

I, Neetu Salwan, City Clerk of the City of Newark, State of California, hereby certify under penalty of perjury the foregoing instrument to be a full true and correct copy of the original now on file in my office.

Date: 10/23/2020  
Neetu Salwan, CMC-City Clerk

By: \_\_\_\_\_  
Deputy City Clerk

## ORDINANCE NO. 564

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING CHAPTER 2.14, "PUBLIC ART COMMITTEE", OF THE NEWARK MUNICIPAL CODE

**WHEREAS**, the City Council previously added Chapter 2.14, "Public Art Committee", to the Newark Municipal Code ("NMC"); and

**WHEREAS**, the City Council desires to amend Chapter 2.14 of the NMC to revise the requirements for membership and increase the members of the Public Art Committee; and

**WHEREAS**, the City council is authorized to establish boards, commissions and committees of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals ("Recitals") are true and correct and made a part of this Ordinance.

**SECTION 2. CEQA.** The City Council independently finds and determines that this action is exempt from further California Environmental Quality Act (CEQA) environmental review pursuant to CEQA Guidelines sections 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment).

**SECTION 3. Newark Municipal Code Chapter 2.14.** Chapter 2.14 "Public Art Committee," of the Newark Municipal Code is hereby amended, with additions reflected in underline and removal reflected in ~~strike through~~, as provided in Exhibit A, incorporated hereto and made a part of this Ordinance.

**SECTION 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 5. Publication and effective date.** Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and

published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect thirty (30) days after its adoption.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by Vice Mayor Jorgens Grindall at the regular meeting of the City Council of the City of Newark held on April 9, 2026.

This ordinance was read at the regular meeting of the City Council held April 23, 2026. Council Member Little moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES: Council Members Catancio, Grindall, Little, Vice Mayor Jorgens, and Mayor Hannon

NOES: None

ABSENT: None

SECONDED: Vice Mayor Jorgens

APPROVED:

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MICHAEL K. HANNON  
Mayor

ATTEST:

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NEETU SALWAN  
City Clerk

APPROVED AS TO FORM:

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KRISTOPHER J. KOKOTAYLO  
City Attorney

## **EXHIBIT A**

### **Chapter 2.14 PUBLIC ART COMMITTEE**

#### **2.14.010 Created; Purpose.**

There is created a committee to consist of nine members, which shall constitute a quorum and one non-voting advisory member, which shall be designated as the Public Art Committee of the City of Newark. The Committee is to support the provision of visual public art in the City.

#### **2.14.020 Membership; Appointment; Term of Office.**

- A. The Committee shall consist of nine (9) members, constituting a quorum and meeting the qualifications identified in Section 2.14.030.
- B. The Committee shall also consist of one (1) non-voting advisory member who shall be a high school student residing within the City of Newark meeting the qualifications identified in Section 2.14.040.
- C. The Mayor shall appoint members to the Committee, subject to approval of the City Council.
- D. In making appointments, the City Council shall consider the following categories:
  - 1) Active members of a City-based, art focused, registered nonprofit organization, entity or facility.
  - 2) Persons with experience in the public art field as either an artist, installer, or designer, including any person with professional credentials and work experience as exhibiting or performing artists, contemporary museum and gallery art curators, arts management professionals, arts educators, or design professionals such as architects, landscape architects, and urban planners.
  - 3) Members of the general public, including students and community members with a passion for art.

#### **2.14.030 Qualifications.**

Members of the Committee shall have demonstrated, through community service or business experiences, a strong commitment to and knowledge of the artistic, aesthetic, and cultural quality of life in Newark, and will appreciate the role the arts can play in the cultural development and economic vitality of the community. In addition, the non-voting advisory member must be a high school student residing within the City of Newark.

#### **2.14.040 Terms of Office.**

The terms of office of the voting members of the Committee shall be for four years; provided, however, that of the nine members first appointed four shall be appointed for the term of two years, and five for the term of four years. The term of office for the non-voting advisory member of the Committee shall be one year. All Committee members, including the non-voting member, may be considered for reappointment, subject to the Mayor's recommendation and City Council approval.

#### **2.14.050 Removal From Office; Vacancies.**

A. Any appointed members of the Committee may be removed either by the Mayor, subject to the approval of the City Council, or by a majority vote of the City Council. Any time a Committee member has unexcused absences during a consecutive six-month period in excess of three meetings, their seat shall be automatically vacated. The following shall constitute valid excuses for failing to attend a meeting: 1. serious illness and/or injury of the Committee and/or their immediate family; 2. death in the family; 3. employment conditions requiring travel outside the Bay Area, evening meetings, etc.; 4. lack of transportation to the meeting; 5. previously scheduled vacation or travel.

B. Any vacancies among the appointed members shall be filled by appointment by the Mayor, subject to approval of the City Council, for the unexpired portion of the term.

#### **2.14.060 Organization.**

As soon as practicable following the termination of the term of office of any Committee member, the Public Art Committee shall organize, by electing from its members a Chairman and Vice Chairman to serve at the pleasure of the Committee. A secretary shall be designated for the recording of minutes of the Committee and to keep a record of its resolutions, proceedings and transactions. The secretary may be, but need not be, a member of the Committee and shall serve at the pleasure of the Committee.

#### **2.14.070 Meetings.**

The Committee shall fix the times and places of regular meetings of the Committee, which shall be held a minimum of twice per year. All meetings of the Committee shall be open to the public.

#### **2.14.080 Powers and Duties.**

The Public Art Committee shall have the following duties and responsibilities:

A. The powers and duties conferred and imposed upon the Public Art Committee by Chapter 12.36 of this code and the City Council approved Guidelines.

- B. In accordance with City Council-approved guidelines, conducting public art proposal processes (such as requests for proposals, reviewing and acting on artist/artwork selection panel for public art fund projects,) for City-sponsored projects requiring public art installations.
- C. Establishing and approving the Public Art Program mission and curatorial and programmatic goals, policies, and guidelines and developing and updating a Public Art Workplan outlining specific public art projects, locations, and budgets.
- D. Reviewing and approving recommendations for maintenance and conservation of artwork, deaccession of artwork, and acceptance of artwork gifts and loans, in accordance with each respective policy.
- E. Encouraging and promoting art programs and activities within the City.
- F. Making recommendations to the City Council regarding local visual and performing art needs, activities and programs.
- G. Receiving and gathering input from the community on issues relevant to art policies.
- H. Enhancing community awareness of art resources.
- I. Performing such other functions and render such other reports and recommendations as may be directed by the City Council.
- J. Exercising only the powers herein above enumerated or as otherwise designated by the City Council.

## EXHIBIT A

### Chapter 2.14 PUBLIC ART COMMITTEE

#### 2.14.010 Created; Purpose.

There is created a committee to consist of ~~five~~ nine members, which shall constitute a quorum, ~~and~~ one non-voting advisory member, ~~and two alternate members~~, which shall be designated as the Public Art Committee of the City of Newark. The Committee is to support the provision of visual public art in the City.

#### 2.14.020 Membership; Appointment; Term of Office.

- A. The Committee shall consist of ~~five (5)~~ nine (9) members, constituting a quorum and meeting the qualifications identified in Section 2.14.030. ~~The Committee shall also consist of two (2) alternate members who shall attend the regular and special meetings of the committee in the absence of a regular member. In the absence of a regular member at a regular or special meeting, the alternate shall move to the seat of a regular member and participate as a regular member. The qualifications, appointment, removal and other requirements applicable to the alternate members shall be the same as those for regular members. Alternate members shall rotate participation in the absence of a regular member in the event that more alternate members are available than regular members are absent.~~
- B. The Committee shall also consist of one (1) non-voting advisory member who shall be a ~~Newark Memorial~~ High ~~High~~ School student residing within the City of Newark meeting the qualifications identified in Section 2.14.040.
- C. The Mayor shall appoint members to the Committee, subject to approval of the City Council.
- D. In making appointments, the City Council shall consider the following categories:
- 1) Active members of a City-based, art focused, registered nonprofit organization, entity or facility.
  - 2) Persons with experience in the public art field as either an artist, installer, or designer, including any person with professional credentials and work experience as exhibiting or performing artists, contemporary museum and gallery art curators, arts management professionals, arts educators, or design professionals such as architects, landscape architects, and urban planners.
  - 3) Members of the general public, including students and community members with a passion for art.

#### **2.14.030 Qualifications.**

Members of the Committee shall have demonstrated, through community service or business experiences, a strong commitment to and knowledge of the artistic, aesthetic, and cultural quality of life in Newark, and will appreciate the role the arts can play in the cultural development and economic vitality of the community. In addition, the non-voting advisory member must be a ~~Newark Memorial~~ ~~High~~ ~~School~~ ~~Student~~ residing within the City of Newark.

#### **2.14.040 Terms of Office.**

The terms of office of the voting members of the Committee shall be for four years; provided, however, that of the ~~five-nine~~ members first appointed ~~two-four~~ shall be appointed for the term of two years, and ~~three-five~~ for the term of four years. The term of office for the non-voting advisory member of the Committee shall be one year. All Committee members, including the non-voting member, may be considered for reappointment, subject to the Mayor's recommendation and City Council approval.

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