POLICY AND PROCEDURE

Subject:		Index:	
Carson City Public Art Policy		Number:	
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1.0 PURPOSE

The purpose of this policy is to establish procedures for the acquisition, ~~and~~ maintenance, conservation, relocation, and deaccessioning of public art for the Consolidated Municipality of Carson City ("Carson City").

Carson City supports public art programming in order to reflect the City's unique cultural heritage and to create a cityscape that effectively contributes to the aspirational image and identity as held by its motto, "*Proud of its Past…Confident of its Future*".

~~An effective p~~Public art ~~program~~ has many benefits. It ~~establishes a process that~~ encourages expression of community identity and local cultural heritage. It brings art to the people, increases community pride, draws people to public spaces, and attracts visitors, ~~new~~ businesses and residents. It invites inclusive community participation and encourages artist~~(s)~~ to create artworks that are an expression of the historic and contemporary culture for all ages and abilities.

~~The Carson City Public Art Policy is considered to be a dynamic document and is required to be reviewed every two years by the Carson City Board of Supervisors ("Board").~~

~~2.0 ORGANIZATIONS AFFECTED:~~
~~All City Departments~~

~~3.0 REFERENCES:~~

~~This policy is supported by Carson City's Strategic Plan (Fiscal Years 2022-2026) which specifies 'Quality of Life & Community' as a key strategic direction with an objective to 'Engage Arts & Cultural Assets', the Carson City Cultural Commission ("CCCC") Chapter~~
~~2.41 of the Carson City Municipal Code as adopted by the Board on July 8, 2008, and the Carson City Arts and Culture Strategic Plan (as adopted by the City on April 7, 2022).~~

2.0 DEFINITIONS

Arts & Culture Manager: Individual serving in the Arts and Culture Program Manager position,

employed by the Carson City Culture and Tourism Authority ("CTA").

Arts & Culture Supervisor: Individual serving in the Recreation Program Supervisor – Arts and Culture position, employed by Carson City.

Artwork: Tangible visual art including, but not limited to, drawings, prints, photographs, collages, paintings, mosaics, murals, fiber artworks, stained glass, relief or free-standing sculptures, fountains, arches, and mobiles.

Board: Carson City Board of Supervisors.

Care: The maintenance, conservation, preservation, relocation, deaccessioning, and/or any process over the lifetime of an artwork after acquisition.

Collection: This encompasses all Public Art owned and/or maintained by Carson City.

Conservation and Preservation: Examination, documentation, treatment and preventive care of artworks carried out by a professional art conservator.

Deaccession: Removal of an artwork from the Collection.

Maintenance: The routine care of artworks that does not require specialized expertise. Maintaining artworks and protecting them from damage, decay, or decomposition ensures longevity and the safety of the public who interact with them.

Partnership: A formal agreement with two or more entities (public, private, or non-profit) who collaborate to acquire or care for Public Art. Partnership could include multiple funding sources or in-kind contributions.

Public Art: Any artwork(s) commissioned, purchased, leased, accepted as donation, or otherwise acquired by Carson City. Typically, Public Art does not include street furnishings or outdoor infrastructure such as lighting, benches, or signage that have been mass-produced unless they have been specifically commissioned as art fixtures or designed by an artist(s) as an integral part of a project.

Public Art Inventory: Database of the Public Art Collection, including:

- Basic information such as title, artist, medium, and location of artwork
- Acquisition information such as cost and funding source(s), donor, and/or contract reference
- Photo(s)
- Capital asset number, where applicable
- Information about deaccessioned artwork(s)

Public Art Panel: A volunteer group established on an ad-hoc basis to assist in the selection of a finalist or a list of semifinalists for a Public Art Project.

Public Art Project: The ideation, proposal, selection, commissioning, contracting,

installation, purchase, donation, and/or any other process before an artwork is acquired by Carson City. Public Art Projects may be Carson City-initiated, artist-initiated, or initiated through other means.

Solicitation Process: Carson City may choose from several processes to solicit Public Art. These include, but are not limited to:

- open call via request for qualifications (RFQ)
- open call via request for proposals (RFP)
- open call to establish an artist roster and/or
- limited call/invitational call

Where applicable, a solicitation must also comply with Carson City's purchasing policy and solicitation requirements.

Technical Review: Technical review is a project-specific process conducted by individuals with technical knowledge of the project, materials, or techniques that will contribute to the success of the selection process. Technical review shall be conducted primarily by Carson City but may include technical experts in a specific field/medium to ensure a project is sustainable to maintain into the future.

3.04.0 POLICY APPLICATION:

34.1 This policy applies to all ~~public art~~artworks that are~~is~~ commissioned, ~~or~~ purchased, leased, accepted as donation, or otherwise acquired~~, and meets all of the following criteria:~~ by Carson City.

~~a. Funded in whole or in part through City funds or under an agreement that maintaining the artwork is the responsibility of the City;~~

~~b. Sited on City property, right-of-way, or facilities;~~

~~c. Consistently accessible to the public.~~

34.2 This policy does not apply to:

~~a.~~ 3.2.1 Artworks on display within Carson City offices or ~~City~~ buildings that have restricted public access or regulated access. ~~This includes artworks acquired for the sole purpose of office adornment and not for overall public experience.~~

~~b.~~ 3.2.2 Temporary exhibitions of artworks ~~(~~such as gallery displays, event booth displays, ~~at art festivals, individual artworks,~~ or museum exhibits~~)~~ displayed on Carson City-owned or managed property where the owner of such artwork~~:~~ retains ownership of the work,~~;~~ assumes all responsibility associated with that display,~~;~~ and removes it after an agreed upon duration.

~~5.0 DEFINITIONS:~~

5.1 **Artworks**: Tangible art forms that include, but are not limited to, drawings, prints, photographs, collages, paintings, mosaics, murals, fiber artworks, stained glass, relief or free-standing sculptures, fountains, arches, mobiles, and environments. They can be interior and/or exterior installations or collections. Works of art may be temporary as well as permanent.

5.2 **Collection**: This encompasses all artworks owned by the municipality including the Public Art Collection and the Portable Collection.

5.3 **Conservation and Preservation**: Artworks that are part of the City's public art collection must be maintained and protected from damage, decay or decomposition. This ensures the longevity of the artwork as well as the safety of the public that interacts with it. Conservation involves examination, documentation, treatment and preventative care of artworks carried out by a professional art conservator.

5.4 **Deaccessioning**: It may be necessary at some point to permanently remove a work of art from the City's public art collection for a variety of reasons. This may be accomplished by sale, demolition or other arrangements. This includes the removalfrom its public site, removal from a maintenance cycle, and transferring of all associated records, both hard copy and electronic, into the City's deaccessioned collection file.

5.5 **Maintenance**: The routine care of artworks that does not require specialized expertise.

5.6 **Portable Collection**: Artworks owned by the municipality that are movable and often exhibited in the interior of City buildings including but not limited to paintings, sculptures, prints, photographs, mixed media or textiles.

5.7 **Public Art**: Public art is an original, one-of-a-kind, or reproduced, site-specific artwork that has been selected and commissioned by an artist(s) or donated for a designated public location. It can take the form of permanent, temporary, or moveable works in a wide range of mediums including but not limited to relief or free-standing sculptures, mosaics, murals, paintings, drawings, prints, photographs, collages, fiber artworks, stained glass, fountains, arches, mobiles, and environmental and light art.

Typically, public art does not include street furnishings and outdoor infrastructure such as lighting, benches, and signage that have been mass-produced unless they are unique articles that have been specifically commissioned as art fixtures or designed by an artist(s) as an integral part of a project.

5.8 **Public Art Panel**: An informal group of individuals, generally not less than five volunteers, selected by the Recreation Supervisor to review each art project with a solicitation component, who are representatives of the constituencies and/or stakeholders, materials and content relevant to each project. The panel selects the artist(s) for each art project through a scoring process and gives approval of the final design. This panel is fully described in Section 6.5(b) of the Public Art Policy and is similar to the process the City uses to select vendors or consultants through its Request for Qualifications processes.

5.9 **Technical Review**: Technical review is a project specific process conducted by individuals with technical knowledge of the project, materials or techniques that will contribute to the success of the selection process. Technical review shall be conducted primarily by City staff but may include technical experts in a specific field/medium to ensure a project is sustainable to maintain into the future.

6.0 PROCEDURES:

6.1 4.0 **ADMINISTRATION**

a. Oversight and coordination of the Carson City Public Art Program and all works of public art acquired by Carson City, including their budgets, are the sole responsibility of the Parks, Recreation, and Open Space Department, and its Recreation Supervisor – Arts and Culture. While the Recreation Supervisor will serve as the leading expert commissioning and overseeing the maintenance of the public art collection,

4.1 Public Art acquisition and care are managed by the Arts & Culture Supervisor. However, coordination and partnership should will serve as the guiding principles in approach. The Recreation Supervisor will work with the City Manager's Office to post any CCCC vacancies, process applications, and schedule interviews by the Board and is also responsible for the public posting of agendas for CCCC meetings. The Recreation Supervisor works in close partnership with other City departments, the CCCC and the Carson City Culture and Tourism Authority ("CTA") in the planning and execution of all public art programming and oversees all agreements the City executes with artists and other appropriate contractors in obtaining public art and commissioning public art programming. In addition, the Recreation Supervisor acts as the liaison between the CCCC, the CTA and the Board and will provide an annual report on the activities of the Public Art Program. Partnership among the Parks, Recreation & Open Space Department (including the Arts & Culture Program and Parks Maintenance); the Public Works Department; other Carson City departments and offices; the CTA; boards/commissions; and elected representatives is essential in the acquisition and care of Public Art.

b. The CCCC, created by CCMC 2.41, is comprised of seven citizens-at-large appointed by the Board to serve as the primary advisory body in support of the execution of this policy. Commissioners help foster an environment in which arts and culture are recognized as critical to the quality of life in Nevada's capital. The commission is committed to the artistic expression, educational development and economic growth of Carson City's diverse community through support, promotion and advocacy of the arts. Commissioners provide public service by recommending grant funding, sharing community feedback and serving as ambassadors of Carson City's public art programming. The CCCC will oversee the work of the Public Art Panels and make recommendations to the City Manager or Board of Supervisors regarding acquisition or deaccessioning of artwork. The CCCC makes an annual presentation to the Board in the form of an annual report and future work plan. The CCCC convenes under the Open Meeting Law

and is regulated by Carson City's Policies and Procedures for Board, Committees, and Commissions.

c. The CTA is the designated agency for arts and culture responsible for implementing programs and services according to the priorities contained in the Arts and Culture Strategic Plan and the administration of the 1% transient lodging tax dedicated to the implementation of the Strategic Plan and the development of cultural tourism. CTA staff will present a report on the proceeds and use of the proceeds from the 1% tax to the Board of Directors of the CTA three times each year and to the Board once each year. The CTA's Arts and Culture Program Manager will coordinate with the Recreation Supervisor on any such projects sited on City property, right-of-way or facilities.

d. The Board of Supervisors interviews and appoints all seven members of the CCCC. The Board approves, adopts and amends the Arts and Culture Strategic Plan and Public Art Policy upon recommendation of the CCCC as needed to expand and advance the City's arts and culture identity. The Board will appropriate an allocation of funds to monitor and maintain the City's public art collection. The Board, upon recommendation of the CCCC, shall approve all new public art projects and agreements over $9,999 with artists and other appropriate contractors in obtaining, commissioning, and maintaining artworks on City property or within City right-of-way.

4.2 The Board reviews, approves, adopts, and/or amends the Public Art Policy, as needed, to expand and advance the city's arts and culture identity.

6.2 **5.0 FUNDING AND CONTRIBUTIONS for Acquisitions**

a. Redevelopment Grants – Carson City's Redevelopment Authority Grants support professional arts and culture events and projects, such as community festivals, special performances, exhibitions and concerts within the fields of Theater, Music and Visual Art held within Carson City's established Redevelopment Districts #1 or #2. Examples of arts and culture projects/experiences include, but are not limited to, the following: performance/dance; film/video/media; folk arts; music/opera; theater; poetry; visual arts/crafts; traveling exhibits; and murals/outdoor installations.

5.1 Carson City Funding – The Board may allocate available funds to the Arts and Culture Program annually, through Carson City's budget process, and may appropriate funds specifically for acquisition and/or care of Public Art.

b. 1% Transient Lodging Tax – The Carson City Board of Supervisors approved an increase of 1% of the gross receipts from the rental of lodging in Carson City upon all persons in the business of providing lodging to be used primarily for the implementation of the Carson City Arts & Culture Strategic (Master) Plan and the development of cultural tourism. The 1% tax is administered by the CTA.

5.2 CTA Funding – The CTA may allocate available funds to fully or partially fund Public Art Projects proposed to be sited on/in Carson City property, right-of-way, or facilities. The CTA's Arts & Culture Manager may coordinate with the Arts & Culture Supervisor on any Public Art Project involving the CTA.

5.3~~c.~~ Carson City Departments – Carson ~~A~~ City department~~s, or its regulatory board~~, having administrative jurisdiction over any site, facility, building, or other space, existing or planned, may be a potential partner for development of a~~n~~ Public A~~a~~rt project. A D~~d~~epartment~~s~~ seeking the ~~development and~~ display of P~~p~~ublic A~~a~~rt ~~for~~ on its grounds should contact the Arts & Culture Supervisor for project consultation.~~, either temporary or permanent, will consult with the Recreation Supervisor for project consultation and administration of the Public Art Policy. Inner-municipal department partnerships that work towards the advancement of public art are impactful for Carson City residents. Such projects are shared ventures to cover direct costs of artwork. Department to department contributions may include funding, staff time, usage of space for storage or display, material resources, hardware and logistics such as transportation, labor and machinery.~~

5.4 ~~d.~~ Grants – All grants received by Carson City, including those funding Public Art, must adhere to the Carson City Grant Administration Policy. ~~All local, state and federal grants to support Arts and Culture programming and its administration are researched and written by the Recreation Supervisor. All awards are accounted for in the City's Grant Fund and are dispersed in accordance with grant regulations and requirements. Grant submissions recommended by the CCCC in excess of $9,999 must be approved by the Board of Supervisors.~~

5.5 ~~e. Cash~~ Financial Contributions – Financial contributions, including, but not limited to event and program sponsorships and solicited or unsolicited donations, may be accepted to support Public Art and other arts and culture programming. Donations without restriction are best suited to strategically support the cultural vibrancy of Carson City.~~Cash donations are accepted to support public art programming. Contributions of cash will be reviewed by the Recreation Supervisor for acceptance and reported to the CCCC. If the donation is greater than $9,999, recommendation by the CCCC will go to the Board of Supervisors for consideration. All accepted monies will be deposited in the Parks,Recreation and Open Space Donation Account. Donations without restriction are best suited to strategically achieve the goals of the Arts and Culture Strategic Plan.~~

5.6 In-Kind ~~f. Non-Cash~~ Contributions – ~~Non-cash~~ Non-financial contributions include, but are not limited to, donated items and services ~~from partner organizations~~ such as care, ~~salaries and wages,~~ facilities, food and drink, receptions, prizes, printing and supplies, parking, ~~and~~donated artwork, and donated labor such as Public Art Panel volunteers, guest speakers, jurors, and event or program volunteers.~~.~~

~~g. Tickets and Sales – All Arts and Culture tickets and sales generated to support its public art programming will be deposited in the General Fund.~~

~~h. Donated Labor – The CTA and the City graciously accepts donated labor in the form of guest speakers, public art panelists, jurors and event assistants.~~

6.0 6.3 Procedures for ACQUISITION of Public Artwork

6.1 a. Acquisition Criteria – The following criteria shall be used when consideringshould be considered in the acquisition of artwork by purchase, commission or donation, andPublic Art. Aadditional criteria may be established at the discretion of the City Manager to meet the needs of individual projects.

6.1.11. Artistic Merit of the Proposed Project – Proposal achieves quality and value based on creativity, ingenuity, or talent.

6.1.22. Context – The compatibility of the artworkArtwork is compatible in scale, material, form, and content with its surroundings. Consideration should be given to the architectural, historical, geographical, and social/cultural context of the site. Inclusive artwork, including artwork that incorporates visual and physical accessibility are encouraged. and to the surrounding built and natural environments and their current and intended future uses.

3. Site Selection – Public art should enhance the public realm and any other nearby artworks. Sites should be selected with consideration of the surrounding built and natural environments and their current and intended future uses. City staff shall be consulted through a technical review process, depending on the nature of the project, to identify preferred locations, uncover any engineering or maintenance issues, and determine whether licenses, permits, easements, rights-of-way or other agreements pertain to a potential public art location.

6.1.34. Ability to Install and Maintain – The anticipated ability of the artist to complete the artwork and considerations towards the City's ability to provide maintenance and conservation to maintain the asset over time. Considerations shall also apply to temporary projects.

5. Time Horizon of Artwork – The Aanticipated lifespan of the project and/or its host site.artwork should be considered in proportion to the effort and funding required for acquisition and Care of the work.

6.1.46. Uniqueness and Variety – To ensure that the artwork will not be duplicated, the City shall require the artist to warrant that the work is unique and limited to an edition of one unless stated to the contrary in a contract. Artwork is unique or adds to the variety of the Collection. Consideration should be made to acquire artworks exhibiting a variety of artists, subject matters, mediums, and styles.

6.26.4 **Selection Acquisition Pprocess** - The acquisition processes and the composition, roles, and/or meeting structure of involved groups will be adjusted as necessary to meet the individual needs of each project. Where applicable, the acquisition process must comply with the Carson City Purchasing Policy and with all statutes concerning the local government procurement process. Questions should be directed to the Purchasing and Contracts Administrator or to the Department's assigned Deputy District Attorney. A Public Art Panel may include, but is not limited to, artist(s) or art professional/educator(s), community member(s) and/or facility user(s), and/or member(s) of relevant board/commission(s). The

following examples may be utilized and/or adjusted in the acquisition of Public Art:

~~The City may choose from several selection processes to solicit a public art opportunity. These include but are not limited to:~~

~~a. Open Call via Request for Qualifications (RFQ)~~

~~b. Open Call via Request for Proposals (RFP)~~

~~c. Open Call to Establish an Artist Roster~~

~~d. Limited Call/Invitational Call~~

~~e. Direct Commission~~

~~f. Direct Purchase~~

6.2.1 Large Scale Public Art Project:

6.2.1.1 A budget, project goals, and/or scope of work are drafted and approved.

a) Review of budget, goals, and/or scope by Carson City staff.
b) Input from board/commission, Public Art Panel, and/or public.
c) Approval from the City Manager or Board.

6.2.1.2 Call to Artists – Artist applications are solicited through an RFQ.

6.2.1.3 Selection of Semifinalists – After the application window has closed, Carson City staff or a Public Art Panel may narrow the artist candidates down to a reasonable group of semifinalists to be invited to submit proposals.

6.2.1.4 Artist Proposals – Artists submit proposals, which may include design, technical specifications, budget, project goals, and scope of work.

6.2.1.5 Technical Review - Artist proposals may require technical review to identify viable options for further review or public input.

6.2.1.6 Public Input – Opportunities for input from the public may be offered through a public survey/vote or at a public meeting of a board, commission or committee.

6.2.1.7 Proposal Review and Recommendation – A Public Art Panel may review proposals and/or interview semifinalists and may make a recommendation to the Board or the City Manager regarding finalist(s) and alternate(s).

6.2.1.8 Approval – Public Art Projects with a direct cost to the City of $20,000 or higher are required to be placed on an agenda for review by the Board. Projects with a cost of less than $20,000 may be presented to the City Manager for review and approval, as provided in section 6.2.2.2, but may also be presented to the Board in the discretion of the City Manager and the Mayor.

6.2.1.9 Contracting – In some cases, the City Manager or Board may request a draft contract be included for review with a finalist recommendation. Some projects may warrant that the artist(s) enter into a design-only contract; in such cases, with specific oversight from the artist(s), Carson City will issue separate contracts for fabrication, installation, and maintenance. Generally, contracts for large-scale Public Art Projects are project-specific and include:

a) Scope of work.

b) Compensation and timeline.
c) Rights and responsibilities of the artist.
d) Rights and responsibilities of Carson City.
e) Care plan with:
    i. Materials and sources of the materials used in the artwork,
    ii. Methods of fabrication and the name of any individual other than the artist involved in the construction or creation of the artwork,
    iii. Installation specifications,
    iv. Method and frequency of recommended maintenance,
    v. Additional contacts for maintenance issues, if warranted, and/or
    vi. Grounds, requirements and/or process for deaccession.
f) Warranties and standards.
g) Ownership and copyrights.
and
h) Insurance, indemnification, and liability limitations.

6.2.1.10 Production and Installation – Upon signature of contract, Carson City staff monitors artwork production to assist artist in producing and delivering artwork within established budget and timeline.

6.2.2 Small Public Art Project:

6.2.2.1 Donation, purchase, or other Public Art Project is proposed.
a) The Board, City Manager, director of any Carson City department, CTA, Arts & Culture Manager, or Arts & Culture Supervisor internally propose a Public Art Project.
b) An individual or group submits an Unsolicited Public Art Proposal.

6.2.2.2 Approval
a) For projects with a direct cost to the City of less than $20,000, the City Manager may choose to:
    i. Approve or deny the proposal;
    ii. Delay decision and request more information, request a Public Art Panel, request Technical Review; and/or
    iii. Place proposal on an agenda for Board review and possible approval.
b) Projects with a direct cost to the City of $20,000 or more must be approved by the Board.

6.2.2.3 Contracting - Generally, contracts for smaller Public Art Projects will utilize a standard contract, waiver, or other agreement.

6.2.2.4 Execution - Artwork is created, installed, or otherwise acquired by Carson City. Artwork for a small art project installed on Carson City property will generally be installed by, or with the oversight of, Carson City Public Works.

6.3 Unsolicited Public Art Proposals: Carson City may consider acceptance of unsolicited proposals or donations for Public Art from artists, donors, or others. City funding for proposals is limited; the City cannot fund all proposals. When soliciting funding from the City, it is

preferred that proposals have an additional partner funding source already in place. Proposals for projects or donations can be submitted to the Arts & Culture Supervisor via email or mail clearly labeled PUBLIC ART PROPOSAL with:

- Contact information (name, phone, email).
- Basic Artwork information such as title, artist, dimensions, value, media, and current condition of artwork.
- Acquisition information such as donor or cost and proposed funding source(s).
- Estimated timeline for Public Art Project.
- Background/History of the Artwork and Significance to Carson City.
- Proposed Site(s) and any applicable Preparation/Installation Requirements.
- Any additional relevant information regarding the art, artist, desired location, etc.
- Artwork Documentation (photographs/drawings/maquettes).

6.4 Unauthorized and abandoned artwork – Carson City is under no obligation to consider acquisition of unauthorized or abandoned artwork. The City Manager or Board may choose to remove and/or dispose of such work or may consider it for acquisition.

6.5 Ownership and Copyright – Whenever possible, Carson City will seek to acquire copyrights or licensing for works of art installed or displayed on City property. Staff must work with the District Attorney's Office or use a form agreement prepared by the District Attorney's Office to address the ownership, licensing, and intellectual property rights of any Public Art acquired by Carson City.

~~6.5 **Acquisition Process Participants**~~

~~The following participant groups will be formed for each project. The composition, roles, and meeting structure of each group may need to be adjusted to meet the individual needs of each project:~~

~~a. Public Art Program Staff – The Director of the Parks, Recreation, and Open Space Department delegates the responsibility of the Carson City Public Art Program, and full execution of this policy, to the Recreation Supervisor.~~

~~b. Public Art Panel – Ad hoc Public Art Panels will be created for each public art project and shall be established by the Recreation Supervisor. Each panel is specific to the public art project to which it is assigned and requires expertise that reflects the nature of the project. The Recreation Supervisor and the CTA's Arts and Culture Program Manager shall provide advice on the specific panel member expertise required for each project. Collectively, the panel will have a solid working knowledge of public art and the medium under consideration for each project, an appreciation for community involvement, and be free of conflicts of interest or the potential for financial gain from either the project or the purchase of specific artwork by the City. It is recommended that the panel consists of the following members:~~

1. CTA's Arts and Culture Program Manager,

2. An Artist or Art Professional/Educator,
3. Community Member(s) and/or Facility User(s), and

4. Member(s) of the CCCC (must not constitute a quorum of the CCCC).

The panel shall be moderated by the Recreation Supervisor or his/her delegate.

c. Technical Review – A technical review process shall be conducted on a project-specific basis and is comprised of individuals, primarily internal City staff with technical knowledge of the project, materials or techniques that will contribute to the success of the selection process. Technical review participants may include design, architectural or engineering professionals, planners, or historians. These individuals will consult on public art projects at several points throughout the process including project proposal, site selection, design and installation/construction to ensure projects are safe and sustainable for City ownership and maintenance. It is recommended that technical review include the following City staff or their selected designee:

1. City Engineer,

2. City Real Property Manager,

3. Parks, Recreation and Open Space Director,

4. Deputy District Attorney,

5. City Risk Manager,

6. Member(s) of advising Boards and Commissions, as applicable and nominated by the appropriate department (must not constitute a quorum).

6.6 Art Selection Approval Process

Below is the recommended selection process. At the discretion of the City Manager, aspects of this process may be altered to meet the needs of the project. In the case of public art projects associated with capital projects, it is recommended that the timeline of the selection process be set by the Recreation Supervisor to best align with the design and construction timeline of the capital project to ensure the overall success of both the public art and capital project.

a. Project Initiation

1. Budget Identified

2. Public Art Panel Proposed

3. Scope of Work/Project Goals Drafted and Approved – must follow the following process to inform the City Manager of approval:

    i. Review from City Staff and, as needed, Boards and Commissions,
    ii. Preliminary Public Input,
    iii. Presented to CCCC,
    iv. Memo of recommendation from the CCCC to the City Manager or Board of Supervisors.

b. Public Art Panel Orientation – review the scope of work/project goals and advise the Recreation Supervisor on the details of the RFQ, statement of qualifications, or other selection process.

c. Call for Artists – solicit applications through criteria identified in Section 6.3(a). The call must include project goals addressed with the scope of work.

d. Selection of Semifinalists – once the application window has closed, the Public Art Panel will convene to review all applications. The panel may narrow the candidates to a reasonable group of semifinalists. Semifinalists will be invited to a site visit and further proposal development with the Recreation Supervisor and city staff.

e. Finalist Selection and Recommendation to CCCC – The Public Art Panel will review the proposals, interview semifinalists, and review the analysis outlined in the technical review process. The Public Art Panel will select a finalist as a recommendation to the CCCC. One or two alternative artists may also be identified.

f. CCCC Approval and recommendations to the City Manager – The recommendation of the Public Art Panel shall be made to the CCCC. The CCCC shall review the recommendation and determine if all aspects of this policy were appropriately executed. The CCCC may 1) approve the finalist and recommend City Manager give final approval, 2) deny approval and ask that the Recreation Supervisor revisit a part of the process, or 3) delay approval and ask for additional information. After selection, the CCCC shall review the proposal to give advice on the successful completion of the public artwork.

g. Final Approval – It is the sole authority of the City Manager to either approve the selection of an artist and direct staff to proceed with a contract or place on an agenda for Board of Supervisors approval. The recommendations of the CCCC shall be forwarded in writing to the City Manager. Upon review of the recommendations, the City Manager may

choose to 1) approve the selection, 2) deny the selection and return the decision to the Recreation Supervisor for reconsideration, 3) delay the approval until such time as more information is provided, or 4) place on an agenda for Board of Supervisor review and approval.

h. Contracts – A contract, waiver, or other agreement between the City and the artist shall be executed before the acquisition process is finalized. Contracts will follow all rules, guidelines and appropriate City policies and laws. Contracts shall be initiated within 30 days of final approval by the City Manager or the Board of Supervisors. Some projects may warrant that the artist(s) enter into a design-only contract; in such cases, with specific oversight from the artist(s), the City will issue separate contracts for fabrication, installation and maintenance. Generally, contracts are to include:

1. Scope of Work and Consideration
2. Responsibilities of the Artist
3. Responsibilities of the Owner including maintenance and/or conservation
4. Warranties and Standards
5. Artist's Rights
6. Deaccession or Relocation of Artwork
7. Copyrights
8. Termination
9. Insurance and Indemnification

Upon execution of contract, the Recreation Supervisor monitors artwork production to assist artist/organization in producing and delivering artworks within established budgets and timelines, inspects the project to certify progress and authorizes payments to the artists as scheduled in the contract, tracks expenses against art project allocations and monitors administrative costs through completion.

6.7 Public Art Selection for Unique Opportunities

Opportunities will arise that may not be suitable to the process described above due to timeline, budget size or other considerations. Qualification of a project as being a "unique opportunity" will be determined through the recommendation of the CCCC. These unique opportunities will follow the above process as much as possible, at the discretion of the City Manager. In addition to the Acquisition Criteria (Section 6.3(a) above), the panel will consider a project's feasibility within its existing parameters, including timeline and budget.

6.8 Criteria for Proposal for Donations

Carson City will consider accepting donations of artwork into the City's public art collections and will consider sitting privately funded projects on public property. The City will also consider accepting works of art for display in city-owned facilities or on public property. Artworks and objects donated for placement in private offices or in non-public areas of City

facilities shall not be subject to this policy. All donations of artwork must comply with the Public Art Policy's definitions, review, and selection process.

All proposals to donate works of art to the City must be submitted by the party proposing donation (Donor) on the **Public Art Donation Form** (attached as Appendix A) to the Recreation Supervisor.

a. The Recreation Supervisor will request the following information from the donor for presentation to the CCCC:

    1. Provenance – This includes artwork information, conservation history and transfer of ownership.

    2. Artist biography, exhibition and sales history, credentials.

    3. Images or Renderings of existing artwork or object, if any.

    4. Maintenance Recommendations – All pending donations shall be required to include maintenance recommendations that outline how the artwork is to be maintained, and what materials and maintenance procedures are needed to conduct routine maintenance of the artwork (cleaning schedules and minor repairs).

    5. Proposed site, if any.

    6. Current location and any shipping, installation, display or storage requirements.

    7. Value of the artwork.

    8. Donations will also be part of a contracting process as described above in Section 6.6(h).

b. Coordination with the Parks, Recreation and Open Space Department – The Donor must maintain communication with the Recreation Supervisor regarding fundraising, design, construction, maintenance planning, and full coordination. The Recreation Supervisor will facilitate a project team of staff from across all affected City departments as necessary.

c. Sequence for Donation

    1. Reviewed by Parks, Recreation and Open Space Department staff for compliance with this policy. The Recreation Supervisor will consult with the Donor on the refinement of their proposal for a period of no more than three months after receipt of the proposal.

    2. Art donations that are proposed to be placed on parks or open

space properties may require review by the Parks and Recreation Commission or Open Space Advisory Committee as appropriate. Some properties have deed restrictions, which may prohibit certain public art.

3. Analysis by City staff during the technical review process for feasibility and compliance with all regulations.

4. Submitted to the CCCC for review, which will take into account considerations listed above in Section 6.3(a), compliance with this policy and recommendation to the City Manager.

5. Presented to the City Manager or Board of Supervisors for final approval. Any donation requiring permanent installation or construction on City property or that is valued over $9,999 will require final approval from the Board of Supervisors. The City Manager or his or her designee shall have authority to give final approval to all other donations.

6. Upon approval, the Donor will enter into a contract or other agreement with the City.

d. Limitations

1. Compliance with the Approved Proposal, Contract, Policies and Laws – It is the sole authority of the City Manager to cancel the project in writing at any time if the Donor or any participant in the process has been determined to be violating the terms of the approved proposal, the contract, or any pertinent City policies or laws.

2. Completion Deadline – Approved proposals for donation must complete the full process, including installation of the artwork, by no more than one year after final approval. The Donor may request an extension to the deadline of no more than one additional year. The extension request must be submitted to the Recreation Supervisor for review and approval by the City Manager. Fundraising requests will only be considered if there are new circumstances that have affected the ability of the Donor to complete the project on time.

e. Unauthorized and abandoned artwork – The City is under no obligation to consider acquisition of unauthorized and abandoned artwork. Instead, the City Manager may choose, at his or her full discretion, to remove and/or dispose of it or consider the work for acquisition consistent with the donation process outlined in Section 6.8.

6.9 **Public Art Proposals**

If an individual, organization, club, or business is interested in doing any public art events upon property owned or leased by the City or on City right-of-way such as sidewalks, parks, roads, or utilities, they will need to contact the Community Development or Parks office to seek the appropriate special event permit(s) as required. If the public art event is self-funded, it shall not be subject to theRecreation Supervisor oversight or review but must comply with the Carson City Municipal Code. Upon permit, it is encouraged that the event be presented to the CCCC to assist in municipal event promotion.

If an individual, organization, club, or business is interested in doing any permanent or temporary public art installation upon property owned or leased by the City or on City right-of-way such as sidewalks, parks, roads, or utilities they will need to contact the Recreation Supervisor to discuss if the preliminary proposal idea is within the objectives of the Arts and Culture Strategic Plan.

All such installation of art, regardless if the applicant is self-funded, or requesting funding consideration, must submit a **Public Art Proposal Form** (attached as Appendix B) to the Recreation Supervisor for their review. Recreation Supervisor will coordinate with other departments and their boards that may need to review for compliance with Carson City Municipal Code. After internal review with any applicable departments, the Recreation Supervisor may choose to recommend the proposal to the CCCC, decline the proposal, or to table the proposal until more information can be ascertained.

Upon the Recreation Supervisor's recommendation for approval, the proposal will be forwarded to the CCCC who will consider the proposal for artworks to be placed on City property or public right-of-way

The City may be able to contribute funds to recommended projects, however, funds are limited and not all proposals can be funded. When soliciting funding, it is preferred that proposals have a partner funding source already in place.

6.10 Procedures for Public Artwork Maintenance and Conservation

The City is committed to maintaining the financial value, safety and effectiveness of these public assets, and preserving the enduring value of the collection of public artworks to the community. It is the goal of the Parks, Recreation and Open Space Department to ensure proper stewardship and conservation of the collection through regular maintenance, conservation and inventory and condition assessment.

a. Maintenance plan for new acquisition – All public art commissions shall be required to include maintenance recommendations that outline how

the artwork is to be maintained and conserved, and what materials and maintenance procedures are needed to conduct routine maintenance of the artwork. A maintenance plan will include the following elements:

1. Materials, and sources of the materials, used in the artwork;

2. Methods of fabrication and the name of any individual other than the artists who was involved in the construction or creation of the artwork;

3. Installation specifications;

4. Method and frequency of required maintenance, and;

5. Additional contacts for maintenance issues, if warranted.

b. General maintenance – maintenance of the artwork, as distinguished from technical maintenance, conservation, restoration or repair, shall be the responsibility of the appropriate City Department. This may include cleaning schedules and protective measures against normal wear, weather, and vandalism. The appropriate Department shall ensure that the area around the artwork is kept clean, neat and will be responsible to protect the artwork from damage caused by watering systems, furniture placement and maintenance equipment, such as mowers.

c. Technical Maintenance and Conservation – The City will, by its own qualified staff in the appropriate Department or through a professional services contract with art conservation specialists, be responsible for the following:

1. Maintain a comprehensive Collection Database of all existing artwork in the City's public art collection. This inventory will include but not be limited to:

i. An accession number unique to the specific artwork;
ii. Artwork information – title, year of commission, location of artwork;
iii. Artist information – artist name, contact information, artist copyright;
iv. Maintenance and conservation information – materials, fabrication methods, installation specifics, ongoing photographic documentation, additional parties contact information, material-specific warranties;
v. Commissioning information – commission amount, contract reference number, contract amendments, final contract amount, funding source, additional departments or

organizations involved, warranties and insurance.

d. The Parks, Recreation and Open Space Department will conduct internal condition reports and periodic conservation/preservation assessment of its public art collection.

e. The Parks, Recreation and Open Space Department will annually identify restoration and repair needs for the public art collection that surpass general maintenance. This reporting will be used in creating annual work plans and appropriating funding.

7.0 CARE

Carson City is committed to maintaining the financial value, safety, and effectiveness of its public assets and to preserving the enduring value of Public Art for the community. Proper stewardship includes maintenance, conservation, inventory, and condition assessment. The maintenance needs and care of any work of Public Art will be determined on an individual basis by the Arts & Culture Supervisor in consultation with the Carson City Parks, Recreation & Open Space and Public Works Departments, the artist, if available, and others, as needed.

6.11 Procedures for 8.0 DEACCESSION OR RELOCATION of Public Artwork

8.1 a. **Grounds for deaccessioning** – The Carson City may consider deaccessioning of artwork Public Art for one or more of the following reasons:

1. Damage beyond reasonable repair – the public art has been damaged or deteriorated beyond the point where repair is practical or feasible.

2. Excessive maintenance – the artwork requires excessive maintenance or has faults of design, material, or workmanship and repair or remedy is impractical or unfeasible.

8.1.1 3. Significant changes in use, character, or design of the site have occurred, which affect the integrity of the work:Public Art.

i. Site alteration – for site-integrated or site-specific works of art, the site for which the public art was specifically created: a) is structurally or otherwise altered and can no longer accommodate the artwork; b) is made publicly inaccessible as a result of new construction, demolition, or security enhancement, or c) has its surrounding environment altered in a way that significantly and adversely impacts the public art.

ii. Site acquisition or sale – for site integrated or site-specific public art, the site for which the public art was specifically created is sold or acquired by an entity other than the City, which affects the integrity of the artwork.

8.1.24. Safety – Athe artwork endangers public safety in its current location.

8.1.3 5. Security – Cthe condition and security of the artwork cannot be reasonably guaranteed.

8.1.4~~6.~~ ~~———~~Theft – a piece was stolen ~~from its location~~ and cannot be retrieved.

8.1.5 Damage or deterioration – Artwork has been damaged or deteriorated beyond the point where repair is practical or feasible.

8.1.6 Excessive Maintenance – Artwork requires excessive maintenance or has faults of design, material, or workmanship, and repair or remedy is impractical or a financial burden.

8.1.7~~.~~ ~~———~~Provenance – A~~a~~t the time of ~~accessioning~~acquisition, complete information on the provenance of the ~~public art~~artwork was not available and additional information has since become available indicating that the ~~public art~~artwork should not be part of the City's P~~p~~ublic A~~a~~rt C~~c~~ollection.

8.1.8 Location – Site acquisition or sale, or a more appropriate location for the artwork has been determined.

8.2 Process for Deaccession

8.2.1 Request for Review submitted to Arts & Culture Supervisor.

8.2.2 Notice to Artist – Carson City will act in good faith and use reasonable diligence to provide written notice to artists whose works are being considered for deaccession.

8.2.3 Review by Carson City staff of:

8.2.3.1 Grounds for the proposed deaccession.

8.2.3.2 Identification of the existence or non-existence of legal limitations including issues of copyright and ownership as determined by the District Attorney's Office.

8.2.3.3 Acquisition method, cost, and/or estimated current value.

8.2.3.4 Written evaluation from a disinterested and qualified professional such as an engineer, conservator, architect, safety expert or art historian, if applicable.

8.2.3.5 Photo documentation of the site conditions, if applicable.

8.2.3.6 In the case of damage, a report that documents the original cost of the artwork, estimated value, and/or the estimated cost of repair.

8.2.3.7 In the case of theft, an official police report and/or a report prepared by the department responsible for the site of the loss.

and/or

8.2.3.8 Proposed removal or demolition work plan and justification.

8.2.4 Public Input – Opportunities for public input may be offered through a public survey or at the public meeting of a board/commission.

8.2.5 Decision – Any Public Art which has been identified as a Capital Asset requires formal approval of the Board for deaccession. For a proposed deaccession of any Public Art not identified as a Capital Asset, the City Manager may decide to accept or reject the recommendation, delay decision and request more review, or defer decision to the Board.

8.2.6 Deaccession – Any contractual Carson City agreements regarding relocation or resale of the artwork must be followed. For Public Art which has been identified as a

Capital Asset, any relevant procedures in the Carson City Capital Asset Policy and Procedures Manual must be followed. To the extent deaccession is not addressed by a contract or policy, Carson City may choose any of the following methods to deaccession Public Art:

8.2.6.1 Return the artwork to the Artist.

8.2.6.2 Trade the artwork to or through an artist, gallery, museum, or other institution for other artwork of comparable value.

8.2.6.3 Donate to a museum or other caretaker.

8.2.6.4 Sell the work, such as through an art auction, art gallery, dealer, or direct bidding by individuals. Any revenue generated from such sales shall be directed to the Arts and Culture Program or other appropriate fund.

8.2.6.5 Destruction or recycling of materials comprising the artwork. This method should only be used as a last resort after considering all other possible methods.

8.2.7 Documentation - The decision and removal option should be preserved in the Public Art Inventory. For deaccessioned Public Art which has been identified as a Capital Asset, any relevant procedures in the Carson City Capital Asset Policy and Procedures Manual should be followed.

8.3 Relocation – The process and grounds for relocation or storage of Public Art shall be at the discretion of the City Manager.

~~b. Grounds for Relocation – The City may consider relocation of artwork for one or more of the following reasons:~~

~~1. Safety – the artwork endangers public safety in its current location.~~

~~2. Site acquisition for sale – for site-integrated or site-specific public art, the site for which the public art was specifically created is sold or acquired by an entity other than the City, which affects the integrity of the artwork and accessibility to the public.~~

~~3. Significant site changes or alterations.~~

~~4. Written request from the artist.~~

~~5. More appropriate location for the artwork has been determined.~~

~~c. Sequence for Deaccession or Relocation~~

~~1. Request for Review – submitted to Recreation Supervisor of the Parks, Recreation and Open Space Department.~~

~~2. Notice to Artist – Carson City will act in good faith and use reasonable diligence to provide written notice to artists whose works are being considered for relocation or deaccession.~~

~~3. Review by CCCC – the CCCC will provide recommendations in the~~

form of a report including the following information:

i. The grounds for the proposed deaccessioning;
ii. Identification of the existence or non-existence of legal limitations including issues of copyright and ownership as determined by the District Attorney's Office.
iii. Acquisition method, cost and estimated current value.
iv. Written evaluation from a disinterested and qualified professional such as an engineer, conservator, architect, safety expert or art historian;
v. Written recommendations received during the technical review process;
vi. Photo documentation of the site conditions (if applicable);
vii. In the case of damage, a report that documents the original cost of the public art, estimated value and the estimated cost of repair;
viii. In the case of theft, an official police report and a report prepared by the department responsible for the site of the loss, and;
ix. Proposed removal, relocation, and/or demolition work plan and justification for that option.

4. Public Engagement – The Recreation Supervisor will facilitate the opportunity for the public to provide feedback on the decision with the purpose of informing the decision of the CCCC.

5. Review by the CCCC – The CCCC may request the involvement of other Boards & Commissions as is necessary to the project. The CCCC will review the request for deaccessioning for compliance with this policy and other considerations. Approval is considered a recommendation by the CCCC for final review by the City Manager.

6. Decision by City Manager – A decision to relocate or deaccess public art shall be made by the City Manager. The City Manager may decide to a) accept the recommendations, b) reject the recommendations, or c) delay the decision and request more information.

7. Appeal of City Manager Decision – Decisions to relocate or deaccess public art will only be accepted from the artist or their authorized representative(s). Appeals must be made in writing to the Recreation Supervisor within 30 days of the decision of the City Manager and must be based on new information that was not considered during the process. Appeals will be agendized for review and consideration by the Board of Supervisors as soon as practicable.

d. Removal from Collection – Any contractual agreements between the artist and the City regarding removal or resale will be honored. To the extent removal is not addressed by a contract, the City may choose to use any of the following methods to remove public art that was deaccessioned:

1. Return the Work to the Artist, including all ownership of the material and copyright of the artwork. This method is preferred, and the artist shall have first right to refuse the offer. Other methods of removal from the collection, as stated below will be considered only after written notice of this refusal by the artist is received.

2. Trade through artist, gallery, museum, or other institutions for one or more other public art(s) of comparable value.

3. Donation to a museum collection or other caretaker.

4. Sale through art auction, art gallery, dealer, or direct bidding by individuals. Any revenue generated from such sale shall be directed to the Arts and Culture Program or the appropriate fund.

5. Destruction or recycling of materials comprising the public art. This method should only be used as a last resort after considering all other possible methods. If this method is used, it is recommended that no piece be recognizable as part of that public art.

e. Deaccessioning File – Documentation of the decision and removal option should be preserved in the inventory of the public artworks.

6.12 **Artwork Ownership and Copyright**

For freelance artists working on commissioned projects, the copyright remains with the artist, including any and all ways in which the work is represented, unless the artist(s) specifically signs over the copyright for the artwork to the City. This canbe through a clause on the commissioning contract specifically stating the artwork is a "work-made-for-hire" and copyright is thereby transferred to the City. Copyright lasts for the life of the artist, plus 70 years after the artist's death.

The ownership of title to the physical artwork is retained by the City. The artist(s) and the City must each agree in writing regarding the right to reproduce the artwork in any and all forms. There are several ways this can be approached:

a. An artist(s) could sell the City reproduction rights for a price as part of the artwork commissioning contract, or they could license[1] reproduction rights, but retain the copyright for themselves. The City, in turn, agrees to include a credit to the artist and a notice of copyright on all such reproductions.

b. The artist can either sell or license all reproduction rights and transfer copyright to the City.

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[4] Licensing Artworks or Selling Copyright: Many artists derive income through licensing, allowing their images to be reproduced by other people or entities in exchange for royalty payments. When artists license their artwork, they retain legal ownership of the work. This means they retain their copyright, while someone else makes and sells the item (for example, duplicating imagery on merchandise). Royalties can take the form of a lump-sum payment or a continuing payment (on a monthly or quarterly basis), typically based upon a percentage of the income from the licensed artwork. Note that artists can also "assign" copyright of the artwork. They could "sell" their intellectual property ownership interest to a buyer through a lump-sum payment who would then be able to do whatever they pleased with the artwork.

~~Public Art Donation Proposal Form~~

CARSON CITY
PARKS, RECREATION & OPEN SPACE

~~Part 2: Ownership, Licensing and Release~~

~~1. The Donor represents that he or she owns the work and the copyright to the work. If this is not the case, Donor must attach additional information explaining who owns the work and who owns the copyright to the work. Donor hereby grants to Carson City a perpetual, non-exclusive, non-transferrable license to use the Work in the course of Carson City business and to otherwise display, copy, make use and sell the Work (collectively, "use" the Work). Carson City may use the Work in general advertising materials and point of sale displays, and advertising and other promotional materials and purposes on City's website, social media and with other partners and outlets. Carson City may further use the Work for purposes of promoting Carson City and/or tourism to Carson City. The foregoing are examples of the use that may be made by Carson City of the Work, and do not limit Carson City's use of the Work under this Agreement. The license granted to Carson City includes the use of the Work by government entities affiliated with Carson City, including, but not limited to, the Carson City Culture and Tourism Authority and the Carson City Library.~~

~~2. Upon donation of the work, Donor acknowledges that Carson City will own the work. Carson City may use and maintain the work in its discretion. If the work is damaged, or for any other reason, Carson City may also destroy the work, in its sole discretion. Donor hereby releases and forever discharges Carson City and its successors, assigns, agents, representatives, officials and employees from any and all civil claims, liabilities, obligations, demands or actions which the Donor has now, or may have in the future, for damages, costs, interest, fees or compensation of any kind in any way related to the use of, damage to, or destruction of the work by Carson City.~~
~~I understand that donations are subject to a review process by Carson City.~~

~~Signature of Donor: _____ Date: _____~~

CARSON CITY
PARKS, RECREATION & OPEN SPACE

CARSON CITY PUBLIC ART POLICY

FOR CARSON CITY USE ONLY:	YES	NO	N/A	DATE
Submitted to the Carson City Cultural Commission for review and recommendation to the City Manager.				
Presented to the City Manager for final approval or recommendation to the Board of Supervisors.				
Presented to the Board of Supervisors for approval if: (1) the public art donation will require permanent installation or construction on City property; or (2) donation is valued over $9,999.				
Contract or agreement between the Donor and City executed.				

~~APPENDIX B~~

~~PUBLIC ART PROPOSAL FORM (TBD)~~