 1887

Robert W. Poindexter was granted title to the present site of Moorpark. He named the city after the Moorpark apricot which grew throughout the valley

## 1900

Moorpark Depot built and Southern Pacific trains arrive daily running between Los Angeles and San Francisco



## 1912

Moorpark Library opens

## 1919

Moorpark Memorial Union High School established



## 1927

El Rancho Theatre opens at 45 East High Street as a silent movie house

## 1930

First Moorpark Arts Festival held, offered annually for many years

## 1950s

Moorpark Theatre (former El Rancho Theatre) used for school and community productions

## 1955

Moorpark Depot closes

**1967**

Moorpark College opens



**1968**

Moorpark Depot is demolished

**1979**

Moorpark Historical Society is founded

**1983**

City of Moorpark is incorporated



**1983**

Magnificent Moorpark Melodrama & Vaudeville Co. opens in former Moorpark Theatre; changes names and uses over the years, closing its doors as Moorpark Playhouse in 1999

**1984**

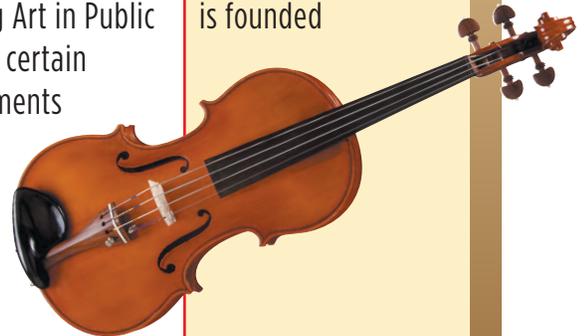
Annual Country Days Festival is founded, presented by City and Moorpark Chamber of Commerce

**1988**

City of Moorpark passes resolution requiring Art in Public Places in certain developments

**1990**

Moorpark Symphony Orchestra is founded



**1994**

Arroyo Vista Recreation Center opens

**2001**

Larry Janss purchases Moorpark Theatre, renovates it, renames it The Theatre on High Street

**2002**

"Monument to the Victims and Heroes of 911" Fountain and Sculpture dedicated at corner of Tierra Rejada and Mountain Trail



**2003**

Moorpark Arts Festival is revived by volunteer committee after a period of dormancy

**2005**

City of Moorpark purchases The Theatre through its Redevelopment Agency, renaming it High Street Arts Center, and eventually establishes it as a performing arts venue, operated by the City's Community Services Department

**2005**

City of Moorpark establishes its Art in Public Places Program, requiring certain residential, commercial and industrial development projects to install public artwork or pay an in lieu fee

**2005**

The "Moorpark Mammoth" (remains from a Pleistocene-era pachyderm) discovered during excavation for new development in Moorpark



**2006**

City of Moorpark takes over Moorpark Library from Ventura County Library System

**2006**

City of Moorpark established an Arts Commission to "provide review and comment on the operations of the High Street Arts Center and placement of artwork in the community"

**2007**

City assumes management of Moorpark Arts Festival



**2007**

City established the Art in Public Places Fund to collect and maintain in lieu fees for use exclusively by the Art In Public Places Program

**2007**

The "Moorpark Mammoth" is relocated to Santa Barbara Museum of Natural History

**2009**

Moorpark Foundation for the Arts, a 501c3 nonprofit organization, is founded and enters joint operating agreement with City for High Street Arts Center

**2009**

Veterans Memorial by Community Works Design Group dedicated at corner of Spring Road and Flynn Avenue, includes eagle sculpture, fountain and plaza

**2009**

Mammoth Bone Stone Sculptures by NSP3/Parks Associates installed in Mammoth Highlands Park

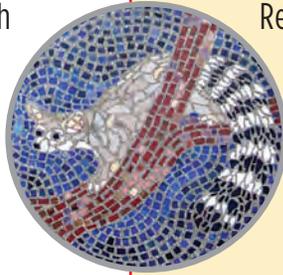
**2012**

"We Are One Family" by John Fisher installed in Ruben Castro Human Services Center courtyard



**2012**

Moorpark Foundation for the Arts agreement with City gives the nonprofit full operating authority with a reduced financial contribution from the City



**2014**

Lithomosaics and Bronze Toad by Anne Mudge installed outside Arroyo Vista Recreation Center

**2015**

Moorpark Foundation for the Arts agreement with City renewed for another 3 years with the elimination of a financial contribution from the City but with continued City responsibility for major building maintenance

**2015**

High Street Arts Center becomes known for successful community theatre productions, concerts, and as a venue for other performing arts presentations

**2015**

City cancels annual Moorpark Arts Festival, citing lack of staff time available and declining attendance

**2017**

Moorpark High School is one of 23 schools statewide to receive the honor of "Exemplary Arts Award" from the California Department of Education

**2018**

"Thin Blue Line" sculpture by Heath Satow installed in front of Police Services Center



**2018**

"The Biggest Little Farm," a documentary by John Chester depicting his and his wife Molly's experiences revitalizing a Moorpark area farm debuts at Telluride Film Festival, screened in 2019 at Sundance Film Festival

**2018**

City debuts Multicultural Arts Festival, a reinvented version of the earlier annual Moorpark Arts Festival

**2019**

Moorpark Film Festival inaugurated by Morning Rotary Club



**2019**

City of Moorpark approves creation of an Arts Master Plan



**2020**

COVID-19 pandemic forces temporary closure of venues and cancellation of arts programs

# MOORPARK'S ARTS & CULTURE ASSETS



### **CITY-OWNED PUBLIC ART**

- 1 911 Memorial Sculpture/Fountain
- 2 Lithomosaics & Bronze Toad
- 3 Mammoth Art Bone Sculptures
- 4 Sculpture “We Are One Family”
- 5 Sculpture “Thin Blue Line”
- 6 Veteran’s Memorial

### **COMMUNITY PROGRAMMING FACILITIES**

- 7 Active Adult Center
- 2 Arroyo Vista Recreation Center
- 8 Moorpark City Library
- 9 Moorpark College Art Gallery
- 7 Moorpark Community Center

### **MOORPARK PERFORMING ARTS FACILITIES**

- 10 High Street Arts Center
- 9 Moorpark College Performing Arts Center
- 11 Moorpark High School Performing Arts Center
- 12 Walnut Canyon School Auditorium

### **ORGANIZATIONS**

- 13 Moorpark Civic Ballet & Dance Theater
- 10 Moorpark Foundation for the Arts
  - Moorpark Historical Society
  - Moorpark Symphony Orchestra
  - Old Time Country Bluegrass Gospel Music Association (OTCBGMA)

### **ARTS & CULTURE EDUCATION ASSETS**

- 14 Arroyo West Elementary School
- 15 Campus Canyon College Prep Academy
- 16 Chaparral Middle School
- 17 Flory Academy of Sciences & Technology

- 9 High School at Moorpark College
- 18 Mesa Verde Middle School
- 9 Moorpark College
- 11 Moorpark High School
- 19 Mountain Meadows School
- 20 Peach Hill Academy
- 12 Walnut Canyon School

### **FESTIVALS, COMMUNITY EVENTS**

- 2 Concerts in the Park
- 21 Haunted High Street
- 2 Moorpark 3rd of July Fireworks Extravaganza
- 9 Moorpark College Multicultural Day
- 9 Moorpark College Spring Festival
- 9 Moorpark College Writers Festival
- 21 Moorpark Country Days Parade & Street Festival
- 2 Moorpark Craft Beer & Wine Festival
- 22 Moorpark Field of Valor
- 10 Moorpark Film Festival
- 10 Moorpark Has Talent
- 21 Moorpark Multicultural Arts Festival
- 2 Movies in the Park

### **PUBLIC ART ON PRIVATE PROPERTY**

- 23 Bronze Figure Sculpture
- 24 Bronze Sculpture and Fountain
- 25 Fountain
- 26 Fountain
- 27 Fountain & Rock Sculpture
- 28 Fountain with Horse Sculptures
- 29 Rock Sculpture with Fountain
- 30 Stone Archway Sculpture
- 31 Stone Sculpture and Fountain



Photo credit: Pam Rossi's Dance Ten

# CREATIVE ECONOMY IN MOORPARK

The creative sector is an important driver of economic activity and tax revenue for the City of Moorpark. The consultant has compiled some estimates of creative economy data based upon research from other sources. These include the *2020 Otis Report on the Creative Economy* and the *2017 Americans for the Arts Creative Industries: Business & Employment in the Arts*.

## What is the creative economy?

The creative economy is the basket economy inclusive of creative industries, creative occupations and creative people working in nonprofit, for-profit and self-employed businesses. The creative industries as defined in this Report consist of five primary sectors: (1) Architecture and Related Services; (2) Creative Goods and Products; (3) Entertainment & Digital Media; (4) Fashion; and (5) Fine Arts and Performing Arts. In California, the creative economy comprises 8% of the statewide workforce with an economic impact of more than \$650 billion (*2020 Otis Report on the Creative Economy*). Creative employment data encompasses people employed in the creative industries, as well as workers with creative occupations in other industries, such as graphic designers working for local government, marketing professionals working for auto dealerships, or cabinet makers working in construction. The economic output of the creative economy, along with the creative talent driving the success of the private, public and education sectors, are vital contributors to California's economy.

California's creative economy is growing. From 2008–2017, creative sector employment in California grew 12.7%. And it provides good paying jobs, with average wages well above the statewide average annual wage of \$68,500. (*2020 Otis Report*)



## The Creative Economy in Ventura County

Ventura County has been called out in the national press and in local studies for having a high density of creative economy businesses and independent artists that generate significant economic and employment impacts. In 2008, the Ventura County Community Foundation produced a report that found that the local creative sector generated \$2.1B in economic activity, on par with agriculture and construction. The report also found that creative businesses supported over 20,000 jobs in the county and arts and cultural nonprofits employed almost 2,000 people while enlisting another 7,000 community members as board and staff volunteers.

The 2020 Arts Vibrancy Index report scored Ventura County as eighth in the nation in their Top Ten Arts-Vibrant Medium Communities list, out of 957 medium-sized communities studied. Defining arts vibrancy indicators as supply, demand and support, the report finds Ventura County is second in the nation for density of independent artists, fourth in the nation in density of creative business, 337th in arts revenues and 624th in government support.

While Ventura County boasts a high density of independent artists, cultural nonprofits and creative businesses, the region is missing some key elements of arts infrastructure that are typically found in counties with similar demographics. The region lacks an organization devoted to advocacy and fundraising. These activities are essential to circulating and sustaining awareness of the value of the arts and activating donors to play a role in supporting them. The county also lacks a regional arts and culture marketing platform with only a few areas promoting the arts through ad hoc web-based calendars. Arts presenters, already under-resourced, are competing for ever-shrinking local press to reach beyond their audiences. The region as a whole is not leveraging the volume and diversity of cultural offerings to attract visitors and cultural tourism dollars.

*Ventura County and the Arts: Impact & Opportunity for Community.* (Sept. 2008). Ventura County Community Foundation

*Arts Vibrancy Index Report VI: Hotbeds of America's Arts and Culture.* (Sept. 2020). SMU Data Arts — The National Center for Arts Research. <https://culturaldata.org/what-we-do/arts-vibrancy/>

Arts-related businesses  
located in Moorpark

100+

People employed in arts-related  
businesses located in Moorpark

600+

## The Creative Economy in Moorpark

The *2020 Otis Report* finds that employment in the creative industries in the Central Coast region (which includes Moorpark) accounts for 5% of regional jobs — approximately 20,000 wage and salary positions and 15,000 contractors. But Moorpark’s creative economy is more contiguous with that of Los Angeles County, particularly in Entertainment and Digital Media, where the city falls within the 40-mile Secondary Studio Zone for film and television production. Los Angeles County is home to roughly 38% of all direct Creative Industry employment in California, and 1 in 3 jobs in the county are directly and indirectly generated from the creative industries. Not only does this suggest that it is likely Moorpark’s creative industry employment exceeds that of the rest of the Central Coast, but it also means that Moorpark is uniquely positioned to harness its proximity to LA as an incentive to attract new creative industries to the City.

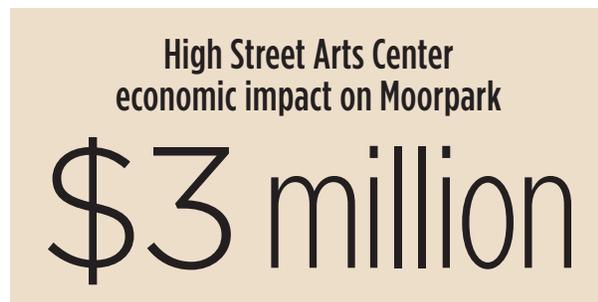
While the *Otis Report* does not include a creative economy analysis specific to Moorpark, the *2017 Americans for the Arts Creative Industries: Business & Employment in the Arts* does provide a somewhat closer look. It is based upon 2015 Dun & Bradstreet data for the 44th State Assembly District, where Moorpark is located. This District had 1,433 arts-related businesses employing 8,348 people.

We estimate there are more than 100 creative businesses employing over 600 people in Moorpark. This is likely an undercount, as the report only includes businesses with Dun & Bradstreet registration numbers, omitting many small enterprises, and also does not include the self-employed which also play an important role. Contractors occupy four of every ten jobs in California’s creative economy while the overall economy average is one contractor for every 10 wage or salaried workers. (*2020 Otis Report*).

## Economic Impact of the High Street Arts Center

Moorpark’s largest nonprofit arts organization reported \$685,624 in gross receipts during the 2017–18 fiscal year (Source: IRS Business Master File). Based upon accepted methodology using industry-standard multipliers, the economic impact on Moorpark by the High Street Arts Center exceeds \$3 million.

(Source: *A. Gary Anderson Center for Economic Research at Chapman University*).





Libbey Bowl, City of Ojai

## ARTS IN NEIGHBORING CITIES

Just as each Ventura County city has its own unique geographic and cultural characteristics, so too are their diverse approaches to municipal arts and culture programs and policies. Each city has a slightly different take on providing leadership, facilities, funding and other forms of support to artists and cultural organizations and to providing arts and culture opportunities to its community. A scan of these policies reveals some shared patterns and some distinctions.

### Cultural Planning & Leadership

Moorpark appears to be the most current and proactive city in terms of strategic planning for the arts. The city of Ventura led the county charge in the early to mid-nineties, establishing artists and cultural nonprofits as essential to the city's success and adding elements to their General Plan and Downtown Specific Plan to both retain artists and encourage the establishment of cultural districts. But after the 2008 economic downturn, Ventura collapsed its Cultural Affairs department into Community Partnerships and has not produced a cultural master plan since 2005. Currently the cities of Ventura and Thousand Oaks are seeking feedback on the assets and issues in their respective arts and culture communities as part of their General Plan updates. The cities of Oxnard and Ojai have the most recent arts master plans, both adopted in 2009, but they appear to be expired. The County of Ventura has never adopted a cultural master plan.

With the exception of Port Hueneme and Santa Paula, all of Ventura County's cities have a designated cultural arts commission. Some of their various powers and duties include offering leadership and guidance to city council and staff, reviewing budgets, ordinances and capital purchases, overseeing grant or public art programs, or assisting in fundraising and marketing. Simi Valley's arts commission role is overseeing the budget and operational plan for the city's Cultural Art Center. The city of Ventura requires that there be at least one urban planning or architecture professional on their arts commission. Oxnard expects their arts commissioners to assist in developing leadership capacity in the arts by tasking them to create evaluation tools and training their local arts leaders on how to measure impacts and submit stronger grant proposals.

## Municipal Facilities

Along with Moorpark, several cities own arts facilities and utilize various methods for managing them. The primary focus of the Cultural Affairs Department of the City of Thousand Oaks is to operate and manage the Bank of America Performing Arts Center. With a \$4.3M budget, the city maintains and improves the facility, underwrites rental agreements with local performing arts groups that are considered residents of the theatre, and provides staff to the TOArts foundation, which programs and fundraises for the center as the primary tenant. While the City of Oxnard owns the Oxnard Performing Arts and Convention Center (OPACC) and the Carnegie Museum, it recently stopped paying the operational costs of each facility, shuttering the museum and contracting with an events producer to program the OPACC theatre. The nonprofit that ran the theatre must self-fund while reimagining the facility as a community center. Both Thousand Oaks and Oxnard fund their facility through an Enterprise Fund. The Simi Valley Cultural Art Center is funded by the city's General Fund and managed by city staff, with an annual budget of approximately \$560K. The Towne Theatre in Fillmore is owned by the city but is closed and slated for sale as part of the state dissolution of redevelopment assets. Many of these facilities are managed by diverse arrangements between cities and a nonprofit.

Several cities program art shows in municipal galleries, including Ojai, Oxnard, Ventura and Thousand Oaks. Ojai, Oxnard, Ventura and Santa Paula possess municipal art collections, several of which were initiated as gifts by civic-minded collectors. Ojai and Ventura display their collections in gallery spaces within their city halls, while Santa Paula and Oxnard established museums, the Santa Paula and Carnegie Museums respectively, to house and display theirs. The County of Ventura pays a stipend to the Ventura County Arts Council to curate art shows featured in the Government Center atrium.

## Public Art Programs

Along with Moorpark, the cities of Fillmore, Ojai, Oxnard and Ventura have public art programs. The City of Ventura's program focuses on "enduring" visual or physical artworks that are often integral to public works projects. Their ordinance stipulates that the "artworks may be permanently sited or be portable, and may serve as venues for various performing and cultural art forms." The other cities include programming and performances in their public art guidelines. Ojai defines public art as "artwork created by artists for spaces accessible to the public for specified time periods," whether permanent or temporary, and "may include, but is not limited to, works of sculpture, painting, tile work, street furniture, murals and place-making and arts programming." Ojai, Oxnard and Ventura also have mural programs. And while Santa Paula does not have designated funding for the arts, the city does maintain its public murals and monuments.

Several cities offer unique municipal arts programs. Ventura's Think Outside the Box and Ojai's Paint Box programs provide funding for artists and community groups to transform utility boxes into works of art.



Left: Bank of America Performing Arts Center, City of Thousand Oaks  
Below: WAV – Artists live/work/retail complex, City of Ventura



For the Artist Mentor Program, the Ojai Arts Commission partners with the Ojai Education Foundation to hire professional artists to mentor high school students during a summer internship program. Oxnard recently adopted its Downtown Arts Hub project to catalyze arts activity in the district. The cities of Ojai and Ventura host annual art awards programs to celebrate and support local artists, cultural organizations and patrons.

## Supporting the Arts

Several cities use grant programs to strengthen the arts in their communities. The City of Ventura distributes around \$90K annually through its Cultural Funding Program, which provides unrestricted funds to Ventura-based cultural nonprofits for organizational support, programming, or services. Both Ojai and Oxnard provide grants to individual artists as well as nonprofits. The Ojai Arts Commission’s Arts Grants Program funds non-profit arts organizations and individual artists whose “primary purpose is to produce or present arts and cultural programs” in the City of Ojai and require a dollar-for-dollar match. Oxnard’s Art In Public Places Program is the county’s most comprehensive grant program, offering funding for projects, for individual artists and for operating support for organizations. While only Oxnard-based artists and organizations are eligible to apply to their grant program, Ventura and Ojai are open to applicants from outside the community. Simi Valley offers a Community Project Grants program open to all types of 501(c)3 organizations, and arts orgs are welcome to apply.

Currently, no Ventura County city provides art production space beyond theaters, but the city of Ventura was the lead driver in developing the live/work complex, Working Artists Ventura, or the WAV. Having identified the threat that the lack of affordable housing and studio spaces posed local artists, the city helped

acquire the land (previously a brownfield) and drove the political process that made the nationally-recognized project happen. The WAV is a unique model, offering fifty-four affordable rentals that combine living and studio space to working artists, fifteen apartments for youth emancipated from the foster system or families transitioning from homelessness and market-rate ocean view penthouses. The development is also LEED-certified and received much of its financing from innovative tax credits.

Ventura County is also lacking in coordinated arts marketing. There is no regional event calendar or promotional platform, leaving local artists and nonprofits to compete for limited coverage in local press. The ArtsVentura website was created by arts supporters in the city of Ventura to promote Ventura-based artists and cultural events, but it is not featured on either the City or visitors bureau websites. Only Ojai provides an Artists Directory on its Arts Commission website. And while Ventura often gets lauded for its Art Walk, the city withdrew its support of the event several years ago and, without resources and leadership, it is struggling to continue. Without shared marketing platforms, local artists and nonprofits don't have a way to reach beyond their existing audiences, local businesses can't locate local creative talent and the region misses the opportunity to market itself to visitors.

One measure that a few cities have taken to spur arts and cultural activities is to lower the costs associated with permitting or using city facilities. Thousand Oaks supports several performing arts groups by offering them low-cost residencies at the Bank of America Performing Arts Center. Ventura offers Special Event Grants to cover all or part of the permit fees charged by the city for special events occurring on public property. The fees that the City of Ojai charges to rent Libbey Park and the Libbey Bowl are extraordinarily reasonable and they offer a fee waiver program for local groups who are creating public benefit events.

## **Funding the Arts**

Ventura County cities vary slightly on how they raise money for the arts. Ventura allocates two percent of city capital improvement projects for their public art fund. Fillmore, Ventura, Ojai and Oxnard assign "percent-for-art" developer fees. Ojai assesses construction projects two percent of the value of the project up to \$1 million, and then one percent on the value above \$1 million. Fillmore's recently adopted percent-for-art fee is applicable to both residential developments and city capital improvements. Camarillo city council recently voted down a developer fee program for arts funding. In Port Hueneme, the City Manager's office recently created a fundraising 501C3 called "REACH: Recreation, Education, Arts and Culture" and economic development officials see a big potential in funding the arts through cannabis licenses, which require 1% in revenue to go to city nonprofits. Recognizing the importance of the many cultural assets maintained by private support in Santa Paula, city staff reports that they are working to develop assigned funding.



## FUNDING THE ARTS IN MOORPARK

As with the cities of Fillmore, Ojai, Oxnard and Ventura, the City of Moorpark utilizes “percent-for-art” developer fees to fund its arts program. Such Percent for Art programs are common municipal mechanisms to fund public art. The City of Moorpark assesses a 1% fee on new development and currently has a balance of approximately \$4 million in its Art In Public Places fund. The use of these funds is limited to public art, and to date the City has utilized the fund to commission and install permanent sculptures and fountains in public places. A more prevalent interpretation by cities worldwide today favors the use of such funds for a wider range of public arts experiences, including temporary art installations, festivals, arts grants, and permanent arts facility capital expenditures. This topic is discussed more fully later in this report.

Outside of Percent for Art programs and General Fund appropriations, many cities also utilize the following mechanisms to fund their arts programs.

### **Transient Occupancy Tax**

Another common municipal funding mechanism to support city arts programs and arts organizations within a city is the allocation of a portion of transient occupancy (hotel) tax revenue or revenue from a tourism BID (business improvement district). The rationale is that arts programming is valuable in driving visitor traffic to hotels and restaurants in a city and that visiting artists also occupy rooms and spend their money at local businesses during their stays in the community. The City established a 10% transient

occupancy tax in 2007, and in 2020 welcomed its first hotel in nearly a century. These tax revenues are allocated to the city's General Fund.

## Outside Sources of Funds Available to City of Moorpark

Typically, the following sources support one-time special initiatives or provide limited project funding through competitive grant processes—not ongoing operating expense support for city-operated facilities or programs (see Appendix III).

- **National Endowment for the Arts** (*a federal agency*)
- **Community Development Block Grants (CDBG)** (*Local distributions are limited to programs that address homelessness and provide affordable housing, which can include artists.*)
- **USDA Rural Placemaking Initiative** (*federal*)
- **California Arts Council** (*a state agency*)
- **State of California Park Development & Revitalization Grant Program** (*public art*)
- **California Humanities**
- **Ventura County Community Foundation**
- **Private Foundations**
- **Business Sponsorships**
- **Local Citizens**

## Moorpark Community Foundation for the Arts

Better known as Moorpark Foundation for the Arts (MFA), MFA's stated mission is "to support and promote the growth and enjoyment of the performing and visual arts in the City of Moorpark." It received its tax exempt status in 2009 as a 501(c)3 nonprofit organization, and is not a private grantmaking foundation. In 2012, it entered an agreement with the City of Moorpark to become the exclusive management of the City-owned High Street Arts Center (HSAC). Since that time, MFA has steadily built a successful community theatre and performing arts center operation on the premises, and currently has an annual operating budget of approximately \$650,000 of which about 70% is derived from earned revenue, mostly from ticket sales. The City retains responsibility for major maintenance of the building, but all operating expenses are now the responsibility of MFA. Although MFA's sole operational focus has been the production and presentation of performing arts at HSAC, the City of Moorpark Arts Master Plan process has prompted new thinking by MFA's Board and Staff leadership regarding the possibility of playing a wider role in advancing the arts ecology in Moorpark. This is discussed elsewhere in this report.

## MOORPARK ARTS MASTER PLAN

# MISSION GOALS

**It is the mission of this Arts Master Plan to spark the imaginative spirit and enrich the lives of all Moorpark residents and visitors to the community, with a commitment to respect, diversity, equity and inclusion.**

*To fulfill this mission, the City commits to the following goals:*

### **ENGAGE**

the community in a robust array of arts and cultural experiences that provide opportunities for all to connect and socialize, to create and learn, and to celebrate Moorpark

### **STRENGTHEN**

Moorpark's creative community of artists, arts organizations and arts educators

### **HARNESS**

the economic vitality generated by the arts for the benefit of all



James Song Music Director Moorpark Symphony

# GOALS OBJECTIVES

## **GOAL 1: ENGAGE**

**Engage the community in a robust array of arts and cultural experiences that provide opportunities for all to connect and socialize, to create and learn, and to celebrate Moorpark.**

The City of Moorpark first passed a resolution requiring the placement of public art in certain new developments in 1988, but a formal Art in Public Places (AIPP) program did not begin in earnest until 2007, after which five works of permanent sculpture were commissioned and installed in various locations around the City. While there continues to be support for the placement of permanent art installations through AIPP, local opinion in Moorpark mirrors the worldwide trend that more broadly defines public art to include temporary art installations, festivals, and the performing arts. Moorpark residents value the ability of public art to enliven historic and commercial districts and beautify blighted areas, to bring joy and encourage social gathering in parks and neighborhoods, and to celebrate the City's heritage and diverse cultures.

The City should therefore consider the use of AIPP funds not only to support permanent public art installations and their maintenance, but also temporary art, arts programming such as the Multicultural Arts Festival, and free admission events by local arts organizations (e.g. High Street Arts Center, Moorpark Symphony, etc.). Some residents also view the AIPP fund as a potential resource to help create new facilities, acquire the necessary equipment to facilitate community events, and to expand and improve the High Street Arts Center. It is recommended that the City review whether such uses of AIPP funds conform to the current ordinance and, if necessary, amend it (see Objective 2.1).

Imminent plans for building a new City of Moorpark Library led many residents to point to it as a pre-construction opportunity to plan for accommodating arts uses in the new building. Suggestions include an art gallery, a community gathering space for lectures and performances, sites for permanent art inside and on the grounds of the new library, and ensuring that it is a worthy architectural addition to the community.

Residents would like to have more arts learning opportunities through new program initiatives by the City, but also feel that some of these might be fulfilled by making them aware of such offerings at Moorpark College and Moorpark Unified School District.



➤ **Please consider art as more than just paintings and murals.**

— *Comment from survey respondent*

➤ **I really think Moorpark needs something for teens and pre-teens. If we could create a cultural, fun hang out for these youth for after school, it could take them off the streets and out of the stores causing mischief. I feel they just don't have a place to be after school that gives them a sense of belonging or that holds their interest.**

— *Comment from survey respondent*

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The following objectives are recommended:

**Objective 1.1: Engage creative placemaking techniques that leverage the visual and physical characteristics of Moorpark to distinguish it as a community and as a destination.**

This objective could be achieved by enlivening public space throughout the City with art and design, such as parks and bike paths, and by commissioning artists to design playground equipment, gazebos and gateways. Opportunities to beautify functional elements with art, such as utility boxes, public-facing walls, and streetlight fixtures, should be explored. Furthermore, it is recommended that aesthetics be considered during the earliest stages of planning for both the City projects—including the planned new Library—and new private development projects, to encourage attractive and imaginative additions to the Moorpark cityscape, with special attention in this regard given to development in historically and culturally important areas of the community.

**Objective 1.2: Engage people in social gatherings by transforming public spaces into points of interest that foster civic pride and attract visitors.**

It is recommended that the City think beyond installing free-standing permanent sculptures for public art and re-define public art to include temporary sculpture installations, pop-up exhibitions of art, community participation art projects, festivals and performing arts events. The City should seek out opportunities to engage people of all ages in the creation of permanent and temporary art projects,

➤ **We need a Moorpark History center! A place to preserve and display Moorpark artifacts. A place our children can learn the history of Moorpark and even learn about genealogy research. I strongly feel our community can benefit from an on-site history center from cultural growth to appreciation of our lovely community we call home!**

— *Comment from survey respondent*

➤ **Moorpark is a diverse community. Make sure it's inclusive of all groups that help make Moorpark great.**

— *Comment from survey respondent*

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including mosaic walkways, bench seating, murals, etc., under the guidance of professional artists and including themes that illuminate Moorpark's physical beauty, proud heritage and cultural diversity. An example would be the creation of a location for teens and young adults to engage in artist-supervised mural painting for temporary display.

Survey respondents identified an outdoor amphitheater as the most desirable venue to meet the growing needs of the City's residents and visitors. Therefore it is recommended that the City continue its efforts to develop an amphitheater that makes full use of the great weather and natural beauty of Moorpark with the local appetite for the performing arts. Alternatively, the City could invest in portable equipment that would provide an adequately equipped stage for outdoor performances that can be utilized at locations throughout the City.

**Objective 1.3: Engage the heritage, history and diversity of Moorpark to build upon existing events and traditions as well as to develop new, unique and authentic experiences reflecting the City and its people.**

It is recommended that the City make High Street a focal point of the Art in Public Places Program, highlighting its role as Moorpark's historic downtown and as an inviting place to gather. Opportunities to celebrate the City's cultural heritage throughout the community could include the placement of interpretive exhibits at significant locations, the incorporation of historical themes in civic buildings, new works of public art and community events, or even a history museum in the downtown High Street area. These activities could highlight Moorpark's paleontological pre-history, its earliest native American residents, its agricultural heyday and railstop legacy, its proud Latino and Asian farm labor heritage, and its evolution and bright future as a 21st century community.

As noted above, it is recommended that the City strengthen the Multicultural Festival and highlight multicultural programming offered in different venues. Consideration should also be given to developing new events such as a culinary festival to celebrate Moorpark's agricultural roots and its food and beverage entrepreneurs.



**Objective 1.4: Engage the creativity and imagination of residents by increasing the availability of arts learning opportunities for all.**

In addressing this objective it is recommended that the City expand the learning experiences available to residents and visitors in the form of cultural tours, heritage hikes, classes, and library talks, as well as develop ways to inform the public of non-City-sponsored arts learning opportunities such as lectures at Moorpark College or workshops held at High Street Arts Center. Further engagement would be achieved by supporting clubs and meet-ups devoted to creativity by providing meeting spaces for groups to share crafts, 3-D printing projects, music jams, etc. Additionally, the City could incorporate competitions with a public voting component into community events, for activities like swing or salsa dancing, fiddle and banjo picking, or tastings of locally-produced or home-made culinary products.

Survey respondents identified “book reading, creative writing, poetry” as their top creative activity, suggesting that residents would benefit from an annual “The Big Read” or similar program in which the community reads, discusses, and celebrates one outstanding book from American and world literature over the course of an entire year. These programs can engage other art forms as well.



Moorpark High School

## **GOAL 2: STRENGTHEN**

**Strengthen Moorpark’s creative community of artists, arts organizations and arts educators.**

The consultant has conducted a thorough review of the City’s current Art in Public Places (AIPP) program and has provided a detailed analysis of policies and procedures, along with recommendations intended to align it with best practices in the field and strengthen the program’s ability to attract the very best artists to submit their proposals for consideration (Appendix II).

The Moorpark Arts Commission is limited in scope to performing two primary functions: serve as a review panel for the AIPP and, if requested by City Council, act in an advisory capacity in matters pertaining to the High Street Arts Center. Its role expanded in 2019 to participate in the Arts Master Plan process, to review it, and recommend its consideration by the City Council.

The success of the Arts Master Plan will depend upon a body of people to “drive” its implementation over a period of years. While the Moorpark Arts Commission will have new responsibility in the form of general oversight on the implementation of this Plan, that body will also see its workload intensify as the City

➤ **Do not be afraid to be big bold and beautiful — and art does not have to be permanent. Please stimulate our minds and imaginations.**

— *Comment from survey respondent*

➤ **Murals make a small quaint town a very cool place to be, inspire people to come back, tell others and feel happy!**

— *Comment from survey respondent*

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looks to expand its Art in Public Places program. In order to meet the Plan goals related to Moorpark’s larger arts community, we recommend that the City identify a community arts organization that can take the lead in actively promoting and implementing many of its recommendations. Such an organization would also be asked to serve as a nexus for communications among the artists and arts organizations in Moorpark, fostering collaboration, and working in tandem with the Moorpark Arts Commission on the fulfillment of the Plan goals.

For several years, the City has entrusted the management of its High Street Arts Center to MFA in what has been a highly successful partnership. It now makes perfect sense for the City to look to MFA as the ideal organization to help it meet its goals of expanding and strengthening the overall arts ecology of Moorpark.

Moorpark Unified School District (MUSD) has received statewide recognition for its arts instruction. Given its small size, it has no district-wide Visual and Performing Arts Coordinator position on staff but relies instead upon a small brain-trust of its key arts faculty and staff who work collaboratively. The consultant recommends the exploration of increased opportunities to collaborate with MUSD and the Moorpark Education Foundation to support arts education and share resources, perhaps through a City-designated organization as described in Objective 2.3 which follows.

Artists and arts organizations in Moorpark have expressed the need for space in which to work, exhibit, rehearse and perform. Possibilities for meeting these needs include creating space for art production or presentation in the new City of Moorpark Library, incorporating live/work spaces in new downtown mixed-use projects, or partnering with landlords to activate underutilized commercial spaces with pop-up shows or studio spaces. As noted earlier, a history museum and an outdoor amphitheater are cultural assets also being sought by the community. Creating a space/facilities inventory with specifications and a schedule of availability and usage fees is a project that a City-designated community arts organization might take on; it could include Moorpark College, MUSD schools, the City’s recreation centers, and privately-owned spaces.

## We need an organization to drive the arts sponsored by the city

— *Comment from survey respondent*

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The following objectives are recommended:

**Objective 2.1: Strengthen the City of Moorpark’s Art in Public Places Program so that it attracts high quality projects and artists (see the Art in Public Places Program Review and Recommendations in Appendix II for detailed review, analysis, recommendations and references).**

To accomplish this objective it is recommended that the City update and formalize current AIPP policies and ordinances to align the program with best practices in the field as detailed in Appendix II and strengthen the program’s ability to attract the very best artists to work on City projects. In undertaking this effort, it may be desirable to create and adopt new policies encompassing the development, placement and maintenance of public art commissioned by the City of Moorpark through the expenditure of the Art in Public Places Fund.

This also includes consideration of a murals ordinance, the details of which are discussed in Appendix II, which would allow artists and property owners to enliven public-facing structures with original artwork.

**Objective 2.2: Strengthen the Moorpark Arts Commission’s role and impact**

To facilitate the implementation of the Arts Master Plan, and support greater arts and cultural activity, it is recommended the City reimagine the Arts Commission’s current role as a public art selection panel into a body that fosters creative endeavors through program initiatives, both independently and in collaboration with the Arts Community (see Objective 2.3). This would require updates to relevant ordinances governing Arts Commission meetings and activities.

**Objective 2.3: Strengthen cooperation and leadership among the arts in Moorpark**

To accomplish this objective, it is recommended that the City engage a nonprofit organization, such as Moorpark Foundation for the Arts (MFA), to act as a coordinating body to promote arts opportunities available to the community, host workshops and trainings to increase leadership capacity in the arts, and identify and help facilitate opportunities for cooperation and collaboration among local artists, arts organizations, educational institutions, and other public and private partners. The scope of work for this partnership should also include assisting in the implementation of the Arts Master Plan, promoting and presenting arts and cultural activities and initiatives, community events and fundraising activities.



#### **Objective 2.4: Strengthen the ability of City management to support the increased activity required for implementation of the Arts Master Plan**

Recognizing the limited resources currently available to manage the implementation of the Arts Master Plan, it is recommended that the City review current staff assignments and distribution of responsibilities and consider planning for the establishment of a Cultural Arts Specialist position in the City and/or engaging outside consultants where appropriate.

#### **Objective 2.5: Strengthen access to and availability of new and existing facilities for arts uses**

The new City Library project provides an opportunity to address this objective through the incorporation of a gallery and/or community programming spaces into its design. The City should also look for new and creative opportunities to develop arts facilities such as incorporating an arts center into planning for new recreation facilities, or investigating the possible use of vacant commercial spaces as rehearsal, performing arts, and other collaborative spaces. Coordination with Moorpark College and Moorpark Unified School District to make facilities available, when possible, to local artists, performers and cultural organizations could provide additional access to facilities in the community.

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### **➤ We need an arts council that represents all arts in the community**

*— Comment from survey respondent*

## **GOAL 3: HARNESS**

**Harness the economic vitality generated by the arts for the benefit of all.**

Moorpark's potential as a destination for residents and visitors alike requires a catalyst, and harnessing the drawing power of the arts is a proven tool for cities seeking an economic boost. The arts are already contributing millions of dollars into the Moorpark economy, with hundreds employed in more than one hundred creative businesses. And Moorpark's combination of authenticity, charm, and a robust community of creative people and consumers of the arts distinguishes it from neighboring communities.

The vacancies created by changing buying trends present an opportunity to attract creative businesses to Moorpark, and our recommendations include creating incentives, identifying prospects and campaigning to recruit them to re-locate to the City. Additionally, providing them with business development guidance and helping them to promote their unique offerings will create greater impact.



➤ **Please help school music and arts programs**

— *Comment from survey respondent*

➤ **Providing a free space for artist studios, exhibits, and communal areas, with a provision that each artist teach free classes to the community would not only be helping artists, but also foster creativity, build a sense of community, and increase the vibrancy and cultural visibility we seek.**

— *Comment from survey respondent*

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Without a doubt, High Street is considered by virtually everyone who contributed their ideas to this plan as the foremost opportunity for the City to center its arts and culture efforts. They are compatible with its historic character, they can amplify the beauty of the district, they attract the audiences critical to supporting visitor-serving businesses that line the street, they can provide a memorable window shopping experience to the train travelers passing through, and they can remind locals why they found Moorpark an irresistible place to live. The further development of High Street offers an opportunity to preserve and enhance these assets.

The following objectives are recommended:

**Objective 3.1: Harness Moorpark’s distinction as a desirable destination for visitors and locals alike by actively promoting its arts and culture assets**

To accomplish this objective it is recommended that the City build its identity as a place for authentic community festival offerings by encouraging local artists, historians and artisans to create “uniquely Moorpark” experiences. Such cultural assets could be promoted by developing a list of unique events, activities, classes, tours, public art sites, etc., that could be accessed through the city website and distributed regionally through the Chamber of Commerce and other promotional channels. The development of stay-and-spend strategies such as creating a branded Moorpark community events/activities calendar and hashtag system, establishing a community ambassadors network to “get the word out” on social media, and maintaining a media relations contact list to share with arts groups, would support and promote Moorpark’s cultural assets within the community.

Regarding development on High Street, it is recommended that the City focus on incorporating arts and culture in project design to establish it as a regional destination. Public art elements, such as archways, artistic banners, murals and sculptures could be utilized to distinguish the area and further define its character. The inclusion of outdoor community gathering spaces in development projects would provide opportunities to activate High Street with performances, art shows, craft food fairs and other special

events to draw visitors to the area. The development of indoor spaces such as galleries, artisan markets, artist studios and incubator spaces for creative ventures would further drive activity on High Street. The area could also benefit from the addition of a Farmers Market on High Street that also showcases culinary arts, beer and winemaking, visual arts and crafts, and performances.

**Objective 3.2: Harness the arts in economic and community development planning in order to reap the many benefits of the creative economy**

It is recommended that the City ensure that artists and arts leaders have an opportunity to contribute their ideas and views to community planning processes. The City should consider establishing an arts entrepreneurship zone with incentives to encourage arts-related for-profit businesses to locate in Moorpark. To the greatest extent possible, campaigns to attract or retain businesses should include creative enterprises and address their needs (production space, presenting or selling spaces, networking, marketing, etc.).

**Objective 3.3: Harness local entrepreneurship by providing business development opportunities for creative enterprises**

Support for local entrepreneurs could be provided by collaborating with groups such as the Economic Development Collaborative, Women’s Economic Ventures, and/or the SCORE mentorship association, to host workshops or resource fairs for local businesses. The City could also offer a quarterly newsletter, or quarterly feature in the City’s M-Powered Economic Update newsletter, focused on resources to assist the City’s creative businesses. The City could incentivize registering for business licenses by waiving renewal fees for self-employed artists or creatives earning less than \$30,000–\$50,000 annually. Local creative businesses, teaching artists, etc., would further benefit from the development of a directory that would offer an opportunity to advertise their services. The City can also strive to home grow creative talent by collaborating with Moorpark Unified School District and Moorpark College to explore ways to support and promote creative career pathways.

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**➤ Revitalize High Street as an Historic, Cultural and “fun” destination location.**

*— Comment from survey respondent*

**➤ It would not take much effort or fiscal resources to attract innovative businesses to establish in High Street. There is so much potential there.**

*— Comment from survey respondent*



## ABOUT THE CONSULTANT

Arts Orange County (ArtsOC) is the leader in building appreciation of, participation in, and support for the arts and arts education in Orange County, California. A countywide nonprofit arts council, Arts Orange County is designated by the County's Board of Supervisors as its official Local Arts Agency and State-Local Partner. Founded in 1995, ArtsOC offers a broad range of traditional arts council programs and services that are augmented by an innovative portfolio of consulting and project management services for government, education and nonprofit organizations.

Richard Stein, *President & CEO*



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# APPENDICES

I. Public Art Inventory .....	62
II. Art in Public Places Program Review & Recommendations.....	63
III. Outside Funding Sources Available to City of Moorpark .....	90
IV. Moorpark Municipal Code Chapter 2.38 — Arts Commission.....	91
V. Moorpark Municipal Code Chapter 17.50 — Art in Public Places.....	93

## APPENDIX I

# PUBLIC ART INVENTORY

### Moorpark Art In Public Places Projects (2002–Present)

Project	Location/Address	Artist/Designer	Materials	Completion	Cost
911 Memorial Sculpture/Fountain	Corner of Tierra Rejada and Mountain Trail	Rock Designs, Pools & Waterscapes, Inc.	Various	March 2002	\$147,157
Veteran’s Memorial	Veteran’s Memorial Park Corner of Spring Rd and Flynn Ave	Community Works Design Group	Various	May 2009	\$519,657
Mammoth Art Bone Sculptures	Mammoth Highlands Park 7000 Elk Run Loop	NSP3/Parks Associates	Stone	July 2009	\$25,291
Sculpture “We Are One Family”	Ruben Castro Human Services Center 612 Spring Road	John Fisher	Stone	April 2012	\$113,497
Lithomosaics & Bronze Toad	Arroyo Vista Community Park 4550 Tierra Rejada Road	Anne Mudge	Lithomosaic Tile, Bronze	November 2014	\$151,944
Sculpture “Thin Blue Line”	Police Services Center 610 Spring Road	Heath Satow	Stainless Steel	October 2018	\$145,000

### Located on Publicly Accessible Private Property

Project	Location/Address	Artist/Designer
Fountain & Rock Sculpture	Shopping Center, 742 New Los Angeles Avenue	Unknown
Rock Sculpture with Fountain	Moorpark Freeway Business Center, Science Drive	Unknown
Fountain	Tuscany Square, 140 W. Los Angeles Avenue	Unknown
Bronze Figure Sculpture	Campus Plaza, 6591–6599 Collins Drive	Unknown
Stone Archway Sculpture	Patriot Commerce Ctr, 882 Patriot Drive	Unknown
Stone Sculpture and Fountain	Mission Bell Plaza, 530 W. Los Angeles Avenue	Unknown
Bronze Sculpture and Fountain	Moorpark Marketplace, 848 New Los Angeles Avenue	Unknown
Fountain with Horse Sculptures	Moorpark Country Club, 11800 Championship Drive	Unknown
Fountain	76 Station Car Wash, W. Los Angeles Avenue	Unknown



“The Eyes of Freedom” at Moorpark College

## APPENDIX II

# City of Moorpark Art in Public Places Program Review & Recommendations

## Introduction

The City of Moorpark has recognized that public art improves the character of the community and enhances the quality of life for individuals living in, working in, and visiting the City. In support of this understanding, City Ordinance 321, adopted in 2005, established the Art in Public Places program. As described in the RFP for the development of an Arts Master Plan, “This program requires certain residential, commercial and industrial development projects to either install public artwork or pay an in-lieu fee. The in-lieu fee is established by City Council resolution and is currently set at one percent of the project valuation (excluding land value and off-site improvement costs). Ordinance 321 also established the Art in Public Places Fund to collect and maintain these in lieu fees for use exclusively for the Art in Public Places Program.”

While the City of Moorpark has advanced the idea of public art through this ordinance, a review of the current public art offerings as well as the acknowledgement of a sizable Art in Public Places Fund balance invites an analysis of the current ordinance, policies, and procedures.

The following report provides a review of City of Moorpark ordinances, policies, and procedures enacted in support of the Art in Public Places Program, through the review of the ordinance, public art RFPs, City Council reports, interviews with staff, and public outreach.

The policies and procedures of six major areas were analyzed, with commentary and recommendations. These areas encompass the creation of public art by developers through the Art in Public Places ordinance, the development and placement of public art commissioned by the City of Moorpark through the expenditure of the Art in Public Places Fund, siting of public art, art donations, deaccession, and the development of a city ordinance establishing a permitting process for murals created without city funds on private property.

The information and recommendations in this report are offered with an eye toward the support of an overarching program offering opportunities for artists and community enhancement that take advantage of varied approaches and perspectives. The adoption of any and all recommendations is at the City's sole discretion, and any modifications to current ordinances, policies and procedures should be made under further guidance from the City Attorney and are subject to final approval of the Moorpark City Council.

## **The Art in Public Places Ordinance — Working with Private Developers**

A review of the artworks created by developers in compliance with the Art in Public Places ordinance reveals that few developers have taken advantage of the opportunity to commission artwork that they will own and will be placed on their property. This is supported by the large Art in Public Places Fund balance indicating a preference for the in-lieu pay option. Several areas have been identified where the Moorpark processes and procedures are inconsistent with the field.

The following advances the discussion and recommendations to revise the ordinance and procedures to clarify and ease the process, provide clear criteria for approval, adjust the approval process, and encourage an elevated aesthetic and greater diversity found within the artworks individually and as a collection.

This review will address the process in regards the artwork eligible projects, criteria for approval, and allowable expenses for compliance, and navigation of the process itself.

### **Eligible Artwork for Compliance**

The Moorpark Art in Public Places Ordinance does not include clear criteria for artwork to be allowed for compliance, leaving the developer subject to an uncertain subjective approval process.

In order to ensure private developers embrace the use of artists to create artworks that truly elevate the private development, agencies have utilized varying requirements in defining artists and artworks



“Thin Blue Line” sculpture by Heath Satow installed in front of Police Services Center

eligible for compliance. Of utmost importance in this endeavor is for the City of Moorpark to adjust the ordinance to include or refine definitions of an artist, artwork, and an arts consultant, provide for the fee to allow for the costs of an arts consultant, allow for artwork transportation costs, and include a revised list of eligible and ineligible projects. These areas will be addressed in separate discussions:

## 1. Defining an artist

### ANALYSIS

It is essential that the ordinance include the definition of an artist to ensure that the project is truly unique and encourages a diversity of artistic approaches. For example, a review of the current artworks has identified that a disproportionate number of approved developer projects are commercial fountains or rock sculptures that have the potential to be considered as hardscape aesthetic enhancements but are questionable when reviewed within fine art understandings. The following is an example of this type of definition:

#### *City of San Diego:*

“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, public performances, past public commissions, exhibition record, publications, and production of artwork.”

## 2. Defining an artwork

### ANALYSIS

The Moorpark ordinance does include a definition of artwork for compliance, but a more robust listing will allow for an objective review of a developer's proposal for compliance. The following is an example of this type of requirement:

#### *City of San Diego:*

“Artwork – An artwork may be in any style, expression, genre or media, provided that it is designed by an artist as defined herein. Artworks may be stand-alone, functional or integrated into the architecture or landscaping and should encompass the broadest range of expression, media and materials.

Artwork includes:

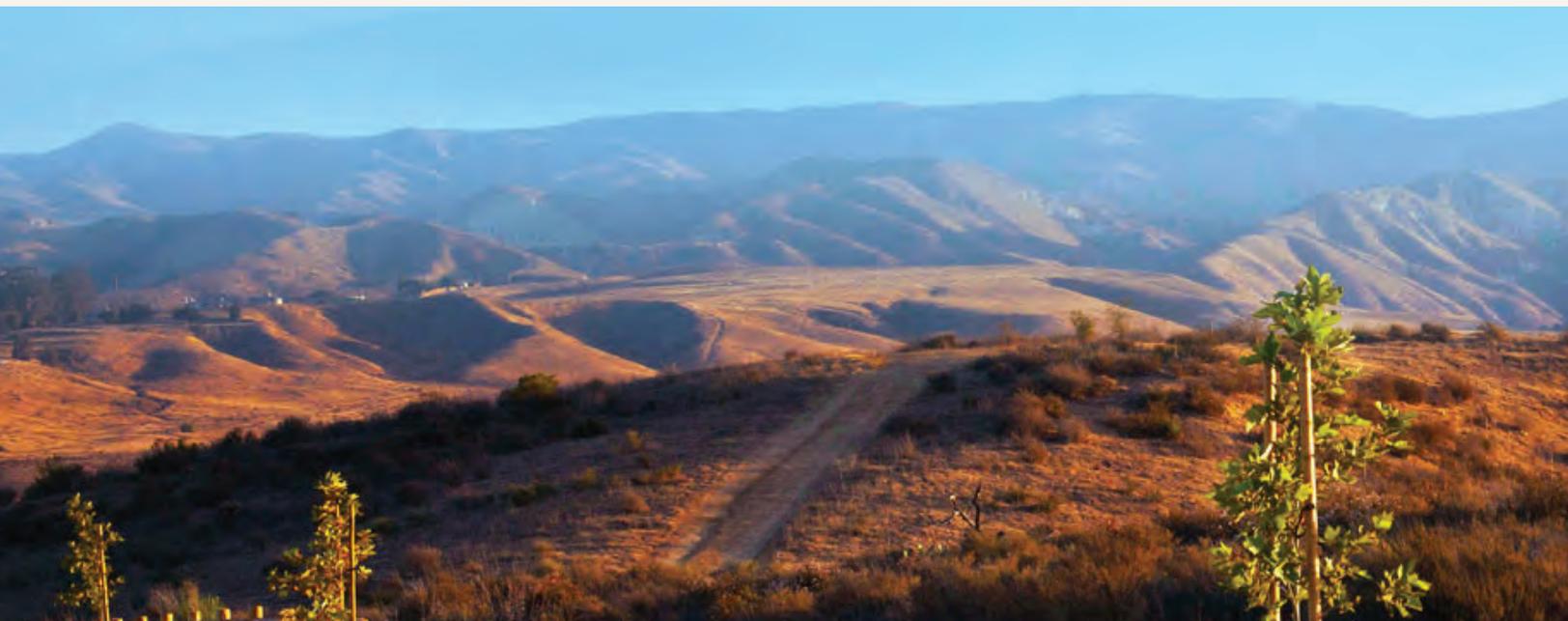
Sculpture: may be made of any material or combination of materials; may be free standing, wall supported or suspended, kinetic, electronic or mechanical.

Murals or paintings: may be made of any material or variety of materials with or without collage; may be made with traditional or non-traditional materials and means.

Earthworks, neon, glass, organic materials (i.e., fiber, clay, wood, etc.), mosaics, photographs, prints, literary expression, calligraphy, any combination of media, including audio, video, film, CD-ROM, DVD, holographic or computer generated technologies, or new genres.

Artwork as defined herein may be permanent, 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.”

Equally important is the listing of works not eligible for compliance. The following are examples of this aspect:



***City of Los Angeles:***

“The following facilities, services and community amenities are ineligible costs for a credit provided herein:

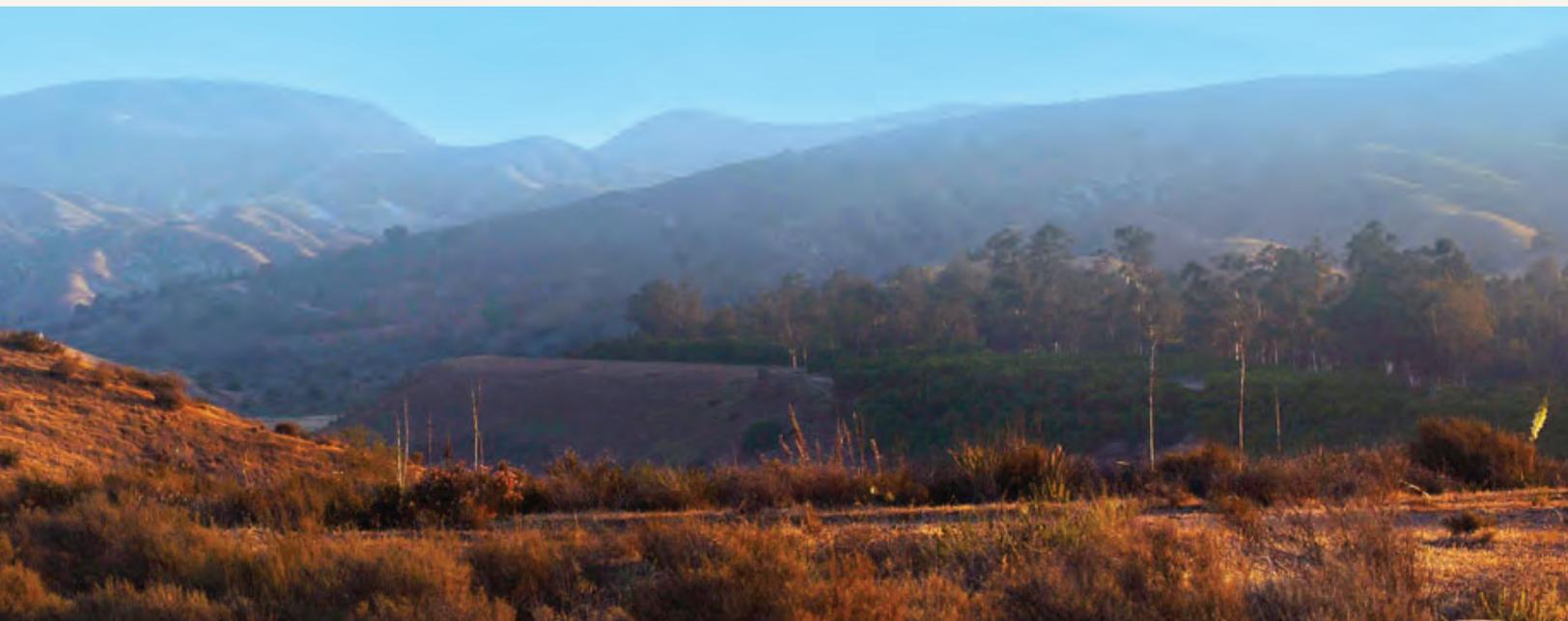
- (i) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art.
- (ii) Art objects which are mass produced of standard design such as playground equipment, fountains or statuary objects.
- (iii) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
- (iv) Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for this design enhancement purpose.
- (v) Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the work of art by the artist.
- (vi) Services or utilities necessary to operate or maintain the artwork over time.”

***Los Angeles County*** includes the following as an ineligible project to ensure the artwork does not contain a commercial message:

“Artworks that contain a commercial message by referencing, presenting, or promoting a product or service that is available on or off site of the subject property through text, image, logo, trademark, or other mechanism”

The need to differentiate artwork from standard fountain design are articulated thusly by the ***City of Brea:***

“Water Features and Fountains: Water feature sculpture or sculpture requiring water, must be conceptualized and designed by an approved, qualified artist in order to be considered. The sculpture must stand on its own should the water cease to function properly. There must be a demonstrated collaboration between the artist and the water feature design company.”



### 3. Allowing for and defining Art Consultants

#### ANALYSIS

The Moorpark ordinance lists “expenses to locate an artist” as an ineligible cost. It is common for municipalities to allow for a percentage of the fee compliance to include the services of an arts consultant. The utilization of an arts consultant can go far in aiding the developer in identifying a qualified artist and art project that is integrated into the development in exciting and innovative ways for the enjoyment of the visitors to the site. An arts consultant can greatly aid the developer by providing the reports required as a liaison to the City as the developer’s representative in this regard. An arts consultant can also provide critical outreach to the arts community via a professional network that the City may not possess, which can increase the caliber of applicants.

A sample definition utilized for this purpose is evidenced by the *County of Los Angeles*:

“Art Consultant. An organization or individual working as a professional administrator of the arts, who realizes income through the provision of services relating to the arts such as, but not limited to, contracting artists and arts media for venues with public audiences or providing oversight of on-site logistics, demonstrates previous success in project management, and provides leadership in completion of the Civic Art.”

### 4. Allowing for the cost of art transportation as an eligible cost

#### ANALYSIS

It is generally recognized that the cost of transporting an artwork or artwork elements is a legitimate part of the overall cost of design, fabrication, and installation. Many specialized art fabrication companies are located outside of the immediate location. The City of Moorpark specifically denies this as an eligible cost, and should allow this as an eligible expense.



Moorpark College Art Gallery

## 5. Adjusting the ordinance to conform with practices

### ANALYSIS

It is understood by municipalities that a private developer has the choice of participation options in a private development for the arts program. Through conversations it is understood that this is also the practice within the City of Moorpark.

However, the Moorpark ordinance has a qualifier stating, “*At the city’s sole discretion*, an applicant may satisfy the contribution obligation required by subsection A of this section in one (1) of two (2) ways:” (italics added.) This phrase should be adjusted to remove the first five words in order to conform with the Moorpark practices.

## 6. Time of Compliance in relation to Application and Approval Procedures

### ANALYSIS

The City of Moorpark requires that a developer has a fully approved art plan in place prior to issuance of a Building Permit. The process to identify an art project, artist, and to develop a design can be lengthy, and many developers are focused on other construction and design aspects when they are preparing to pull their permits. (This process is another reason to allow for art consultant services as an eligible cost.) The requirement as written can be considered as a deterrent to developers pursuing the art project option or may encourage a project to be identified that is not as ambitious or artistically innovative due to time constraints. Also, a developer may not wish to enter the art project path without knowing conceptually that their project will likely be approved, thus wasting time and effort.

Other agencies address this in different ways. One way to address this is to allow for a preliminary conceptual art plan to be provided with minimal detail, such as an indication of sculpture, artist’s designed façade or hardscape element, or integrated art installation, without specific artist and design details for review and approval by staff. If this adjustment is incorporated with more robust criteria requirements, this can be an objective counter-type approval. The developer can then be required to provide the detailed art plan for approval within 30-60 days of pulling the permit. The requirement that the project be complete prior to a Certificate of Occupancy being issued will ensure compliance of the ordinance.

## 7. Application and Approval Procedures for Artwork

### ANALYSIS

The City of Moorpark approval process provides that the Arts Commission review a developer’s art plan submission and recommends it for final approval by the City Council. It is unusual that a City Council body reviews and approves an art plan for compliance that a developer identified, will own, and is to



be placed on their private property. The City Council are generally not in possession of art and design expertise and their review and approval can be based on personal taste and subjective.

With more robust criteria, other agencies address approval in one of two ways: Either the review and approval is considered as an objective review based on the criteria and performed by the arts program city staff (such as the City of Los Angeles, Los Angeles County, or San Diego), or the staff performs a preliminary review and the Arts Commission performs the final review and approval based on the criteria (such as the City of Brea or Culver City).

## **RECOMMENDATIONS**

It is recommended that the Art in Public Places ordinance be adjusted to reflect the following:

### **1. The following be added to the Definitions section:**

- A. Artist. A person who has established a reputation of artistic excellence in the fine arts, including but not limited to visual, or performing arts, as judged by peers and experts in the field, through a record of public exhibitions, performances, commissions, sale of works, recognition and/or educational attainment. The qualified artist shall work primarily in the production of unique fine art.
- B. Art Consultant. An organization or individual working as a professional administrator of the arts, who realizes income through the provision of services relating to the arts such as, but not limited to, identifying artists and on-site art opportunities, and contracting with artists for venues with public audiences, or providing oversight of on-site logistics, demonstrates previous success in project management, and provides leadership in completion of public art projects.

### **2. The following changes and additions be made to the “Artwork” Definition:**

- A. “Artwork” means an original creation of art, designed and envisioned by an Artist, including but not limited to, the following media and materials:
- B. 3. Decorative, ornamental, or functional building elements such as gates or other architectural

elements of a building, as approved by the city, commissioned for the purpose of creating a permanently affixed piece of art.

- C. 4. Water features or fountains, if the design is not dependent on the addition of water to function as an artistic enhancement should the water cease to function properly. There must be a demonstrated collaboration between the Artist and the water feature design company with the Artist as the lead concept designer.
- D. Artwork, as defined herein, may be made with any material or combination of materials and may be permanent, fixed or temporary. It may include public gallery/exhibition space, public performance spaces, public artistic studio spaces and public arts education facilities.

**3. The following changes and additions be made to the Artwork Valuation section:**

- A. Add to the “Expenses which may be used for calculating the value of an Artwork are limited to”
  - 4. Transportation of the Artwork
  - 5. Art Consultant fees for services related to the identification of an Artist, arts opportunity, facilitation and oversight of artwork fabrication and installation, or performing as the liaison to the city in regard to providing reports, application materials, and other information related to the review and approval of the Artwork. The Art Consultant fees may not exceed 10% of the art compliance requirement.
  - 6. On site identifying plaque identifying the artist, title, year, and crediting the Art in Public Places program.
- B. Remove the following from the “Expenses not allowed to be calculated in the value of the artwork include, but are not limited to”
  - 1. Expenses to locate an artist
  - 4. Transportation of the Artwork
- C. Add to the “Expenses not allowed to be calculated in the value of the artwork include, but are not limited to:
  - 7. Directional elements such as signage or color coding except where these elements are integral parts of the original work of art.
  - 8. Art objects which are mass produced of standard design such as benches, playground equipment, fountains, or statuary objects.
  - 9. Reproductions, by mechanical or other means, of original works of art.
  - 10. Decorative, ornamental, or functional elements which are designed by the building or landscape architect as opposed to an Artist commissioned for this design enhancement purpose.
  - 11. Artworks that contain a commercial message by referencing, presenting, or promoting a product or service that is available on or off site of the subject property through text, image, logo, trademark, or other mechanism.

**4. The following change be made to the Development Obligation Section:**

- A. Remove “At the city’s sole discretion” from “At the city’s sole discretion, an applicant may satisfy the contribution obligation required by subsection A of this section in one (1) of two (2) ways:”

**5. The following changes be made to the Application and Approval procedures for Artwork section:**

Remove the Application and Approval procedures for Artwork section in its entirety and replace with the following:

- A. Application Procedures. A preliminary application for placement of artwork on private property shall be submitted to the community development department with a copy to the park, recreation, and community services department and shall include, but not be limited to:
  - 1. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the type of proposed artwork to be developed and the location on the property;
  - 2. A plan including a timeline and the artists identification process to be enacted in order to develop a final application for the placement of artwork approval;

Preliminary Approval.

- 1. The parks, recreation, and community services director or their designee shall review the preliminary application, and if it is found complete and in compliance with the ordinance requirements, approve the preliminary plan. This approval will be deemed sufficient for the issuance of a Building Permit.

Final Application.

Within 45 days of the applicant obtaining a Building Permit, a final application for placement of artwork on private property shall be submitted to the community development department with a copy to the park, recreation, and community services department and shall include, but not be limited to:

- 1. Final sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork and its compliance with the ordinance requirements;
- 2. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs;
- 3. Preliminary plans containing such detailed information as may be required by the community development department to adequately evaluate the site location of the artwork in relation to the proposed development and its compatibility with the neighborhood in which it is located; and
- 4. A narrative statement indicating how the artwork will be displayed in a public place freely available to the general public at least ten (10) hours each day, or equivalent alternatives acceptable to the city.

Final Approval.

1. The parks, recreation, and community services director or their designee shall review the final application, and if it is found complete and in compliance with the requirements of the ordinance, prepare a recommendation to the arts commission.
2. The commission shall be responsible for review and approval of the proposed artwork for its compliance with the ordinance requirements, aesthetic quality, and the proposed location of and public accessibility to the artwork.
3. An applicant may appeal the decision of the commission to the City Council. Action by the city council is final. (Ord. 344 § 2, 2006; Ord. 321 § 1, 2005)

## **Public Art in Public Spaces — Utilization of the Art in Public Places Fund**

The Art in Public Places Fund is a tremendous asset and has resulted in the creation of public artworks such as the newest addition, the “Thin Blue Line” at the Moorpark Police Headquarters by artist Heath Satow. The review of this program begins with the evaluation of the process of commissioning artworks.

Overall, the review of the City of Moorpark’s commissioning process for new work shows the process is not inconsistent with the practices in the field with notable exceptions as articulated below.

### **Request for Qualifications and Request for Proposals**

Best practices as articulated by the Americans for the Arts and exhibited by the practices of established programs at other municipalities recommend a two-step process of artist selection. This process starts with an open Request for Qualifications (RFQ) process wherein the project’s budget, parameters, and goals are articulated along with the artist selection criteria and expectations regarding the selected artist’s experience, interest, and past work images. The selection panel meets and selects 3–4 finalists based on the stated criteria and submission materials. Proposals are requested only from the finalists in a second Request for Proposals (RFP) stage. The selection panel meets a second time to review the proposals as presented in person by each artist separately, wherein they can ask questions directly. After all the artists have presented, the panel will deliberate and select the artist and work.

#### **ANALYSIS**

There are two areas identified for adjustment in the City of Moorpark selection process.

The first area identified is in relation to providing finalists with a fee or stipend for the development of a proposal during the artist selection process. The City of Moorpark currently conducts a two-stage process requesting qualifications followed by a proposal stage for selected finalists. However, the City of Moorpark

does not provide finalists preparing proposals with a proposal development fee. It is a basic tenet within public art programs that professional artists are paid for the development of proposals. Professional practices require that artists be paid for their work, and the development of a proposal requires considerable research, time, and effort. The amount of the proposal fee per artist finalist in large part is dependent on the project budget and can range from \$500 to \$1,000 for a project budget of \$100,000 or less, to \$5,000 or more for a project with a \$1M budget or higher.

The second area identified is associated with the selection bodies themselves. Currently, the Arts Commission evaluates the qualifications and proposals and recommends the selected artist to the City Council for their approval. The City Council then reviews all the proposals of the artist finalists and makes the final decision on the selected artwork.

Other municipalities and the Americans for the Arts recommend as best practice site- or project- specific selection panels with a more diverse perspective including experts in public art, site end-users, and professional project design participation. In this configuration there is Arts Commission participation by 1 or 2 members (who rotate among projects). A sample of the panel composition is as follows:

- 1 or 2 Arts Commissioners
- 1 or 2 public art professionals (can be curators, arts administrators, or experienced peer public artists)
- The architect of the project (if applicable)
- A representative of the city department with oversight of the public art location (i.e. Police Department or Parks and Recreation)
- A community member at large with a link to the art location, such as a “friends” or other support group member

In this manner the artist selection has professional design expertise as well as provides a voice to the groups that will experience the artwork daily. The inclusion of public art professionals insures a high design aesthetic and fabrication proficiency. In this configuration, common practice is to provide a stipend to the non-city employee (or non-Arts Commission) panelists for their service typically ranging from \$150–\$300 per day.

The final part of the design approval for the City of Moorpark requires that the City Council review all the proposals and make the final artist selection determination from the panel recommendation. This is an unusual role for a City Council that generally lacks arts expertise and invites second guessing and politics to enter the selection process. Many other municipalities allow for a selection panel with a wide range of perspectives to make the recommendation, with the full Arts Commission providing the review and approval to ensure the selection is in accordance with the safety, durability, and programmatic requirements. In this instance, the Arts Commission reviews the recommendation only and does not compare it to other submissions.



In cities where the City Council has the final review and approval, as with the Arts Commission, they review the panel recommended submission only and do not review every final submission. In this manner the panel’s wide range of perspectives are acknowledged. As the full Arts Commission or City Council are not privy to the artist presentations and discussions, it respects the panel process.

## **RECOMMENDATIONS**

The following recommendations are made regarding the Public Art RFQ and RFP processes as discussed above:

1. Artists selected as finalists to develop a proposal should be provided with a proposal fee.
2. Artist selection panels are recommended to be reconfigured as project specific, including representatives from the site, arts professionals, and representative Arts Commissioners.
3. The full Arts Commission and the City Council restrict their review to the artist proposal recommended by the selection panel.

## **Public Art Contracting**

The City of Moorpark public artist contract review reveals the requirements are generally consistent with the field. However, there are two areas in which Moorpark is on the exceptionally conservative side of caution to the point that these provisions may provide a barrier to experienced professional artists choosing to participate in the program.

### **ANALYSIS**

There are two laws protecting artists rights, the federal Visual Artists Rights Act (VARA) and the California Arts Preservation Act (CAPA). These laws provide for a series of artists rights including the rights of authorship and rights surrounding the removal, alteration, or destruction of artwork. There is a range of ways in which municipalities address these rights.

The City of Moorpark requires artists to waive any and all rights associated with VARA and CAPA.

“We Are One Family” by John Fisher  
installed in the Ruben Castro Human  
Services Center courtyard



The handling of artist’s rights varies among agencies. For example, the Los Angeles County Department of Arts and Culture expressly acknowledges artists’ rights by incorporating them into their public art policy, referencing them in artist agreements, and requiring artists to register their works with the U.S. Copyright Office. Agencies such as the L.A. County Metropolitan Transportation Agency (Metro) and the City of Los Angeles Department of Cultural Affairs both require that artists waive their rights under CAPA and VARA while simultaneously reinstating specific rights back into artists contracts.

While it is generally accepted in artist agreements that the agencies can freely depict artworks for non-commercial educational or program promotional activity, activities resulting in commercial gain from the depiction of an artist’s work (such as t-shirts, posters, or mugs) should be negotiated with an artist independently.

The VARA and CAPA laws require that 90 days written notice be provided to an artist prior to the removal, alteration, or destruction of an artist’s work. It is also understandable that an agency would want the ability to remove an artwork immediately if issues of safety arise. However, even when the 90-day notice requirement is contractually waived, it is common for policies to be put into place to provide good faith advance notice to artists where possible should this need occur.

The other area of review is in relation to stringent insurance requirements. It is common for agencies to require \$1–2M liability insurance for public art projects. However, the City of Moorpark requires separate endorsements specific to the artist’s Moorpark project and beyond the artist’s general policy coverage, which is more than many other cities require and costly to the artist.

## **RECOMMENDATIONS**

The following recommendations are made regarding contracting provisions for artists commissioned through the Art in Public Places Fund. While it is acknowledged that Moorpark has contract provisions to ensure the highest level of risk protection, a review of these provisions is warranted to understand the effect on attracting and retaining artists of the highest caliber possible.

1. The City of Moorpark reevaluate the VARA and CAPA provisions to see what rights can be re-granted to artists.
2. The City of Moorpark reevaluate insurance requirements in consideration of artists ability to obtain the required endorsements and level of insurance. If Moorpark deems it necessary to retain existing requirements, then it is recommended that the city articulate these requirements in a separate informational document early in the process, in easily understood language, with an indication of the cost range. This should include possible resources to assist and allow artists to plan and consider the budget impact at the beginning of design development. Further, in consideration of the extra cost that the artist will bear in order to comply with its insurance requirements, the City should include this cost when determining budgets and the artist fee for its projects.

## **Public Art Maintenance**

The City of Moorpark is at the beginning stages of amassing a public art collection. The single most important aspect in ensuring the value of this asset is the regular maintenance of the artworks.

### **ANALYSIS**

While the ordinance allows for the use of the Art in Public Places fund for public art maintenance, a provision in the ordinance or policies was not found that requires the allocation of specific dollars in maintenance funds for public art. A conversation with staff supported this understanding. Also, it is understood that murals are a public artwork of desire, and the protection and regular usage of anti-graffiti coatings are essential to maintaining their longevity.

## **RECOMMENDATIONS**

It is recommended that staff assess public art maintenance costs and this amount be allocated as part of the city budget process on an annual basis for this purpose.

## Expanded Use of Art in Public Places Fund

In recognition of the broader definition of public art as “creative placemaking” that has become common practice in communities worldwide, the following additions to Section 17.50.03 Public Art Fund are proposed to expand the allowable expenditures under the Art In Public Places program.

- For the acquisition, design, construction, operation and/or maintenance of art and/or cultural display space, demonstration, and performance space to be utilized by individuals and nonprofit arts organizations for arts and cultural programming.
- For developing cultural programs for the enjoyment and appreciation of art, heritage and culture within the Moorpark community.
- For building the functional capacity of eligible nonprofit organizations devoted to the development of arts and culture in Moorpark.

## Siting of Public Art

Care in the selection of locations in consideration of thematic and aesthetic appropriateness, public access, conditions affecting ongoing maintenance, and use of materials go far in ensuring the long life of an artwork for the enjoyment of the community.

While it is tempting to consider free-standing sculpture as the norm when evaluating the placement and commissioning of Public Art, artwork can take many forms from artist designed functional objects or artwork integrated into architecture, to stand-alone artistic expressions enhancing single or multiple areas within a project site.

On-site locations for public art projects include, but are not limited, to walls, floors, ceilings, windows, exterior facades, stairways, rooftops and patios. Locations can encompass parks, plazas, civic centers, roadway medians, traffic islands, and bridges among other possibilities.

The following is intended to establish a framework for the approach to establishing a location and to the commissioning of public art. The questions and criteria offered are intended to be flexible and allow for individual case by case commissions to be established using best practices in the field.

Before settling on a specific location and form for an artwork, the selection committee, private developer, or other commissioning body should establish the goals and concepts the work should encompass.

While the following are not mutually exclusive, within a project one aspect may form the overriding purpose in the establishment of a public art project. Questions to consider and possibilities include:



Moorpark College

- Is there a specific purpose for the artwork in relation to celebrating the community’s history, services, culture, or heroes? If so, will a specific location (or locations) resonate more than others with this purpose?
- Is the artwork intended to enhance the aesthetics of a location and bring a moment of visual respite to a viewer’s day? Are there locations that can particularly benefit from this intervention?
- Is the goal to bring an arts experience to a site for the sake of establishing an uplifting cultural moment? Are there locations with many pedestrians that can benefit from this intercession?
- Is there an equitable distribution of artwork in the community? How will an artwork location balance the entirety of the public art offerings in the city?

Because of the almost unlimited options for the placement and the form Public Art can take, public art project managers may invite artists to visit the selected location if it is a preexisting site, or view plans in an early stage of development to allow the artist to bring their creativity and concepts to bear. This can result in fresh and unique perspectives in site placement within the location and the formation of the artwork project.

When selecting artwork commissioned by the city, review criteria associated with specific proposals can consider the following as appropriate to the project:

- Does the artwork satisfy the goals of the project?
- Is the artwork relevant to the building or city, its values, culture, history, and people?
- Is the artwork suitable for the location/outdoor display, including the use of materials, maintenance needs, or conservation requirements?

- Is the scale of the artwork impactful and appropriate to the site?
- Will the artwork serve to activate or enhance public space and create a desirable environment?
- Is the artwork compatible with the function of the site and design of the immediate environment?
- Will the artwork be visible and accessible to the public?
- Will the artwork help to create a gathering place, establish a landmark, or neighborhood gateway?
- Is the artwork of the highest artistic quality possible?
- Can the artwork be realized within the budget and plan as proposed?

Public art projects can come in many forms, be they permanent or temporary in nature. Success with a project is highest when goals, issues, and considerations are understood, and decisions are made before a project's onset. The above is designed to aid in establishing that the location and criteria support the project goals and ensuring the site, materials, and maintenance are harmonious to the longevity of the finished artworks.

## **Art Donations**

How exciting it can seem for a municipality to be offered artwork as a donation. While it can be tempting to accept any and all art donations, there are considerations that should be understood to ensure donated artwork fits within the city's goals and environment and will not become a burden to the city's resources.

The following will discuss areas and issues to consider in the acceptance of artwork and areas in which background information and assurances should be considered prior to the acceptance of a donation.

There are many sometimes complex reasons that a donor will be motivated to gift artwork to a city. Reasons can range from a sincere desire to share a work with the community, the understanding that a work of art has a special connection to a site or part of the city's history, to the desire for a tax deduction, the need to find a home for a large or unwieldy work that the owner no longer can store or no longer has the resources to provide upkeep. Regardless of the motivation, any offer has the potential to be a welcome and uplifting addition to a city's collection or have cause for denial of the opportunity.

## **Art Collection Goals**

Of fundamental importance to the development of an art collection and the subsequent acceptance of donations is the understanding and establishment of the goals of the collection. For example, the donation of an 19th century European religious painting may have high monetary value, but does it relate to Moorpark and is there an appropriate place for its display? The following are questions to guide the establishment of art collection goals.



What is important to the city regarding the art it owns and maintains? For example, is it important for artwork to relate to the city's location, history, and interests inherent in the cultural context of Moorpark? Should it represent the City in an interesting and expanded manner? Can the collection be used as a mechanism to support and uplift artists that reside in Moorpark? What is the storage or physical capacity to keep portable artworks? Are there limitations that restrict the number of donated items? Should the City collect the works of significant Moorpark artists to preserve and celebrate the City's cultural legacy?

In addition to permanent public artwork installations, are there programs and opportunities to display portable paintings, drawings, photography, textiles or other art mediums?

Some municipalities have internal loan programs allowing departments and civic offices to borrow portable artworks for a designated time period to enhance their surroundings for the benefit of staff and visitors. Moorpark may want to consider this as a mechanism to accept donations of artwork into the collection with a purpose and display opportunity.

## Donation Process

An application process should be established up front to capture the relevant information for an informed decision and to identify any additional considerations to the donation offer. The following identifies main areas in which information should be captured.

### *Object Ownership and Valuation*

There is more than one type of ownership to consider in the acceptance of artwork. While a donor may have ownership of a work of art as an object, this does not necessarily extend to the donor having ownership of the image and copyrights as articulated in the federal Visual Artists Rights Act (VARA) or the California Arts Preservation Act (CAPA).

To establish the donor's ownership of the artwork as an object, the application should require information about the provenance and procurement of the object, including documentation such as a receipt or other proof of ownership. Copies of any agreements the owner has with the artist or gallery should be included if applicable.

The value of the object should be established as part of the consideration of acceptance. This value can be established through:

- a. Appraisal Report: An appraisal report including, but not limited to, dollar amount value, description, disclaimers, and additional support for valuation conclusions by a certified third-party appraiser affiliated with at least one of the four appraisal organizations: Appraisers Association of America, the American Society for Appraisers, Appraisal Foundation, or the International Society of Appraisers.



- b. A receipt for the purchase of the artwork
- c. Other documentation establishing the value of similar artworks by the same artist.

This valuation is essential as the artwork will become a physical asset for the city, and as such, a documented value is needed for asset accounting. Also, donors commonly request a letter from the city acknowledging the donation with the value indicated for their use as a tax donation. The city should have confirmation of the value for this purpose.

### ***Copyright Ownership***

As indicated, while a donor may have ownership of the artwork as an object, the artist may have retained the copyright ownership as established by the VARA and CAPA laws. The application should include artist information including contact, resume or bio, birth/death dates, and any known copyright information as available. This is particularly important if the donation is a work to be installed as a permanent public artwork as the artist should be notified of the donation and location of the installation.

The application should indicate the copyright owner of the object. If the donor is the copyright owner, the application should include documentation of this and should ask if the donor intends to transfer the copyright to the City of Moorpark should the donation be accepted by the city.

The city attorney should identify if and how the acceptance of the artwork and installation will make the city subject to any applicable VARA and CAPA notifications or copyright requirements in the future. It is recommended that the city attorney weigh in regarding these considerations and requirements prior to the acceptance of the donation.

### ***Materials, Maintenance, Conservation***

The application should identify the materials and any known maintenance or conservation needs. A condition report should be provided by the donor or obtained by the city to identify any issues and immediate or future costs associated with keeping the artwork in good condition.

### ***Transportation and Installation***

If the artwork is a large sculpture or other public artwork, it is important for the city to understand the costs to transport the artwork and install it at the desired location. Questions to consider are the need for any footings or special attachment systems, permits, insurance, storage, installation, and any conservation and maintenance needed in the immediate future. It should be established if these costs and the responsibility for this activity will be borne by the donor or if the city is expected to handle these costs and the scope of work to see to the full completion of the installation.



### ***Other Information***

In addition to the above information the application should request any exhibition history, edition certifications or other pertinent information about the artwork as applicable and available.

### **CRITERIA FOR ACCEPTANCE**

The identification of collection goals and the information above will greatly aid in evaluation of the donation application. It is recommended that the Arts Commission evaluate the donation based on the criteria below for an acceptance recommendation to City Council. The City Council should maintain final approval, considering the Arts Commission recommendation.

The following are recommended criteria to utilize as applicable in assessing the acceptance of an art donation:

1. The artwork supports the goals of the art collection and would contribute positively to the City's public art, meeting the standards for public art commissioned by the city.
2. The artwork is of high quality and aesthetic excellence.
3. There is an identified location to site the artwork if it requires a public installation, or there is a program or mechanism to display the artwork if it is a portable piece.
4. The scale, form, context, and design of the artwork are appropriate for the setting and audience.

5. The donor has committed to cover all applicable costs associated with permits, bonding, insurance, transportation and installation of the artwork or the city has committed the resources to cover these applicable items.
6. The future maintenance and conservation need of the artwork is understood and the city has identified the resources to attend to these requirements.
7. The legal considerations of ownership, copyright, liabilities, maintenance, and deaccessioning are understood and acceptable to the city.
8. The artwork supports an equitable collection inventory, allowing for a diverse range of artists to be represented, considering if there are already multiple donations of the same artist's work.

## Memorials

As we know through recent events, memorials can become controversial and what may seem appropriate to honor today can be shown to offend or cause dissention in the community later. Any memorial donations should have extra care in their consideration, understanding if the memorial represents broad community values, and the significance of the person(s) or event being memorialized has a timeless quality and makes a positive inclusive statement to future generations.

## Deaccession

There are numerous reasons that a city or municipality may wish to deaccession an artwork. These considerations can include safety, condition, change in the physical location of the artwork so it is no longer supported physically, community complaints, or other controversies.

As city owned artwork is a civic asset, the process should require a staff report addressing the applicable issues related to the deaccession criteria including the review of any restrictions which may apply to the artwork based on legal or contractual requirements. The report should include an analysis of the reasons for deaccessioning, options for storage or disposition of the artwork, and the appraised value of the artwork, if obtainable.

If the deaccession is the result of the destruction of the supporting structure, consideration should be made regarding the appropriateness and feasibility of relocating the artwork to another location.

Any considerations or requirements associated with VARA and CAPA laws, including notice to the artist, if applicable should be carefully followed in accord with the city attorney's direction.

The following represent acknowledged criteria for deaccession and are recommended for Moorpark's consideration.

1. The artwork's present condition poses a safety hazard to the public;
2. The artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original artwork;
3. The restoration of the artwork's structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds the resources of the city;
4. The architectural support (building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation;
5. The use of this particular public space may have changed, and/or the artwork may have lost its contextual meaning and it cannot be re-sited, or re-siting the artwork would be inappropriate;
6. The artwork requires excessive and inappropriate conservation and/or maintenance or has faults of design or workmanship which can be termed inherent vice;
7. An artwork is not, or is rarely, on display because of lack of a suitable site.
8. The condition or security of the artwork cannot be reasonably guaranteed in its present location;
9. The artwork was not installed or fabricated as proposed, is incomplete, or does not meet the requirements of the commission;
10. The artwork does not meet the goals of the collection;
11. Removal has been requested by the artist in writing and it has been determined by the Art Commission to be a reasonable request;
12. The artwork has reached the end of its original anticipated lifespan;
13. The artwork is proved to be inauthentic or in violation of existing copyright laws; and/or
14. The artwork has received adverse reaction from community members where the artwork is located, and the City Council has determined the artwork no longer reflects the values of the community.

## **Murals**

Murals are a popular and impactful way to enliven the community and have a wide variety of approaches, with possibilities including imagery with historic or cultural roots, community references and heroes, abstract designs, fantasy images, or anything else an artist can conceive. The possibilities are unlimited.

Municipalities utilize mural ordinances to regulate the size, number, and process of permitting to ensure that mural projects are developed with full awareness of the technical and legal considerations in relation to materials, maintenance, and artist's rights, in a manner designed to maintain the character and beauty of the community.

Murals have also been the subject of controversies and legal battles in relation to first amendment rights and clashes over the ways in which fine art murals are sometimes treated differently than commercial mural-sized signs.



As a result of these issues, which have now found resolution in cities such as the City of Los Angeles and Portland, Oregon, guidelines can be recommended in relation to the development of a murals ordinance for the City of Moorpark in consideration of these concerns.

While the city cannot initiate requirements dictating the subject matter or design of a mural that impede on the first amendments rights of a property owner, requirements can be put in place that control the time, place, and manner of the mural creation and installation.

The following are guidelines to use in the development of an ordinance for the placement of murals on private property. This assumes that the murals will be funded by the property owner with non-city support.

It is important to note that as the mural permit requirements are content neutral, the process of review and approval can be completed by city staff qualified to confirm that the materials, manner, and processes follow requirements.

## Fine Art Mural Definition

This is an essential first step to ensure that murals are original, artistic expressions that are not confused with advertising or signage which is regulated separately.

### **RECOMMENDED DEFINITION**

Mural. A one-of-a-kind original artwork created by an artist that is affixed directly upon an exterior wall of a building or other public-facing structure that is hand-painted or hand-tiled and does not contain any commercial message. For definition purposes, a commercial message is any text, image, logo, or other visual communication that advertises a business conducted, services rendered, or goods produced or sold on or off the premises.

## Technical Requirements

The following are technical requirements designed to address the placement, scale, materials, protective coating, and maintenance needs of the mural. Maintenance is of the utmost importance to ensure that murals do not deteriorate, become graffiti magnets, or cause blighted conditions.

### **RECOMMENDED REQUIREMENTS**

1. No part of a mural shall exceed the height or width of the structure to which it is tiled, painted or affixed.
2. No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted or affixed.
3. No mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
4. Murals shall be placed on non-residential property only.
5. Only one mural will be permitted per lot.
6. A specialized anti-graffiti coating must be applied to the mural and maintained for the life of the mural. Varnish, other coatings or finishes that are not specifically designed as graffiti abatement products as part of a graffiti removal system do not comply with this requirement.
7. The property owner is required to maintain the mural in good condition and free of graffiti. If the property owner is negligent in this regard after two written notices within a 30-day period, they can be issued a 90-day order to remove the artwork at their own cost. If removal is ordered, the property owner is responsible for the proper advance notification to the artist as required by the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) laws.
8. Mural permits are valid for one image at a time. Property owners wishing to change the mural design or replace it with another artwork must apply for a new permit.
9. Proper high-quality mural paint must be utilized to prevent premature chipping, flaking or fading.

## Process Requirements

The following processes allow for the mural designs to be reviewed by the community in advance of its placement. While this review cannot be considered an opportunity for the community to veto the mural's content or design, it does allow for community input and dialog. Being that business owners wish to establish and maintain good relations with the community, it behooves them to install a mural that will be welcomed by the neighborhood.

It is also essential that property owners are aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA). Property owners will be responsible for compliance with all aspects of these laws (including requirements for 90-day advance written notice prior to the removal, destruction, or alteration of the mural) or negotiating waivers of any aspects of these laws through advance written agreements with artists.

### **RECOMMENDED REQUIREMENTS**

1. Applicants must hold a meeting at a publicly accessible location at least 30 days prior to the start of the mural fabrication. This meeting is to allow for the public to see the design, ask questions, and provide comments.
2. Applicants for mural approval must post notice of the public meeting 15 calendar days in advance of the meeting on the proposed mural site. This notice must include the intended mural size and location with a color depiction of the proposed mural design, in full view of the community. The notice must also be mailed, or hand delivered to properties located within a half-mile mile radius of the proposed mural location.
3. No mural shall be permitted until the applicant certifies that he or she has completed this neighborhood involvement requirement.
4. Property owners must sign a declaration that they are aware of the federal Visual Artists Rights Act (VARA) and the California Art Preservation Act (CAPA) artist's rights laws, acknowledging they, and not the city, are responsible for compliance with these laws.
5. Property owners must provide subsequent owners with maintenance information, anti-graffiti requirements, and artist rights information.
6. No changes may be made to the mural design without written notification and written approval by the City.

## City-Sponsored Mural Program

City staff has expressed an interest in establishing a City-supported mural program on privately-owned property that would operate through the Art In Public Places program, such as the one that is funded by the City of Portland, Oregon, and operated by the Regional Arts and Culture Council, a 501(c)3 nonprofit organization. In developing such a program, special care should be given to ensure that any legal concerns, including 1st Amendment, VARA and CAPA rights are considered and addressed, under guidance from the City Attorney.

**APPENDIX III**

**OUTSIDE FUNDING SOURCES  
AVAILABLE TO CITY OF MOORPARK**

- National Endowment for the Arts** ..... <https://www.arts.gov/>
- Community Development Block Grants** ..... <https://www.hudexchange.info/programs/cdbg/>
- USDA Rural Placemaking Initiative** ..... [https://www.rd.usda.gov/about-rd/initiatives/  
rural-placemaking-innovation-challenge](https://www.rd.usda.gov/about-rd/initiatives/rural-placemaking-innovation-challenge)
- California Arts Council** ..... <https://arts.ca.gov/>
- State of California Park Development & Revitalization Grant Program** ..... [https://www.parks.ca.gov/  
page\\_id=29939](https://www.parks.ca.gov/page_id=29939)
- California Humanities**..... <https://calhum.org/>
- Ventura County Community Foundation** ..... <https://vccf.org/>

## APPENDIX IV

### Chapter 2.38 ARTS COMMISSION

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#### 2.38.010 Created.

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An arts commission for the city is established with membership and duties as provided in this chapter. (Ord. 432 § 10, 2014; Ord. 344 § 3, 2006)

#### 2.38.020 Membership—Term of office.

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A. The arts commission shall consist of five (5) members to be appointed by the city council through an advertisement and recruitment process as established by council policy and/or resolution. Pursuant to that policy, the mayor shall solicit suggested nominees from members of the council; prior to making a motion for appointment, the mayor shall announce the names of all persons he or she intends to nominate, and in the order to be nominated; the mayor shall then make a motion putting forth each individual name to be approved for appointment; a second shall be required; and the council shall vote on each appointment individually. The term of the arts commissioner shall be for a period of two (2) years. All appointments shall occur during the second regularly scheduled city council meeting held in December every even-numbered year, or as soon as possible thereafter. The existing term shall be extended until such new appointments occur. If a vacancy occurs otherwise than by expiration of a term, it shall be filled for the unexpired portion of the term of office by the same nomination process described herein for a new term of office.

B. Nothing in this chapter is intended to preclude the reappointment of any arts commissioner upon the expiration of his or her term. (Ord. 379 § 5, 2009; Ord. 344 § 3, 2006)

#### 2.38.030 Qualifications.

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A. The members of the arts commission shall be registered voters and shall reside in the city's area of interest or the Moorpark Unified School District boundaries, or own a business within the city of Moorpark. When a person serving on the commission ceases to reside in the city's area of interest or the Moorpark Unified School District boundaries, or ceases to own a business within the city of Moorpark, the mayor shall declare vacant such person's position on the commission, and the city council shall appoint another eligible person to the unexpired term of such former member pursuant to Section 2.38.020(A) of this chapter.

B. No member of the commission shall receive any compensation from the city or otherwise have any interest in any city contract. For purposes of this section, an interest in a city contract shall be measured as though the arts commission were the approving body for such contract, utilizing then relevant provisions of the California conflict of interest laws and regulations. The foregoing exclusions shall not apply to any stipend received by the commissioner for service on the commission, or any reimbursement for necessary expenses, to the extent such reimbursement is permitted by city policies. The foregoing exclusions shall also not apply to any contracts in existence as of the date the commissioner assumes office to the extent such continuing contract would not be precluded by state conflict of interest laws if the commissioner were a city councilmember. (Ord. 379 § 6, 2009; Ord. 344 § 3, 2006)

#### 2.38.040 Removal of members.

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Any member of the arts commission may be removed by either of the following:

A. A majority vote of the city council; or

B. Absence from three (3) consecutive regular meetings without formal consent of the commission shall be deemed to constitute the resignation of the commissioner and the position declared vacant. (Ord. 344 § 3, 2006)

#### 2.38.050 Absence from meetings.

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A. If a member of the arts commission is absent from three (3) successive regular meetings of the commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the secretary of the commission shall immediately inform the city clerk and city council of such termination.

B. An absence due to illness or an unavoidable absence from the city and written notice thereof to the secretary of the commission on or before the day of any regular meeting of the commission shall be deemed absence for cause. (Ord. 344 § 3, 2006)

#### 2.38.060 Resignation.

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Any member of the arts commission may resign at any time. The resignation of the commissioner shall be in writing and shall be deemed effective immediately upon receipt by the city clerk regardless of the date specified in the resignation. The city clerk shall immediately inform the city council of any such vacancy by causing a copy of the resignation to be sent to each councilmember. (Ord. 344 § 3, 2006)

#### 2.38.070 Organization.

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A. At the first (1st) regular meeting of each year, the arts commission shall elect its chair from among the appointed members for the term of one (1) year; and, subject to other provisions of law, may create and fill such other offices as it may determine.

B. The commission shall hold regular quarterly meetings as determined by the commission at its first (1st) regular meeting of each year, such determination to include the dates, time and place of such meetings.

C. The commission may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Government Code.

D. If any regular meeting falls on a holiday, it shall be held on the next scheduled business day and all meetings otherwise scheduled or noticed to be held on a regular meeting day falling on a holiday shall be held at the meeting of the next business day without the necessity of any other or further notice. (Ord. 432 § 10, 2014; Ord. 344 § 3, 2006)

#### 2.38.080 Duties and responsibilities.

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The duties and responsibilities of the arts commission are as follows:

- A. When requested from time to time by the city council, act in an advisory capacity to the city council in any matters pertaining to the High Street Arts Center's programming activities, administration and development of the annual theatrical season, promotion of the arts center's programs and services to stimulate interest therein, and review of a long-range capital improvement plan.
- B. In accordance with Chapter 17.50 of this code, act in an advisory capacity and review the conceptual design and placement of artwork, solicit public comment, and provide a recommendation to the city council on the design and location.
- C. Perform such other duties as may be requested from time to time by the city council. (Ord. 432 § 10, 2014; Ord. 344 § 3, 2006)

#### 2.38.090 Compensation.

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Members of the arts commission shall receive compensation for their attendance at each meeting of the commission as approved by resolution of the city council. (Ord. 344 § 3, 2006)

#### 2.38.100 Employment and compensation restrictions.

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No member of the arts commission shall be eligible for employment by the city or to perform contractual work for compensation by the city during his or her appointment term and for a period of one (1) year after leaving that appointed office, with the exception of the compensation received for the elected office of mayor or as an elected or appointed councilmember, after leaving the commission. (Ord. 432 § 10, 2014)

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## APPENDIX V

### Chapter 17.50 ART IN PUBLIC PLACES

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#### 17.50.010 Purpose.

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The city council finds and declares:

- A. Cultural and artistic resources, including artwork and performing arts, enhance the quality of life for individuals living in, working in, and visiting the city.
- B. Balanced development of cultural and artistic resources preserves and improves the quality of the urban environment and increases real property values.
- C. As development and revitalization of the real property within the city continue, the opportunity for creation of cultural and artistic resources is diminished. As development and revitalization continue as a result of market forces, urbanization of the community results. As these opportunities are diminished and this urbanization occurs, the need to develop alternative sources for cultural and artistic outlets to improve the environment, image and character of the community is increased.
- D. Development of cultural and artistic assets should be financed by those whose development and revitalization diminish the availability of the community's resources for those opportunities and contribute to community urbanization.
- E. Establishment of this art in public places program will promote the general welfare through balancing the community's physical growth with revitalization and its cultural and artistic resources. (Ord. 321 § 1, 2005)

#### 17.50.020 Definitions.

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As used in this chapter:

"Artwork" means an original creation of art, including, but not limited to, the following media and materials:

1. A sculpture which may be freestanding, wall-supported or suspended, kinetic, electronic, or in any material or combination of materials;
2. Affixed murals, mosaics, or paintings in any material or combination of materials;
3. Decorative, ornamental, or functional building elements such as gates, fountains, etc., or other architectural elements of a building, as approved by the city, commissioned for the purpose of creating a permanently affixed piece of art.

"Building valuation" means the total valuation for an applicable project, excluding land value and off-site improvement costs, as determined by the building official.

"Public place" means any exterior area on private or public property which is easily accessible or clearly visible to the general public. (Ord. 321 § 1, 2005)

#### 17.50.030 Public art fund.

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An art fund shall be created where fees are deposited pursuant to this chapter. The fund shall be maintained and used solely for the city's art in public places program:

1. For the acquisition, installation, improvement, maintenance and insurance of an artwork;
2. For the acquisition and improvement of real property for the purpose of displaying artwork, which has been or may be subsequently approved by the city;
3. For maintenance and utility charges related to property purchased pursuant to subsections A and C of Section 17.50.130 of this chapter;
4. For the development of a design concept and the preparation of construction drawings;
5. For costs associated with administering the art in public places program, in an amount not to exceed fifteen percent (15%) of the program allocation. (Ord. 321 § 1, 2005)

#### 17.50.040 Moorpark arts commission.

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The Moorpark arts commission, established pursuant to Chapter 2.38 of this code, shall be responsible for the review of proposed artwork design and location pursuant to Section 17.50.120 of this chapter. (Ord. 344 § 1, 2006; Ord. 321 § 1, 2005)

#### 17.50.050 Projects subject to provisions of this chapter.

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- A. All new residential developments of more than four (4) units, and all commercial and industrial development projects, with a building valuation exceeding five hundred thousand dollars (\$500,000.00) shall be subject to the provisions of this chapter.
- B. Including but not limited to exterior modifications, alterations and additions, all remodeling of existing residential buildings of more than four (4) units and all remodeling of existing commercial and industrial buildings shall be subject to the provisions of this chapter when such remodeling results in additional gross square footage of the building and has a valuation exceeding two hundred fifty thousand dollars (\$250,000.00). (Ord. 321 § 1, 2005)

#### 17.50.060 Exceptions.

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The following developments or modifications, alterations and additions to the developments are exempt from this chapter: low or moderate housing, senior housing, performing arts facilities, museums, public buildings, interior remodeling/tenant improvements, and national and state disaster repairs/rebuilding required by code. This exemption shall apply only as long as the exempt use is maintained. (Ord. 321 § 1, 2005)

#### 17.50.070 Development obligation.

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- A. Any development subject to this chapter pursuant to Section 17.50.050 of this chapter shall be obligated to contribute to the city's art in public places program. The amount of such contribution shall be a percentage of the total building valuation for the development. The percentage required to be contributed shall be set by city council resolution.
- B. At the city's sole discretion, an applicant may satisfy the contribution obligation required by subsection A of this section in one (1) of two (2) ways:
  1. Through payment in cash of the contribution amount directly to the art fund (the "in-lieu fee"); or
  2. Through installation of an approved artwork, equal to or exceeding the value of the contribution amount, pursuant to Section 17.50.100 of this chapter. Artwork must be installed in a public place, with the specific site location to be approved by the city.
- C. Fifteen percent (15%) of the revenue generated from the art fund may be allocated for city administrative costs. (Ord. 321 § 1, 2005)

#### 17.50.080 Covenant for maintenance.

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- A. The applicant must record a maintenance covenant on the subject property, in a format approved by the city, which provides for ongoing maintenance of approved artwork prior to the issuance of a certificate of occupancy or prior to the final building permit sign-off.
- B. Removal of approved artwork on private property pursuant to this chapter without city approval is a violation of this chapter. (Ord. 321 § 1, 2005)

#### 17.50.090 Art in phased developments.

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For developments to be built in phases, the applicant shall provide the city with a detailed phasing plan and timeline. In phased developments, the applicant may be required to install public art in each development phase at the city's discretion. (Ord. 321 § 1, 2005)

#### 17.50.100 Time of compliance.

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- A. If the city approves an applicant's payment of an in-lieu art fee to satisfy his public art obligation, such payment shall be made prior to the issuance of a building permit. As used in this chapter, "applicant" shall be an applicant for a building permit for a development which is subject to this chapter, pursuant to Section 17.50.050 of this chapter.
- B. If the city approves an applicant's installation of an approved artwork on private property to satisfy his public art obligation, the artwork shall be approved, as provided herein, prior to the issuance of a building permit. Such approved artwork must be installed and complete prior to issuance of a certificate of occupancy.
- C. The applicant must record a maintenance covenant of the subject artwork as provided in Section 17.50.070 of this chapter, prior to the issuance of a certificate of occupancy.
- D. If any approved artwork placed on private property pursuant to this chapter is removed without city approval, the certificate of occupancy may be revoked. (Ord. 321 § 1, 2005)

#### 17.50.110 Artwork valuation.

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- A. Expenses which may be used for calculating the value of the artwork are limited to:
  - 1. Fees for the artist, structural engineering and fabrication;
  - 2. Mountings, pumps, motors, subterranean equipment, pedestals, or materials directly necessary for installation of the artwork; and
  - 3. Lighting elements integral to illuminating the artwork.
- B. Expenses not allowed to be calculated in the value of the artwork include, but are not limited to:
  - 1. Expenses to locate an artist;
  - 2. Architect and landscape architect fees;
  - 3. Landscaping around an artwork;
  - 4. Transportation of the artwork;
  - 5. Utility fees associated with activating electronic or water-generated artwork; and
  - 6. Lighting elements not integral to the illumination of the artwork as determined by the city. (Ord. 321 § 1, 2005)

#### 17.50.120 Application and approval procedures for artwork.

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- A. Application Procedures. An application for placement of artwork on private property shall be submitted to the community development department with a copy to the park, recreation, and community services department and shall include, but not be limited to:
  - 1. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;
  - 2. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs;
  - 3. Preliminary plans containing such detailed information as may be required by the community development department to adequately evaluate the site location of the artwork in relation to the proposed development and its compatibility with the neighborhood in which it is located; and
  - 4. A narrative statement indicating how the artwork will be displayed in a public place freely available to the general public at least ten (10) hours each day, or equivalent alternatives acceptable to the city.
- B. Approval.
  - 1. The parks, recreation, and community services director shall review the application for completeness, and if it is found complete, prepare a recommendation to the arts commission.
  - 2. The commission shall be responsible for reviewing the proposed artwork for its aesthetic quality and harmony with the existing and proposed on-site improvements, and the proposed location of and public accessibility to the artwork.
  - 3. The commission shall provide a recommendation to the city council regarding the site location and conceptual design of the proposed artwork.
  - 4. At the next regularly scheduled city council meeting, following the action by the commission, the parks, recreation, and community services director shall present the commission's recommendation for council consideration. Action by the city council is final. (Ord. 344 § 2, 2006; Ord. 321 § 1, 2005)

#### 17.50.130 Maintenance and ownership of artwork.

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- A. All artwork placed on the site of the applicant's project shall remain the property of the applicant; the obligation to provide all maintenance necessary to preserve the artwork in good condition shall remain with the owner of the site.
- B. "Maintenance of artwork," as used in this chapter, shall include, without limitation, preservation of the artwork in good working condition to the satisfaction of the city; protection of the artwork against physical defacement, mutilation or alteration; and securing and maintaining fire and extended coverage insurance and vandalism coverage in an amount to be determined by the city. Prior to the placement of an approved artwork, the applicant and owner of the site shall execute and record a covenant in a form approved by the city for maintenance of the artwork. Failure to maintain the artwork as provided herein is hereby declared to be a public nuisance.
- C. In addition to all other remedies provided by law, in the event the owner fails to maintain the artwork, upon reasonable notice, the city may perform all necessary repairs and maintenance, or secure insurance, and the costs therefor shall become a lien against the real property. (Ord. 321 § 1, 2005)





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