

**CULTURAL COMMISSION
STAFF REPORT**

MEETING DATE: June 18, 2013

AGENDA ITEM NUMBER: 3E

APPLICANT: Roger Moellendorf, Parks and Recreation Director
Vern L. Krahn, Park Planner

REQUEST: **For Possible Action:** To recommend to the Board of Supervisors approval of a Public Art Program Ordinance.

GENERAL DISCUSSION:

On March 19, 2013, the Cultural Commission approved a DRAFT Public Art Program Ordinance with only two changes. They were as follows:

- 1) To increase the one percent transfer to one-and-a quarter percent transfer, to cover the Public Art Program's on-going maintenance costs for all art from the date of adoption of this ordinance.
- 2) To remove Item 2F from this ordinance. Item 2F permitted the use of the Public Art Trust Maintenance Department funds for maintenance, refurbishing, and/or replacement costs of existing public art which was installed prior to the enactment of this ordinance.

Since the March meeting, Parks and Recreation Department staff began a process to distribute the DRAFT Public Art Program Ordinance to the public and City department directors. Staff has received a number of comments and they are attached to this staff report (Exhibit A – Press Release and Exhibit B – Public Comments). Based on reviewing these comments, staff has completed the following changes to the document (Refer to Exhibit C).

- 1) Corrected any identified typos and spelling and/or grammatical errors.
- 2) Added language that helped clarify the ordinance's intent.

However, not all comments received were incorporated into the ordinance. If individual Commission members want to add any unincorporated comments, please identify them during this agenda item so the entire Commission can discuss them.

RECOMMENDED ACTION: (Two Options)

A) I move to recommend to the Board of Supervisors approval of a Public Art Program Ordinance, as presented – including approval of all the redline track changes.

B) I move to recommend to the Board of Supervisors approval of a Public Art Program Ordinance, but with the following changes:

1) _____

2) _____

PRESS RELEASE

Carson City Parks & Recreation Department
3303 Butti Way, Building #9
Carson City, NV 89701
(775) 887-2262

For Immediate Release

Date: April 15, 2013
Contact: Vern L. Krahn, Park Planner
Carson City Parks and Recreation Department
Phone: (775) 283-7343
Fax: (775) 887-2145

The Carson City Cultural Commission is seeking public Comment on amending Title 2, Chapter 2.41 of the Carson City Municipal Code to create a Public Art Program.

The Carson City Cultural Commission is seeking public comment on their desire to amend Title 2, Chapter 2.41 of the Carson City Municipal Code to create a Public Art Program. This program is intended to provide cultural, social, and economic value to the community. In addition, it will help shape the city's quality of life, create a community identity by offering various forms of expression that embodies the community's spirit, and invigorate our public spaces. To review the proposed changes to the existing ordinance, please refer to the City's website at <http://www.carson.org/amendtitle2>.

The proposed ordinance changes will provide city funds for public art projects, including their long-term maintenance.

The public is encouraged to review the proposed changes to the ordinance and submit any comments in writing to the Parks and Recreation Department, Attn. Vern L. Krahn, Park Planner, 3303 Butti Way, Building #9, Carson City, Nevada, 89701, or email comments to vkrahn@carson.org. If submitting comments by email, please indicate "Public Art Program Ordinance Comments" in the subject line. The public comment period for the ordinance will be open until Monday, June 10, 2013, at 5:00 P.M.

The Cultural Commission will review all comments received at their regularly scheduled meeting on Tuesday, June 18, 2013, at 5:30 P.M. After reviewing the comments, the Commission may make a final recommendation to the Board of Supervisors on the Public Art Program.

If you have any questions, please contact Vern L. Krahn, Park Planner, at the Carson City Parks and Recreation Department at (775) 283-7343 or vkrahn@carson.org

-END-

Exhibit A

Exhibit B

Vern Krahn

From: Chris Bayer <nevadamusic.com@me.com>
Sent: Friday, April 19, 2013 2:55 PM
To: Tami Shelton
Cc: Abbey Gardner; Karen Abowd; Mitch Ames; Anderson, Andie; Andrea Moore; Andy Dauscher; Bayer,Darla; Block,Jed; Britt Ayako; Bugli David; Bugli,Elinor; Carla Wilson; Carol Scott; Day Williams; Dee Frewert; Dr. Paslov Eugene; Ellen Dauscher; Gillott, Denise; Hodgkin,Robin; Holmes, Tamara; Huffman, Wendel; Jane Theiss; Jeff Fast; Jeffrey Scott; Jim Barmore; John M Shelton; Sara Jones; Joplin June; Judy Monson; Kaskie Davis Gina; Lu Olsen; Roger Moellendorf; Pat Josten; Peter Barton; Rosine Bena; Rosse, Sharon; Shipley John; Stephanie Arragotti; Sue Jesch; Vern Krahn
Subject: TO VERN--my Comment--public art ordinance

Vern, (cc to all)
Two comments.

First. The definition of "ARTWORK OR WORK OF ART". 2,e,ii. the exception "film, video, photograph, printmaking or other media arts" needs to specifically include "music and theater." Music and theater are just too important to be left out or assumed. They are "media art" in that their distribution is often electronic. The current wording needs to include "music and theater" so no one questions that later.

Second. Public Art Selection Criteria, Section 8.

If the Commission merely engages in purchasing art and putting it about the community for the purpose of beautification, "art" will increasingly come to mean simply the installation of pretty things that arrive by truck from somewhere else. Art and, importantly, the process of art will not involve people in our neighborhoods. My suggestion is that you include language that states, **"priority in selection of projects and works will be given to those projects and artists that are tied to a sense of place, involve the community and work locally."** With this language (and, hopefully, understanding) the money spent will be an investment, nourishing local culture.

Chris Bayer, banjo player
291-7014

Public Comment

Vern Krahn

From: Janet Busse
Sent: Wednesday, May 15, 2013 1:32 PM
To: Vern Krahn
Subject: FW: Public Art Program Ordinance - Comments Requested / Final DRAFT Document

From: Alan Glover
Sent: Wednesday, May 15, 2013 1:22 pm
To: Janet Busse
Subject: RE: Public Art Program Ordinance - Comments Requested / Final DRAFT Document

Vern
It is my opinion that since the City is short on fund to provide essential services that this is not the time to put forth this Code change.
Alan Glover
Clerk Recorder

From: Janet Busse
Sent: Wednesday, May 15, 2013 12:13 PM
To: Andy Burnham; Thomas R. Armstrong; Maxine Cortes; Dave Dawley; Stacey Giomi; Alan Glover; Janet Busse; John Simms; Sara Jones; Ken Furlong; Al Kramer; Larry Werner; Laura Banks; Kristin Luis; Mark Krueger; McIntosh, Janice; Melanie Bruketta; Roger Moellendorf; Randy Munn; Rory Planeta; Lee Plemel; Nick Providenti; Romaine Gilliland; NARombardo; James Russell; Skelly, JoAnne; John Tatro; John Wilkinson; James Wilson; Marena Works
Cc: Vern Krahn
Subject: Public Art Program Ordinance - Comments Requested / Final DRAFT Document

The following message is from Vern Krahn:

Dear Elected Officials and City Department Directors,

The Carson City Cultural Commission is seeking public comment on a proposed amendment to the Carson City Municipal Code Title 2, Chapter 2.41 to create a Public Art Program. The proposed ordinance changes will provide city funds for public art projects, including their long-term maintenance. Our department would like you to review the attached documents (Press release and ordinance with proposed changes) and provide me with any comments within the next couple of weeks. I wanted to get this information out to you early so there would be plenty of time for you and your department to review the documents and me provide me any thoughtful comments or concerns on the proposed ordinance changes. Our department will forward any comments received to the Cultural Commission for review at their June meeting.

Thanks in advance !!!

VERN
vkrahn@carson.org
283-7343

Vern Krahn

From: Janet Busse
Sent: Tuesday, May 28, 2013 11:56 AM
To: Vern Krahn
Subject: FW: Public Art Program Ordinance - Comments Requested / Final DRAFT Document
Attachments: Public Art Program Ordinance 4-2013.pdf; 20130419130822619.pdf

From: Romaine Gilliland
Sent: Wednesday, May 22, 2013 2:20 pm
To: Janet Busse
Cc: Marena Works; Angela Barosso; Cindy Hannah
Subject: FW: Public Art Program Ordinance - Comments Requested / Final DRAFT Document

Janet

Following are thoughts and observations regarding the CCMC Title 2, Chapter 2.41 re the Cultural Commission:

CCHHS would support the Cultural Commission and specifically a Public Art program, especially in terms of enhancing the quality of life. Staff added:

- Cindy Hanna offered:

We occasionally use temporary signs with a health message along a paved trail for public health week in Carson City with the thought of permanent signs in the future.

Should this be in 2.b

The "Medical Mile" has become an artistic expression of health designed to inspire, delight, and motivate people to make wellness-oriented lifestyle changes. It may include for example signs, plaques, mural wall, a wellness promenade with artful displays, as well as, a Body-Mind-Spirit entry plaza that encourages trail users to remember that a healthy mind and spirit are the key steps toward a healthy body.

- Angela Barosso offered:

2.41.005, Item 1. In the "Artist" practitioner description, does literature include poetry?

2.41.005, Item 2.d. The word "video" is repeated twice.

2.41.060, Item 8. In the second sentence, the word "most" should be "must."

2.41.070, Item 5. The phrase "group of artists" should be "groups of artists."

Please let me know if you have any questions

Thanks

Romaine

From: Romaine Gilliland
Sent: Friday, May 17, 2013 2:58 PM
To: Cindy Hannah; Angela Barosso
Cc: Marena Works
Subject: FW: Public Art Program Ordinance - Comments Requested / Final DRAFT Document

Angela and Cindy

We have been asked for comment regarding the attached.

While this may not directly impact our organization the following section ties the public art program ordinance to public health.

2.41.020 ... The Carson board of supervisors finds that:
2. b. Will enhance ... peace, health, safety and welfare of the community.

By Wednesday 22nd please briefly review the proposed amendment and provide relevant comments

Thanks

Romaine

From: Janet Busse
Sent: Wednesday, May 15, 2013 12:13 PM
To: Andy Burnham; Thomas R. Armstrong; Maxine Cortes; Dave Dawley; Stacey Giomi; Alan Glover; Janet Busse; John Simms; Sara Jones; Ken Furlong; Al Kramer; Larry Werner; Laura Banks; Kristin Luis; Mark Krueger; McIntosh, Janice; Melanie Bruketta; Roger Moellendorf; Randy Munn; Rory Planeta; Lee Plemel; Nick Providenti; Romaine Gilliland; NARombardo; James Russell; Skelly, JoAnne; John Tatro; John Wilkinson; James Wilson; Marena Works
Cc: Vern Krahn
Subject: Public Art Program Ordinance - Comments Requested / Final DRAFT Document

The following message is from Vern Krahn:

Dear Elected Officials and City Department Directors,

The Carson City Cultural Commission is seeking public comment on a proposed amendment to the Carson City Municipal Code Title 2, Chapter 2.41 to create a Public Art Program. The proposed ordinance changes will provide city funds for public art projects, including their long-term maintenance. Our department would like you to review the attached documents (Press release and ordinance with proposed changes) and provide me with any comments within the next couple of weeks. I wanted to get this information out to you early so there would be plenty of time for you and your department to review the documents and me provide me any thoughtful comments or concerns on the proposed ordinance changes. Our department will forward any comments received to the Cultural Commission for review at their June meeting.

Thanks in advance !!!

VERN
vkrahn@carson.org
283-7343

Vern Krahn

From: Stephanie Arrigotti <stephanie.arrigotti@wnc.edu>
Sent: Wednesday, May 29, 2013 10:04 PM
To: Vern Krahn
Subject: Public Arts Ordinance

I am writing in support of the Public Arts Ordinance. This innovative idea reflects an ideal that art is a driving force that raises the image of a community to businesses and tourists. Culture is vitally important as an economic driver in the community. Any effort our city makes to enhance culture in our city will foster economic growth.

I would like to add a recommendation that funds to be disbursed through this ordinance be distributed by a jury of professional artists.

Thank you,
Stephanie Arrigotti

--

Stephanie Arrigotti
Professor of Music: Western Nevada College
Producer/Director: Western Nevada Musical Theatre Company: www.wnmtc.com
775-445-4250 Fax: 775-445-3154

RECEIVED

JUN 07 2013

CARSON CITY PARKS DEPT.



CAPITAL CITY
ARTS INITIATIVE

June 5, 2013

PO Box 1333
Carson City NV 89702
www.arts-initiative.org
775.267.3295

Mr. Vern Krahn, Park Planner
Carson City Parks and Recreation Department
3303 Butti Way, Bldg. 9
Carson City NV 89701

Dear Vern,

Thank you for the call for public comment on amending Title 2, Chapter 2.41 of the Carson City Municipal Code to create a Public Art Program. I have a number of comments on the proposed ordinance and appreciate the opportunity to submit them to the Carson City Cultural Commission.

The Capital City Arts Initiative [CCAI] commends the City and its Carson City Cultural Commission on their efforts to provide cultural, social, and economic value to our community by enhancing the arts and culture environment for residents and visitors. Great cities are loved for their cultural life. A vibrant artistic and cultural life helps a city grow and endure through time. Public art can invigorate Carson City's public spaces, encourage a positive self-image for the town, and embody the community spirit.

CCAI supports the City's efforts to create a Public Art Program including the 1% for acquiring works of art and the .25% for maintenance. CCAI encourages the Carson City Cultural Commission to recommend the Public Art Program Ordinance to the Board of Supervisors and recommends adoption.

In addition, we respectfully request several changes to the ordinance.

2.41.005 – Definitions

1. and 2. include good definitions. Please retain these.
5. Please amend to read: "Public art collection" means the works of art commissioned by the City, purchased by the City, or donated to the City.
Reason: the way this is currently worded, a seller of art is the active party in this sentence. The example offered in 5. is worded appropriately.

2.41.010 ongoing

On formatting/typos

° In that Carson City Cultural Commission is the proper name for the Commission, please amend the entire 2.41 Code to capitalize all 4 Cs in the Commission's name" Carson City Cultural Commission. There are many instances where it appears as "Carson City cultural commission."

2.41.080 – Cooperation of Carson City cultural commission [sic] with other private and public entities.

1. The commission may act in the capacity of a peer panel.
Problem: This is a good criterion but there is only one professional artist [theater] currently on the Cultural Commission. In this configuration, the Commission could not properly function as a "peer panel", especially as a visual arts/public art peer panel. When the Commission and/or the City wants to commission or purchase a piece of public art,

professional artists of the appropriate art discipline should be involved with the decision making process.

3. The Nevada Department of Cultural Affairs is now part of the Nevada Department of Tourism and Cultural Affairs. The Nevada Arts Council [NAC] is part of this agency; NAC would be the appropriate state agency partner. The Capital City Arts Initiative is a nonprofit visual arts organization based in Carson City since 2003; CCAI would be honored to participate with the Commission in this process.

2.41.090 Duties

Typo: change Carson City Arts & Cultural Coalition to Carson City Arts & Culture [delete the al and add an e] Coalition.

2.41.130 – Eligible expenses

- ° a. Artists' design services. This section should also include the word honoraria.
- ° Add: Fee for requested models: the City should pay artists a fee if the Commission or the City request models of proposed projects. Sometimes several finalists are asked to submit models in a competition.

2.41.140 selection criteria

2.41.150 selection process

- ° Add: The Cultural Commission will include professional artists of the appropriate art discipline in the jurying process.
- ° Add: the City will not charge an application fee to artists who submit work to the jurying process.

In closing, we appreciate the opportunity to comment on this proposed ordinance and enthusiastically encourage the City to continue on its path to enhance the cultural life for all citizens and visitors with this Public Art Program.

Sincerely,



Sharon Rosse
Executive Director



191 Heidi Circle
Carson City, NV 89701-6532

Phone: 775-883-4154
Fax: 775-883-4371

Web: milehighjazz.com

June 12, 2013

To: Carson City Cultural Commission
Carson City, Nevada

To whom it may concern:

On behalf of the Board of the Mile High Jazz Band Association, I have been directed to write to the Cultural Commission to indicate the Association's broad support of changes to Chapter 2.41 of the Carson City Municipal Code for the creation of a Public Arts program (creation of Public Art Trust Department and Public Art Trust Maintenance Department).

We feel that a vibrant arts presence adds to the livability of our city, and that the changes outlined in the proposed changes help further our attainment of these worthy goals.

The Mile High Jazz Band Association formed in 2001 as a nonprofit corporation to support the MHJB and its subgroup, the Millennium Bugs (jazz combo), promote live jazz performance in northern Nevada, educate the public about jazz, and enrich the cultural life of the community. The MHJBA is the chief sponsor of the "Jazz & Beyond: Carson City Music Festival" and is a member of the Carson City Arts and Culture Coalition.

David C. Bugli, President
Mile High Jazz Band Assoc.
191 Heidi Circle
Carson City, NV 89701-6532
home: (775) 883-4154
cell: (775) 720-1741
E-mail: Dcbugli@aol.com
Band website: <http://milehighjazz.com>
Jazz & Beyond festival website: <http://jazzcarsoncity.com>

Public Comment



**CARSON CITY SYMPHONY
ASSOCIATION**

**DAVID BUGLI, MUSIC DIRECTOR/CONDUCTOR
MICHAEL LANGHAM, CHORAL DIRECTOR
SUE JESCH, EDUCATION DIRECTOR**

**P.O. Box 2001
CARSON CITY, NV 89702-2001**

**PHONE: (775) 883-4154
FAX: (775) 883-4371
WEB: CCSYMPHONY.COM**

June 12, 2013

To members of the
Carson City Cultural Commission:

I'm writing on behalf of the Board of Trustees and members of The Carson City Symphony Association, a 501(c)3 nonprofit educational corporation, in strong support of the proposed amendments to Title 2, Chapter 2.41 of the Carson City Municipal Code to create a Public Art Program for our city.

We believe that public art, supported by public funds, will help Carson City develop an ambiance that inspires interaction and a positive sense of community for residents and visitors. It will invigorate our public places, enhance our local identity, and provide enduring artworks that express and respond to our physical, cultural, and social environment.

Our board recommends that

Committees formed to select and evaluate public art projects include one or more professional visual artists.

Funds for the Carson City Cultural Commission not be limited to the 1.25% proposed for public visual art, but to allow direct appropriations to the Commission to support community arts projects in the future.

Thank you for giving us the opportunity for public comment.

Sincerely,

Elinor H. Bugli
President

Public Comment

Special events to get \$65,000

Nevada Appeal Staff Report

5-17-13

Acting as the Redevelopment Authority Thursday, Carson City's Board of Supervisors allocated \$65,000 for a dozen special events next fiscal year.

Following Redevelopment Authority Citizens Committee recommendations without change, the board voted to provide in FY 2013-14 the following:

Pinkerton Ballet Theater \$2,000 for the Nutcracker Ballet in November; Sierra Nevada Ballet \$2,000 for the Peanutcraacker Ballet in December; the Mile High Jazz Band Association \$6,000 for the Jazz & Beyond Music Festival in August; the Capital City Arts Initiative \$5,000 for its year-long season; the Silver Dollar Car Classic \$5,000 for its August event; Advocates

to End Domestic Violence \$6,500 for the June 2014 Taste of Downtown event.

The RSVP Program's Spring Fun Fair in May 2014 receives \$8,333; this year's RSVP's Fourth of July Celebration receives \$8,333; the RSVP's Nevada Day Celebration Oct. 24-27 receives \$8,333; the Western Nevada College Musical Theatre Company's November production of Les Miserables receives \$6,500; the Carson City Ghost Walk's monthly events, \$5,000 total; and the Carson City Senior Center's Aug. 31 to Sept. 1 Fight Hunger Classic Car & Boxing event, which received a \$2,000 allocation.

Supervisors discussed eventually getting out of the special event funding business or passing such decisions on to another body, but took no action on that Thursday.

FYI

Ordinance No. 2013-_____

Bill No. _____

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AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, Title 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.41, CARSON CITY CULTURAL COMMISSION, BY ADDING NEW SECTIONS TO CHAPTER 2.41 SETTING ASIDE ONE AND ONE-QUARTER PERCENT (1.25%) OF ANNUAL BUDGETED TRANSFERS FROM THE GENERAL FUND TO THE CAPITAL PROJECTS SPECIAL REVENUE FUND FOR THE CITY'S GENERAL GOVERNMENT CAPITAL PROGRAM TO BE USED FOR A PUBLIC ART PROGRAM, ADDING A NEW SECTION 2.41.005 – DEFINITIONS, AMENDING SECTION 2.41.080 – COOPERATION OF CARSON CITY CULTURAL COMMISSION WITH OTHER PRIVATE AND PUBLIC ENTITIES TO INCLUDE THE PUBLIC ART PROGRAM, ADDING A NEW SECTION 2.41.100 – CREATION OF SEPARATE DEPARTMENTS IN THE CAPITAL PROJECTS SPECIAL REVENUE FUND – DISSOLUTION, ADDING A NEW SECTION 2.41.110 – PUBLIC ART PROGRAM TO ESTABLISH THE PROGRAM, ADDING A NEW SECTION 2.41.120 – DONATIONS FOR FUNDING PUBLIC ART ARE EXEMPT FROM THE PROGRAM UNLESS DESIGNATED, ADDING A NEW SECTION 2.41.130 – ELIGIBLE PUBLIC ART PROGRAM EXPENSES, ADDING A NEW SECTION 2.41.140 – PUBLIC ART SELECTION CRITERIA, ADDING A NEW SECTION 2.41.150 – PUBLIC ART SECTION PROCESS, ADDING A NEW SECTION 2.41.160 – DISPLAY OF ART RECOMMENDATIONS TO THE BOARD OF SUPERVISORS, AND OTHER MATTERS PROPERLY RELATING THERETO.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section 1: Title 2, Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding new sections, as follows:

Chapter 2.41 - CARSON CITY CULTURAL COMMISSION

Sections:

2.41.005 – Definitions.

- 2.41.010 - Purpose of the Carson City Cultural Commission.
- 2.41.020 - Findings supporting the creation of the Carson City Cultural Commission.
- 2.41.030 - Creation of the Carson City Cultural Commission.
- 2.41.040 - Membership and terms of office of the Carson City Cultural Commission.
- 2.41.050 - Requirements for membership on the Carson City Cultural Commission.
- 2.41.060 - Duties and powers of the Carson City Cultural Commission.
- 2.41.070 - Functions of the Carson City Cultural Commission.
- 2.41.080 - Cooperation of Carson City Cultural Commission with other private and public entities.

- Deleted: Carson City cultural commission

2.41.090 - Duties of Carson City to support the Carson City Cultural Commission and other arts and cultural entities.

Deleted: Carson City cultural commission

2.41.100 – Creation of separate departments in the Capital Projects Special Revenue Fund – dissolution.

2.41.110 – Public art program.

2.41.120 – Donations for funding public art.

2.41.130 – Eligible public art program expense.

2.41.140 – Public art selection criteria.

2.41.150 – Public art selection process.

2.41.160 – Display of art.

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Section 2: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.005, as follows:

2.41.005 – Definitions.

As used in this chapter, unless the context otherwise requires:

1. “Artist” means any practitioner of the arts, including but not limited to architecture, landscape architecture, sculpture, painting, music, literature, poetry, drama, and/or dance, generally recognized by critics and peers as a professional in the field as evidenced by his/her education, experience, exhibition record, and artwork production.
2. “Artwork” or “work of art” means:
 - a. Two or three dimensional art that may be integrated into the structure of a public works project, building, landscape, or other fixture or element, in any material or media or combination thereof;
 - b. Two or three dimensional art of any material or media or combination thereof;
 - c. Enhancements to Public Works’ projects, buildings, landscapes or any standardized fixtures and elements that are designed by an artist or by a design team which includes an artist member; or
 - d. New genres including video, electronic and digital art, holography, and additional technologically based forms as they evolve.
 - e. “Artwork or work of art” does not include:
 - i. Commercially mass produced objects of standard designs, except where these elements are integral parts of an original artwork.
 - ii. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
 - iii. Directional elements such as super graphics, signage or color coding, except where these elements are integral parts of an artwork.
 - iv. Decorative, ornamental or functional elements which are not designed by an artist.
 - v. Landscape design and landscape gardening, except where these elements are designed by an artist or are an integral part of an

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artwork, or are both designed by an artist and an integral part of an artwork.

3. "Carson City Cultural Commission" means the Carson City Cultural Commission, established pursuant to this chapter.
4. "General Government Capital Program" means Carson City's program for capital asset acquisition, improvement, maintenance or development adopted by the Carson City Board of Supervisors and funded by transfers from the Carson City General Fund.
5. "Public art collection" means the works of art ~~commissioned by the City, purchased by the City, or donated to the City~~ in whole or in part to the City as a result of this ordinance. For example, an artist may donate or sell to the City the right to non-exclusive use of the art while reserving the copyright to the art.
6. "Public art trust department" means a separate department in the Capital Projects Special Revenue Fund into which all monies generated under this ordinance or derived from gifts or donations for public art shall be deposited.
7. "Public place" means an area on public property that is accessible and visible to the general public.

Deleted: donated or sold

2.41.010 - Purpose of the Carson City Cultural Commission.

Deleted: Carson City cultural commission

The Carson City Cultural Commission will act as the primary advisory body for the Carson City board of supervisors for matters relating to arts and culture and will serve as the coordinator and catalyst bringing government, the arts and cultural community and public together for the cultural benefit of all Carson City's citizens.

Deleted: Carson City cultural commission

2.41.020 - Findings supporting the creation of the Carson City Cultural Commission.

Deleted: Carson City cultural commission

The Carson City Board of Supervisors finds that:

1. The creation of the Carson City Cultural Commission:
 - a. Is necessary to further develop our community's heritage as it relates to culture, history, the Arts and the Humanities.
 - b. Will enhance the interests of the peace, health, safety and welfare of the community.
2. The professions relating to the performing, fine arts and the humanities are essential to human needs and enhance the city's physical beauty, economic health and quality of life.
3. An increase in cultural amenities is crucial to further stimulate economic development and redevelopment.

Deleted: b

Deleted: s

Deleted: Carson City cultural commission

2.41.030 - Creation of the Carson City Cultural Commission.

Deleted: Carson City cultural commission

1. There is hereby established the Carson City Cultural Commission.
2. The creation of the Carson City Cultural Commission is consistent with the objectives of the community at large as those objectives relate to arts and culture in Carson City.

2.41.040 - Membership and terms of office of the Carson City Cultural Commission.

Deleted: Carson City cultural commission

1. The Carson City Cultural Commission shall consist of seven members appointed by the board of supervisors.
2. Except as otherwise provided in this subsection, members shall be appointed for a term of 3 years which commence and end on January 1st and may serve for unlimited consecutive terms. For the initial terms of the members of the commission, 2 members shall be appointed to serve a term beginning on the date of appointment and ending on January 1, 2009; 3 members shall be appointed to serve a term beginning on the date of appointment and ending on January 1, 2010 and 2 members shall be appointed to serve a term beginning on the date of appointment and ending on January 1, 2011.
3. A member shall continue in office for the term for which that member was appointed or until a successor is appointed.
4. If a member has three unexcused absences from regularly scheduled meetings of the Carson City Cultural Commission in a single calendar year, the office of the member shall be declared vacant. Carson City staff assigned to assist the commission shall advise the Carson City board of supervisors of any member with 3 absences from regular meetings. Attendance at meetings called outside the regular schedule, are not subject to absence quotas.
5. The board of supervisors may remove any member of the commission for cause.
6. Vacancies, whether scheduled or unscheduled, shall be filled, by appointment by the board of supervisors.

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Deleted: Carson City cultural commission

2.41.050 - Requirements for membership on the Carson City Cultural Commission.

Deleted: Carson City cultural commission

Members of the commission must meet the following qualification criteria:

1. Be residents of Carson City;
2. Have a broad and informed perspective of the arts along with a demonstrated knowledge and responsiveness to the existing arts community and community at large;
3. Represent a cross section of the city's age, multi-cultural, socio-economic, professional, artistic and volunteer diversity;
4. Have an appreciation for Carson City's rich cultural tradition.

2.41.060 - Duties and powers of the Carson City Cultural Commission.

Deleted: Carson City cultural commission

1. At the first meeting of the Carson City Cultural Commission, and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of the chair and vice chair, the commission may designate a temporary chair.
2. The commission shall meet at least quarterly and all its meetings shall be open to the public pursuant to the Open Meeting Law.
3. The commission's chair or a majority of the commission may call special meetings.

Deleted: Carson City cultural commission

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4. A seat will be deemed filled once the city clerk has sworn in a nominee.
5. The commission shall keep minutes, which shall be available for public inspection, of all of its resolutions, proceedings, and other actions.
6. The commission shall adopt and amend, by the affirmative vote of a majority of the members, rules and regulations for the conduct of the commission's business. Such rules and regulations shall be submitted to the board of supervisors and shall not become effective until approved and ordered.
7. The commission shall submit an annual report and work-plan to the board of supervisors no later than May 1 of each year. Attendance records of members shall be included as part of the annual report.
8. Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest requirement pursuant to Nevada Revised Statutes. Members are expected to declare their conflicts of interest on associated agenda items and must abstain from any votes taken in relation to declared conflicts of interest.
9. The commission may create committees and subcommittees to advise the commission on any of the functions, duties or responsibilities of the commission.

Deleted: most

2.41.070 - Functions of the Carson City Cultural Commission.

Deleted: Carson City cultural commission

The functions of the Carson City Cultural Commission include, but are not limited to:

Deleted: Carson City cultural commission

1. Advising the board of supervisors on matters pertaining to the city's arts and cultural programming.
2. Fostering public and private partnerships for providing arts and cultural programs for the citizens of Carson City, without directly engaging in program management deemed in competition with existing constituent organization programming.
3. Promoting access and awareness for the public to the highest quality arts opportunities possible.
4. Promoting an environment that supports the work and advancement of artists and arts groups and celebrate the city for its ethnic diversity, creativity and its leadership in arts and culture.
5. Making recommendations to the board of supervisors regarding grants-in-aid to individual and groups of artists, cultural groups and arts organizations.
6. Encouraging the provision of cultural and artistic facilities and features in public and commercial construction.
7. Facilitating and promoting the establishment of an Art in Public places policy that supports the installation of publicly significant art installations, and encourage the inclusion of public art components in private development.
8. Helping to identify and designate cultural districts, neighborhoods and landmarks throughout the city.
9. Promoting a cultural environment that stimulates economic development, cultural tourism and enhanced public participation.
10. Promoting greater arts education in the schools and through programs accessible to the public.

Section 3: Chapter 2.41 of the Carson City Municipal Code is hereby amended by amending section 2.41.080, as follows:

2.41.080 - Cooperation of Carson City Cultural Commission with other private and public entities.

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1. The commission may act:

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- a. To select public art and art in public places;
- b. To review and evaluate requests for funding; and
- c. To advise on the allocation of funds from [a cultural trust fund] the Public Art Program and other general fund revenues appropriated to the arts.

2. From time-to-time, the commission shall make recommendations to the board of supervisors on the selection of professional management firms and staff to administer the city's [arts and cultural] Public Art Program and initiatives.

3. The commission will work with its partners in the community including, but not limited to, the Carson City Arts & Culture Coalition, Capital City Arts Initiative, Western Nevada College, Nevada Department of Tourism and Cultural Affairs (Nevada Arts Council), Carson City's Convention & Visitors Bureau, the Carson City Redevelopment Authority and Carson City's future business improvement districts.

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2.41.090 - Duties of Carson City to support the Carson City Cultural Commission and other arts and cultural entities.

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Carson City shall provide staff support to the Carson City Cultural Commission, local and regional philanthropic organizations and foundations, and various partner organizations affiliated with the Carson City Arts & Culture Coalition.

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Section 4: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.100, as follows:

2.41.100 – Creation of separate departments in the Capital Projects Special Revenue Fund – dissolution.

The Carson City controller shall create separate departments and accounts in the City's Capital Projects Special Revenue Fund as follows:

1. Public Art Trust Department:

- a. During the adoption of the City's annual budget, and provided that the Board of Supervisors appropriates a General Fund transfer to the Capital Projects Fund for the City's general government capital program, the Board shall identify and appropriate one and one-quarter percent (1.25%) of the transfer from the General Fund for the Public Art Trust Department. Upon final acceptance of the City's annual budget, this amount shall be transferred to the Public Art Trust Department in the Capital Projects Special Revenue Fund. Appropriations for purposes of acquiring works of art in order to carry out the provisions of this chapter shall be made in accordance with the Nevada Revised Statutes, City policy, and established budgeting procedures.

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- b. The Carson City controller shall establish accounting records sufficient to identify and control these funds in accordance with the provision of this section.
- c. The Public Art Trust Department balance shall be carried forward from year to year, unless specifically terminated by the Board of Supervisors.
- d. The City shall be authorized to accept gifts, grants, and donations made to the City for works of art upon approval of the Board of Supervisors. These funds will be deposited in the public art trust account and can be restricted, committed or assigned for a specific purpose, project, or artwork purchase.
- e. All funds deposited in the Public Art Trust Department shall be used exclusively for the purpose or function for which they are appropriated, specified or donated. In the event that funds deposited in the Public Art Trust Department are unrestricted, the Carson City Cultural Commission shall make recommendations to the Board of Supervisors with respect to the use of these funds for purposes consistent with the function of the Public Art Program; and

2. Public Art Trust Maintenance Department:

- a. The City will be responsible for all maintenance, refurbishing, and/or replacement costs associated with the City's Works of Art projects approved by the Cultural Commission and Board of Supervisors.
- b. All maintenance costs associated with any sponsored City Works of Art Projects shall be funded by using a one-quarter (25%) percent of the originally appropriated one and one-quarter percent (1.25%) from the General Fund transfer to the Capital Projects Special Revenue Fund for the Public Art Program.
- c. Funding for the Public Art Trust Maintenance shall be transferred into a separate account by the Carson City controller, who shall establish accounting records sufficient to identify and control these funds in accordance with provision of this section.
- d. The Public Art Trust Maintenance Department balance shall be carried forward from year to year, unless specifically terminated by the Board of Supervisors.
- e. In the event that the Public Art Trust Maintenance Department does not have enough money to pay for all the required maintenance, refurbishing, and/or replacement on the City's Works of Art Projects, the Carson City controller is authorized to use funds from the Public Art Trust Department to cover any of these expenses.

- 3. Dissolution: In the event of the repeal of this section and the dissolution of the Carson City Cultural Commission, all funds remaining in the Public Art Trust and the Public Art Trust Maintenance Departments shall revert to Carson City's general fund, except that any restricted gift or donation shall be used for the purpose specified in the restriction or returned to the donor.

Section 5: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.110, as follows:

2.41.110 – Public art program.

1. There is hereby established a Public Art Program.
2. The Public Art Program shall be maintained by the diversion of one and one-quarter percent (1.25%) of budgeted general fund transfers to the Capital Projects fund as set forth in this chapter.
3. Appropriations from Carson City's general fund to the Capital Projects fund are subject to the discretion of the Carson City Board of Supervisors, upon which the appropriation shall include an amount equal to one and one-quarter percent (1.25%) of the budgeted transfer, to be used for artist design services and for the selection, acquisition, display, maintenance, and/or performance of public artworks as set forth in this chapter.

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Section 6: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.120, as follows:

2.41.120 – Donations for funding public art.

If the City receives a private donation for public art either in cash, land, services, or material goods, it shall be exempt from this ordinance unless specifically designated as a donation to the Public Art Program .

Section 7: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.130, as follows:

2.41.130 – Eligible public art program expenses.

Eligible expenses for the public art program are limited to the following categories:

1. The artwork itself, including but not limited to:
 - a. Fees for requested Artists' design services, development of design concepts, and models and the selection, acquisition, installation, fabrication, and exhibition of works of art, including honoraria;
 - b. Artist's operating costs;
 - c. Travel related to the project;
 - d. Transportation of the artwork to the site and installation; or
 - e. Applicable permit or certificate fees.
2. Identification plaques and labels;
3. Frames, mats, mountings, anchorages, containments, pedestals, or materials necessary for the installation, location, or security of the artwork;
4. Photographs of completed artworks;
5. Communication and other indirect costs, including insurance deductibles;

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- 6. Expenses for special advisors or consultants;
- 7. Historical artifacts displaced by construction;
- 8. Public art management, maintenance, refurbishing and/or replacement.
- 9. Water works, electrical and mechanical devices and equipment which are an integral part of the works of art;
- 10. Walls, bases, pools or other architectural or landscaping elements on or in which the works of art are placed or affixed and which, in the opinion of the Carson City Cultural Commission, are an integral part of and contribute to the aesthetic and structural support of the works of art; or
- 11. Architectural or landscaping elements which themselves constitute some works of art.

Section 8: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.140, as follows:

2.41.140 – Public art selection criteria.

Public Art Selection Criteria:

- 1. Each proposed project will be evaluated through a jury process by a panel consisting of Carson City Cultural Commission members and professional artists of the appropriate art discipline. as to artistic excellence; appropriateness in terms of scale, material, and content relative to the immediate and general architectural, social, and historic context; and long-term durability against vandalism, weather, theft, and excessive maintenance. A recommendation shall be provided by the jury panel to the Carson City Cultural Commission and to the Board of Supervisors for consideration and possible approval.
- 2. Artists will be selected on the basis of their qualifications as demonstrated by past work, appropriateness of the proposal to the particular project, and its probability of successful completion as determined by the Carson City Cultural Commission and approved by the Board of Supervisors.
- 3. Upon advice from the Carson City Cultural Commission, the Board of Supervisors shall make the final selection at its discretion of artists and artworks, selecting those artists and artworks of the highest aesthetic quality and those which fulfill the purposes of the public art program.
- 4. In all cases, consideration will be given to materials, construction, durability, long term maintenance, public access, and safety. 5. Carson City will not charge an application fee to artists who submit work to the jury process.

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Section 9: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.150, as follows:

2.41.150 – Public art selection process.

Public Art Selection Process – Selection of artwork will be made by one of the following methods:

1. Open Competition: Site and program advertised; proposals accepted from all artists; no proposal fee is paid to artist unless otherwise stipulated.
2. Limited/Invitational Competition: One or more artists are invited to submit proposals; no proposal fee is paid to artists unless otherwise stipulated.
3. Direct Purchase: A completed artwork is purchased in accordance with Carson City purchasing policy and/or Nevada Revised Statutes.
4. Carson City Staff Recommendation: With the assistance of ~~local professional artist of the appropriate art discipline and~~ community representatives, City staff can provide recommendations related to the donation or purchase of artwork.
5. The decision of the Carson City Board of Supervisors shall constitute a final decision for the purposes of any judicial remedy.

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Section 10: Chapter 2.41 of the Carson City Municipal Code is hereby amended by adding a new section 2.41.160, as follows:

2.41.160 – Display of art.

The Carson City Cultural Commission may recommend and the Board of Supervisors shall determine at its discretion that works of art may be placed on public display, integral or attached to a public building or structure, detached within or outside a public building or structure, or as a part of the landscape or a public park, square or other outdoor public site or lands.

Section 11: If any clause, sentence, section, provision or part of this chapter shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not invalidate, impair or affect the remainder of this chapter.

Section 12: That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____ (month) _____ (day), 2013.

PROPOSED by _____.

PASSED _____ (month) _____ (day), 2013.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

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ATTEST:

ALAN GLOVER
CLERK/RECORDER.

This ordinance shall be in force and effect from and after the ____ day of the month of _____ of the year, 2013.