

CARSON CITY BOARD OF SUPERVISORS
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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, September 15, 2022, in the Community Center Robert “Bob” Crowell Boardroom, 851 East William Street, Carson City, Nevada.

PRESENT:

Mayor Lori Bagwell
Supervisor Stacey Giomi, Ward 1
Supervisor Maurice White, Ward 2
Supervisor Stan Jones, Ward 3
Supervisor Lisa Schuette, Ward 4

STAFF:

Nancy Paulson, City Manager
Stephanie Hicks, Deputy City Manager
Todd Reese, Senior Deputy District Attorney
Tamar Warren, Senior Deputy Clerk

NOTE: A recording of these proceedings, the Board’s agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Clerk’s Office, during regular business hours. All meeting minutes are available for review at: <https://www.carson.org/minutes>.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

(8:31:07) – Mayor Bagwell called the meeting to order at 8:31 a.m. Ms. Warren called roll and noted the presence of a quorum. Living Stones Church Lead Pastor Gavin Jarvis provided the invocation. At Mayor Bagwell’s request, Government Affairs Liaison Stephen Wood led the Pledge of Allegiance.

5. PUBLIC COMMENT

(8:33:28) – Mayor Bagwell entertained public comments. Deni French introduced himself and expressed disappointment that the Board of Supervisors (Board) had in the previous meeting approved two additional marijuana dispensaries even though a ballot measure had been turned down by the voters several years ago. He encouraged the public to come and speak at meetings and “not get discouraged by the process.”

6. FOR POSSIBLE ACTION: APPROVAL OF MINUTES – AUGUST 18, 2022

(8:36:52) – Mayor Bagwell introduced the item and entertained comments, corrections, or a motion. Supervisor Schuette pointed out a capitalization error which has since been corrected.

(8:37:37) – Supervisor Giomi moved to approve the minutes of the August 18, 2022 Board of Supervisors meeting as corrected. The motion was seconded by Supervisor Schuette and carried 5-0-0.

7. SPECIAL PRESENTATIONS

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7.A PRESENTATION OF LENGTH OF SERVICE CERTIFICATES TO CITY EMPLOYEES.

(8:38:20) – Mayor Bagwell introduced the item and invited each Board member to join her in presenting the length of service awards and highlighting each employee’s accomplishments. The following employees were recognized and afterward joined the Board for a commemorative photograph.

- Daniel Kastens, Parks Operation Manager – 10 years
- Renay Lapaille, Detention Shift Supervisor – 10 years
- Terrance Swanson, Senior Street Technician – 10 years
- Casey Drews, Fire Prevention Inspector 2 – 5 years

7.B PRESENTATION OF A PROCLAMATION TO RECOGNIZE SEPTEMBER 17, 2022, AS CONSTITUTION DAY.

(8:48:46) – Mayor Bagwell introduced the item and invited members of the local member of the Daughters of the American Revolution (DAR) to join her as she read into the record a proclamation, incorporated into the record, recognizing September 17, 2022 as Constitution Day. She also encouraged everyone to view a related exhibit in the Carson City Library and joined the DAR and Board members for a commemorative photograph.

CONSENT AGENDA

(8:55:57) – Mayor Bagwell introduced the item and noted that item 11.B of the Consent Agenda would be pulled for discussion. She also inquired whether the Board or members of the public wished to pull additional items from the Consent Agenda; however, none were forthcoming. She entertained a motion.

(8:56:27) – Supervisor Giomi moved to approve the Consent Agenda consisting of items 8.A, 9.A, 10.A, 11.A, 11.C, 11.D, 11.E, 12.A, and 13.A as presented. Supervisor White seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

8. CITY MANAGER

8.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION ON RATIFYING THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER FOR THE PERIOD OF AUGUST 5, 2022 THROUGH SEPTEMBER 2, 2022.

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9. FINANCE

9.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES THROUGH SEPTEMBER 2, 2022, PER NRS 251.030 AND NRS 354.290.

10. PARKS AND RECREATION

10.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE DEDICATION OF CARSON CITY ASSESSOR'S PARCEL NUMBERS ("APN") 010-751-17, 010-751-33, 010-751-32, 010-753-18 AND 010-754-01, WHICH WERE OFFERED TO CARSON CITY FOR PUBLIC USE AS COMMON AREAS A, B, C, D AND E ("COMMON AREAS") IN THE FINAL MAP FOR SCHULZ RANCH SUBDIVISION - PHASE 4, RECORDED AS MAP NUMBER 2976 ON OCTOBER 7, 2019 ("FINAL MAP").

11. PURCHASING AND CONTRACTS

11.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZATION TO PURCHASE ONE NEW CHEVROLET TRAVERSE FOR CARSON CITY JUVENILE SERVICES ("JUVENILE SERVICES") FOR A NOT TO EXCEED AMOUNT OF \$34,802.93 UTILIZING JOINDER CONTRACT 99SWC-NV21-8888 BETWEEN THE STATE OF NEVADA AND MICHAEL HOHL MOTOR COMPANY.

11.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZATION TO PURCHASE VARIOUS EQUIPMENT FOR THE CARSON CITY PARKS, RECREATION AND OPEN SPACE DEPARTMENT ("PARKS DEPARTMENT"), UTILIZING A COOPERATIVE PURCHASING AGREEMENT AVAILABLE THROUGH SOURCEWELL, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$225,201.09.

(8:56:55) – Mayor Bagwell introduced the item. Parks Operations Superintendent David Navarro introduced himself and Open Space Manager Lyndsey Boyer, noting that some of the requested equipment would be used by Open Space. Mr. Navarro referenced the Staff Report, incorporated into the record, and explained that by purchasing the new equipment, each Parks and Open Space employee would be able to perform many tasks by having the needed equipment at their disposal. Ms. Boyer clarified that they currently contract many services due to a lack of equipment, which she stated was expensive. She also reviewed equipment rental costs based on a previous request by Supervisor Jones and responded to clarifying questions.

(9:06:50) – Discussion ensued regarding lease versus purchase of the equipment and Mr. Navarro clarified that the Parks and Open Space Department had not leased equipment before and cautioned against paying taxes on leased items. Supervisor White believed that a lease would cost much more in the long run. Supervisor Giomi was in favor of purchasing equipment to mitigate staffing shortages. Mayor Bagwell entertained public comments and when none were forthcoming, a motion.

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(9:13:12) – Supervisor Giomi moved to approve the purchase authority as requested. Supervisor Schuette seconded the motion.

RESULT:	APPROVED (4-1-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Schuette
AYES:	Supervisors Giomi, Schuette, White, and Mayor Bagwell
NAYS:	Supervisor Jones
ABSTENTIONS:	None
ABSENT:	None

11.C FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED AMENDMENT (“AMENDMENT”) TO CONTRACT NO. 20300341 (“CONTRACT”) WITH T&T LAWNS PLUS, LLC (“T&T”) TO EXERCISE THE FIRST OF TWO RENEWAL OPTIONS IN THE CONTRACT FOR T&T TO PROVIDE LANDSCAPE MAINTENANCE SERVICES FOR THE SOUTH CARSON NEIGHBORHOOD IMPROVEMENT DISTRICT (“SCNID”), FOR A NOT TO EXCEED AMOUNT OF \$110,295 THROUGH FISCAL YEAR (“FY”) 2023, WITH A NEW TOTAL NOT TO EXCEED AMOUNT UNDER THE CONTRACT OF \$220,590.

11.D FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED AMENDMENT (“AMENDMENT”) TO CONTRACT NO. 21300262 (“CONTRACT”) WITH H+K ARCHITECTS FOR ADDITIONAL STRUCTURAL ENGINEERING DESIGN SERVICES FOR THE CARSON CITY SENIOR CENTER (“SENIOR CENTER”) REMODEL PROJECT, FOR AN ADDITIONAL \$22,500, RESULTING IN A NEW TOTAL NOT TO EXCEED AMOUNT UNDER THE CONTRACT OF \$164,500.

11.E FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED \$309,000 INCREASE IN FISCAL YEAR (“FY”) 2023 PURCHASE AUTHORITY, BEYOND THE PREVIOUSLY APPROVED \$160,000, FOR THE PURCHASE OF SODIUM HYPOCHLORITE (“BLEACH”) UTILIZING JOINDER CONTRACT 212528 BETWEEN THE CITY OF TUCSON (“TUCSON”) AND THATCHER COMPANY OF ARIZONA, INC. (“THATCHER”), RESULTING IN A NEW NOT TO EXCEED AMOUNT OF \$469,000 FOR FY 2023.

12. SHERIFF

12.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL AGREEMENT BETWEEN CARSON CITY AND THE STATE OF NEVADA DEPARTMENT OF PUBLIC SAFETY (“DPS”), INVESTIGATIONS DIVISION (“DPS-ID”) REGARDING INTERAGENCY USE OF RADIO TALK GROUPS AND FREQUENCIES.

13. TREASURER

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13.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE TREASURER’S MONTHLY STATEMENT OF ALL MONEY ON DEPOSIT, OUTSTANDING CHECKS AND CASH ON HAND FOR AUGUST 2022 SUBMITTED PER NEVADA REVISED STATUTES ("NRS") 354.280.

END OF CONSENT AGENDA

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

14. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME

Please see the minutes of item 11.B.

15. Finance

15.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED NOTICE TO SUBMIT A LETTER OF INTENT FOR THE AMERICAN RESCUE PLAN ACT ("ARPA") FUNDING FOR PROGRAMS OR PROJECTS THAT SUPPORT THE CARSON CITY HOUSING PLAN ("HOUSING PLAN").

(9:13:52) – Mayor Bagwell introduced the item. Carson City Chief Financial Officer Sheri Russell clarified that at its August 18, 2022 meeting, the Board of Supervisors had requested that they review the proposed Notice to Submit a Letter of Intent before its public release to ensure that it contains specific goals in support of the Housing Plan. She also reviewed the current support agencies and their capabilities and the available funding sources, both of which are incorporated into the record as late material. Supervisor Giomi recommended having clear goals for the agencies that would be reported back to the Board. Ms. Russell believed that the goals should be set jointly by the City and the supporting agencies. Supervisor Giomi wanted to be assured that enough safeguards are built to ensure the funds are spent appropriately.

(9:20:02) – Supervisor White referenced the presentation attached to the Staff Report and did not want to see the numbers rounded off, he maintained that they must reflect the Board’s vote without any changes. He also was unwilling to spend Indigent Accident Fund dollars on the project. Supervisor Schuette believed that the project should meet the community’s needs and should use its resources responsibly, adding that not all needs were the same. Supervisor Jones also questioned the use of the Indigent Accident Fund. Ms. Russell Clarified that the current discussion was about the use of the federal American Rescue Plan Act (ARPA) funding and that “the rest of the funds are for [the] potential ongoing, running this program after ARPA money runs out.” She also explained that the supplemental Indigent Accident Fund “is exactly for this...it’s the only thing it can be used for.” Mayor Bagwell was in agreement with Ms. Russel’s statement and did not want to start a program “that we can’t sustain,” adding that the funds had been accumulating for four years. Supervisor Giomi noted that his vote had been for the plan and not for specific numbers and that is why he had requested that Staff return with the specific numbers and the funding sources for a vote by the Board. He also stated that the intended outcome was necessary and believed that the spending should be recommended by the experts in the area that work within the confines of the budget. Mayor Bagwell entertained public comments and when none were forthcoming, a motion.

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(9:35:41) – Mayor Bagwell moved to approve the Letter of Intent as published with the two changes below:

Phase One – Survive

Street Outreach, ~~applicants can apply for funding up to \$90,000.~~ Provide outreach services designed to build relationships with individuals who are without shelter, connect individuals with Carson City Health and Human Services (CCHHS) for shelter and services, and implement camp cleanup days.

Phase Two – Stabilize

Temporary Housing, ~~applicants can apply for funding up to \$600,000.~~ Temporary housing for individuals without shelter.

Supervisor Giomi seconded the motion.

RESULT:	APPROVED (4-1-0)
MOVER:	Supervisor Mayor Bagwell
SECONDER:	Supervisor Giomi
AYES:	Supervisors Giomi, Jones, Schuette, and Mayor Bagwell
NAYS:	Supervisor White
ABSTENTIONS:	None
ABSENT:	None

16. COMMUNITY DEVELOPMENT - PLANNING

16.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 117, AN ORDINANCE RELATING TO MARIJUANA; ESTABLISHING VARIOUS PROVISIONS GOVERNING CURBSIDE PICKUP SERVICE FOR MEDICAL MARIJUANA DISPENSARIES AND RETAIL MARIJUANA STORES; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

(9:36:29) – Mayor Bagwell introduced the item. Planning Manager Heather Ferris explained that no changes had been made to the bill since its first reading. Mayor Bagwell entertained Board and/or public comments.

(9:37:15) – Mr. French had been under the impression that curbside marijuana pickup had been in place during the COVID-19 emergency lockdown and was under the impression that it would not become “a permanent situation.”

(9:37:53) – Will Adler of Silver State Government Relations introduced himself as a representative of GTI. He provided background on curbside pickup and outlined the secure delivery process, adding that it was being used by 20 percent of customers, most of whom were seniors.

(9:40:10) – Guy Farmer introduced himself as a Carson City resident and voter since 1962 and explained that he was speaking for himself and for former Carson City Supervisor Shelly Aldean. He applauded the efforts made by the Mayor, the Board, and civic organizations for addressing the homelessness issue, noting that the Mayor

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had indicated two root causes for homelessness were drugs and alcohol. Mr. Farmer cited the Drug Enforcement Administration (DEA) which had classified marijuana “as a Schedule 1 dangerous drug” as it damaged the developing brains of young people. Mr. Farmer inquired why Mayor Bagwell, Supervisor Jones, and Supervisor White had voted to overrule a decision made by the Planning Commission. There were no additional comments; therefore, Mayor Bagwell entertained additional comments or a motion.

(9:44:25) – Supervisor Jones moved to adopt, on second reading, Bill No. 117, Ordinance No. 2022-18. Supervisor White seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Jones
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

16.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM QUALCAN, LLC (“APPLICANT”) TO ADOPT, ON SECOND READING, BILL NO. 118, AN ORDINANCE REVISING PROVISIONS TO INCREASE THE NUMBER OF AUTHORIZED MARIJUANA RETAIL STORES; REVISING PROVISIONS GOVERNING CO-LOCATION REQUIREMENTS FOR MARIJUANA RETAIL STORES AND MEDICAL MARIJUANA DISPENSARIES; REVISING PROVISIONS TO REMOVE PROHIBITIONS AGAINST DRIVE-THROUGH SERVICES FOR MARIJUANA RETAIL STORES AND MEDICAL MARIJUANA DISPENSARIES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

(9:45:06) – Mayor Bagwell introduced the item. Ms. Ferris confirmed that there had been no changes to the bill since the first reading and clarified that the introduced ordinance would increase the number of authorized retail marijuana stores to four. Mayor Bagwell entertained Board and/or public comments.

(9:45:57) – Mr. French stated that in 2016 Carson City had voted against marijuana dispensaries; however, he called the Board’s later decision to allow the two dispensaries “a very unfortunate step.” He believed that the Board hears the public; however, he also believed that “what happened in that polling box mattered.” He indicated that the people’s decision had to be taken into consideration.

(9:49:47) – Mr. Adler referenced written public comments submitted by GTI (and incorporated into the record) and noted that they held the third license issued by the State and had planned to utilize that. He addressed the zoning decisions for dispensaries, noting that availability was “extremely limited” as most properties for lease were outside the zoning areas. He recommended that Staff look into other zoning areas to house dispensaries.

(9:53:18) – Jeannie White thanked the members of the Board who had met with her regarding the Ordinance; however, she believed that they had disregarded their and the public’s opinions requesting “not to increase the

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presence of marijuana in our community.” She believed that strangers would violate their privacy and safety due to their proximity to the proposed marijuana dispensary.

(9:54:24) – Tasha Cousti introduced herself as a Carson City resident and believed that “Nevada is moving too fast” when making decisions about marijuana dispensaries. She wished to see decisions driven by supporting data as there were unanswered questions about the legalization of marijuana as a contributor to increased drug use in schools and in the homeless population, adding that the THC studies were in their infancy and did not provide appropriate testing by law enforcement. Ms. Cousti was concerned about the use of marijuana in a vehicle, purchased at a drive-through, with the possibility of children being present. She was also opposed to the restaurant co-locating with the dispensary.

(9:57:17) – Sarah Adler introduced herself as a volunteer advocate on behalf of Jeannie White and Bruce Sanders, 30-year residents adjacent to the proposed dispensary location. She also thanked Supervisors Schuette and Giomi for voting against the proposal. Ms. Adler noted that the applicant’s attorney had indicated that “the drive-through language has come out;” however, it was still part of the proposed ordinance, calling it a lack of “confidence in the City’s overall capacity to manage additional marijuana establishments in a safe manner. She cited studies regarding the harmful result on children from in-utero use of marijuana which she believed would occur because of the restaurant’s co-location with the dispensary.

(10:00:38) – Joy Trushenski introduced herself as a Carson City resident and expressed her opposition to marijuana stores in the City. She stated that marijuana was a dangerous drug, and the added dispensaries would lead to more users. Ms. Trushenski believed that the citizens should vote on the item and hoped that the Board would vote against the expansion. She cited past personal knowledge of working with inmates who had used hard drugs after marijuana use.

(10:03:18) – Paul McGrath referenced a pamphlet he had distributed titled “Cannabis in Nevada” which is incorporated into the record. He believed that “some enterprising supervisors” had chosen to bring the marijuana industry to Carson City. Mr. McGrath noted that despite the opposition to the bill during the first reading, the Board was planning to pass it. He believed that the market had been saturated because of the black market, the delivery services, and the upcoming shop with a drive-through window. He suggested that the Board review all the issues created with cannabis.

(10:06:39) – Betsy Strasbourg recommended changing the term “marijuana establishments” to a “more focused” term such as dispensaries. She also suggested that the Board listen to the public sentiment. She believed that the THC levels in medical marijuana gummies were much lower than the high levels in recreational products. Ms. Strasbourg was also opposed to the drive-through option.

(10:08:34) – Richard Nagel introduced himself and agreed that the term establishment was inappropriate because it may signify other uses in the long run such as “a hookah lounge.” Mr. Nagel believed that by changing the regulations the Board was “endorsing the use of marijuana.” There were no additional public comments. Mayor Bagwell entertained Board comments to the applicant.

(10:09:48) – Supervisor Giomi received confirmation from Ms. Ferris that the way the ordinance was written, the medical dispensaries could be co-located with the recreational shops, providing Carson City with a maximum of

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four dispensaries – not six. He also noted that he still opposed the additional dispensaries, especially with one of them planning to co-locate with a restaurant and urged Staff “to look strongly at Title 18 and the controls we have in place to regulate this.” Supervisor Giomi expressed concern that the proposed dispensary would be located so close to a residence and urged Staff “to consider the rules that were established in 2017 and see if they’re all still applicable.” Supervisor White did not believe that eliminating the drive-through would improve safety, adding that it would not cause shoppers to shop more or less. He was also concerned that there were no liable field sobriety tests for recreational marijuana. Supervisor White wondered whether it was “appropriate for the government to manipulate the market,” and cited statistics from the Carson City Sheriff’s Office that recreational marijuana had “not caused marked problems in this town.” Supervisor Jones believed that “the kids” were buying their drugs from illegal sources and not dispensaries. He also stated that he had learned from the Sheriff’s Office and the District Attorney’s Office that they had not spent additional time on marijuana issues.

(10:20:52) – Mayor Bagwell noted that she was also worried about the youth; however, she believed that they did not purchase marijuana from dispensaries. She also believed that dispensaries were regulated like alcohol and gaming. Mayor Bagwell referenced an article provided by Mr. McGrath as part of public comment and wished to utilize the opioid settlement dollars to help mitigate youth drug use. She also acknowledged reading all the public comments and hearing from residents who are for or against the proposed ordinance in addition to the 19 public comments heard during this meeting. The Mayor clarified that she, along with former Supervisor John McKenna, had voted against the original proposal and had honored the public vote. She also stated that the co-location with a restaurant was not being discussed at this time. She also entertained a motion.

(10:27:24) – Supervisor Jones moved to adopt, on second reading, Bill No. 118, Ordinance No. 2022-19. Supervisor White seconded the motion.

Supervisor Schuette explained that she would vote against the ordinance as she did not see a compelling need to revise the existing ordinance.

RESULT:	APPROVED (3-2-0)
MOVER:	Supervisor Jones
SECONDER:	Supervisor White
AYES:	Supervisors Jones, White, and Mayor Bagwell
NAYS:	Supervisor Giomi and Supervisor Schuette
ABSTENTIONS:	None
ABSENT:	None

(10:28:40) – Mayor Bagwell recessed the meeting.

(10:38:41) – Mayor Bagwell reconvened the meeting. A quorum was still present.

17. PARKS AND RECREATION

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17.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED CARSON CITY PUBLIC ART POLICY (“POLICY”) TO ESTABLISH PROCEDURES FOR THE ACQUISITION, MAINTENANCE AND DISPLAY OF PUBLIC ART.

(10:38:45) – Mayor Bagwell introduced the meeting. Ms. Paulson referenced the late material, incorporated into the record, and highlighted the redlined changes some of which were a compilation of the feedback received from the Board. She also responded to clarifying questions. Supervisor White believed that the last paragraph of Section 1.0 *The Carson City Public Art Policy is considered to be a dynamic document that is often modified and adapted in conjunction with Carson City, its policies and its citizens* should be modified to reflect a more static and less dynamic policy. Supervisor Giomi suggested an addition that would require the approval of policy changes by the Board. Supervisor White wished to make the following change: *The CCCC will oversee the work of the Public Art Panels and make recommendations to the City Manager ~~or~~ and the Board of Supervisors regarding acquisition or deaccessioning of artwork.* Supervisor Giomi recommended the following change to Section 6.1.d: *The Board, upon recommendation of the CCCC, shall approve all new public art projects and agreements over ~~\$49,999~~ \$9,999 with artists and other appropriate contractors in obtaining, commissioning, and maintaining artworks on City property or within City right-of-way at least initially.* Supervisor Schuette recommended that the above change reflect only the artist’s fee.

(10:51:40) – Supervisor White suggested changing *Carson City’s Redevelopment ~~District Arts and Culture Grants~~ to Carson City’s Redevelopment Authority Grants.* He also recommended the following change to Section 6.3.a: *Acquisition Criteria – The following criteria shall be used when considering acquisition of artwork by purchase, commission or donation, and additional criteria may be established at the discretion of the ~~Parks, Recreation and Open Space Department~~ City Manager to meet the needs of individual projects.* He also suggested the following change to Section 6.6: *Below is the recommended selection process. At the discretion of the ~~Recreation Supervisor~~ 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~~ City Manager 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.* Discussion ensued regarding Section 6.6.a.iv and the Board agreed to keep the section as is.

(11:01:15) – Based on the changes proposed in Section 6.6, Section 6.7 will now read: *These unique opportunities will follow the above process as much as possible, at the discretion of the ~~Recreation Supervisor~~ City Manager.* Ms. Paulson noted that based on the discussion in Section 6.1.d, the \$49,999 reference throughout the document will be replaced with \$9,999. There were no additional comments from the Board; therefore, Mayor Bagwell entertained public comments; however, none were forthcoming.

(11:04:06) – Supervisor Giomi noted that donations were accepted by the City in general and did not believe that the Board should review them, as outlined in Section 6.2.e. Mayor Bagwell clarified that artworks had “strings attached” and that was the reason for the approval. Supervisor White noted that he would send additional definition comments to Staff for incorporation. Supervisor Giomi suggested adding to the earlier discussion of Section 1.0 that changes of the policy must be approved by the Board at minimum, within two years. Parks, Recreation, and Open Space Director Jennifer Budge likened this policy to the City’s fee policy. It was agreed to have Section 1.0 read as follows: *The Carson City Public Art Policy is considered to be a dynamic document that is often modified and adapted in conjunction with Carson City, its policies and its citizens and is required to*

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be reviewed by the Board of Supervisors at least every two years. Ms. Budge noted that adhering to the Americans with Disabilities Act regulations would also be incorporated in the documents. Supervisor Giomi thanked the Parks, Recreation, and Open Space Staff, the Carson City Culture and Tourism Authority, Arts & Culture Program Manager Debra Soule, and the Cultural Commission for completing this Policy which had been in the works for many years. There were no additional comments; therefore, Mayor Bagwell entertained a motion.

(11:12:26) – Supervisor White moved to approve the Carson City Public Arts Policy with the modifications as discussed in this meeting. Supervisor Jones seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor White
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

17.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED MEMORIALS POLICY (“POLICY”) TO ESTABLISH POLICIES AND GUIDELINES RELATED TO MEMORIALS WITHIN CARSON CITY PARKS, TRAILS, AND OPEN SPACE.

(11:13:06) – Mayor Bagwell introduced the item and read into the record a prepared disclosure statement, advised of no disqualifying conflict of interest, and stated that she would participate in discussion and action. Ms. Budge reviewed the revision to the proposed City’s Memorial Policy, which is incorporated into the record, and responded to clarifying questions. Supervisor White recommended the following change to Section 1.1 of the Policy: *This policy is needed to ensure sustainable management of site-appropriate amenities while being respectful of our ~~citizens~~ residents.* Open Space Manager Lyndsey Boyer suggested adding to Section 4.2.4: *will require adherence to Carson City’s Public Art Policy* in case of unique memorials, which would be reflected accordingly in the application form as well. She also recommended the following change to Section 5.1: *Department staff will review and determine the appropriateness of the proposal as measured by the criteria as outlined in this policy unless otherwise exempted.* *Department staff will notify the donor, in writing, within 30 calendar days of the review decision and identify any final conditions of approval.* Ms. Boyer clarified for Supervisor White that the *storage* noted in Section 4.4.2 referred to the Parks Administration Office. Mayor Bagwell entertained public comments, and when none were forthcoming, a motion.

(11:19:09) – Supervisor Giomi moved to approve the Policy as amended, with the changes read into the record. Supervisor White seconded the motion.

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RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

18. BOARD OF SUPERVISORS

NON-ACTION ITEMS:

FUTURE AGENDA ITEMS
STATUS REVIEW OF PROJECTS
INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS
CORRESPONDENCE TO THE BOARD OF SUPERVISORS
STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD
STAFF COMMENTS AND STATUS REPORT

(11:19:38) – Mayor Bagwell entertained Board and Staff comments. Supervisor Giomi updated the Board on the Culture and Tourism Authority (CTA) meeting noting that an audio link is now available for the Kit Carson Trail on the Visit Carson City website and has received almost 800 virtual visitors since its mid-June launch. He also announced the availability of a unique press kit and a promotional marketing activity at a concert in Lake Tahoe. Supervisor Giomi highlighted the upcoming Drink, Dine, and Dip Triathlon CTA event in early summer. Supervisor Schuette thanked Ms. Soule for providing her the opportunity to briefly tour the art at Burning Man. She also praised the Public Works Staff for all the Carson Area Metropolitan Planning Organization and the Regional Transportation Commission projects they have managed with many grants and for making sure “the money goes as far as possible.” Mayor Bagwell noted that only 17 percent of local funds were used while leveraging grants for the balance.

(11:25:21) – Supervisor Jones announced the hiring of a new director for the Carson City Children’s Museum and noted that much support was needed at this time. He also stated the Mark Twain mural committee of which he is a member had made progress and had secured a wall.

CLOSED NON-MEETING TO CONFER WITH MANAGEMENT REPRESENTATIVES AND COUNSEL

This item did not take place.

19. PUBLIC COMMENT

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(11:25:54) – Mayor Bagwell entertained final public comments. Ms. Trushenski objected to the building of a \$1 million homeless shelter in Carson City. She believed that although the American Rescue Plan Act (ARPA) funds were being used for the project, it would require additional taxpayer dollars for maintenance. Ms. Trushenski thought that Carson City would attract more homeless individuals, likening it to Seattle and San Francisco the problems of which continued to grow. She believed that handouts would encourage addicts to rely on the services which are now provided by many local organizations. Ms. Trushenski wished to put the subject to a vote during an election.

(11:29:01) – Ms. Strasbourg referenced the action taken on item 15.A calling it “an open-ended perpetual obligation funded by the Indigent Accident Fund and the ARPA funds for \$1 million.” She believed that ARPA funds were to be used for a public emergency that had since been lifted by the Governor. She thought the services were pricey, not priceless as indicated in the agenda documents. Ms. Strasbourg believed that many residents in Carson City were earning much less than \$45,000 and “would love to be part of your homeless population so they can get the benefits of [a] homeless shelter as well as the Cadillac care.” She called the project costly and cited the spending by the City of Reno on their homeless population.

(11:32:15) – Mr. Nagel called the Carson City Housing plan (item 15.A) “a big can of worms.” He believed that the program did not require mandatory sobriety which is required by local agencies such as Friends in Service Helping (FISH) which is why they would not “touch it.” Mr. Nagle believed there should be an end to the benefits to make the program “useful” and recommended involving local non-profits.

(11:34:50) – Mr. Adler inquired about the process to make the zoning changes he had recommended earlier in his public comment. He wished to understand whether the Board would request those changes or whether his clients should request them.

(11:36:00) – Mr. French stated that the Board had let him and the community down. He believed his vote did not count in the ballot box. He thought that the effects of marijuana use were still unknown. He also noted that the Board was “here based on a vote.”

(11:39:09) – Heather Coe complimented Douglas and Lyon Counties for caring about their residents and not allowing “a homeless pod shelter project” in their counties. She believed that the \$1.1 million project would be better handled by the local non-profits and thought it would destroy Carson City by bringing in additional crime.

(11:41:50) – Karen Stephens introduced herself as a 28-year Carson City resident and cited her opposition to the “homeless pods.” She also believed that more than 17 people were opposed to the “homeless shelter” at the last meeting, adding that there were 60+ public comments that were submitted. Ms. Stephens stated, “we are not listened to and we’re not going to sit by and let you people ruin our City.”

20. FOR POSSIBLE ACTION: TO ADJOURN

(11:43:50) – Mayor Bagwell adjourned the meeting at 11:43 a.m.

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DRAFT

The Minutes of September 15, 2022 Carson City Board of Supervisors meeting are so approved on this 20th day of October 2022.

LORI BAGWELL, Mayor

ATTEST:

AUBREY ROWLATT, Clerk-Recorder

Attachments: written public comments

POLICY AND PROCEDURE

Subject: Carson City Public Art Policy		Index:	
		Number:	
Effective Date:	Supersedes:	Pages: 20	Approved by:

1.0 PURPOSE:

The purpose of this policy is to establish procedures for the acquisition and maintenance 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 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”), that is often modified and adapted in conjunction with Carson City, its policies and its citizens.

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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 ~~Carson City Board of Supervisors (“Board”)~~ on July 8, 2008, and the Carson City Arts and Culture Strategic Plan (as adopted by the City on April 7, 2022).

4.0 POLICY:

4.1 This policy applies to all ~~publicworks of art that is~~are commissioned or acquired, ~~including both temporary and permanent works,~~ and meets all of the following criteria:

- 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.

4.2 This policy does not ~~apply~~extend to:

- a. Artworks on display within 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. Temporary exhibitions of artworks (such as gallery displays, booth displays at art festivals, individual artworks, or museum exhibits) displayed on City-owned or managed property where the owner of such artwork ~~has or intends to:~~ retains ownership of the work; assumes all responsibility associated with that display; ~~and removes it after an agreed upon duration, which shall not exceed two years.~~

~~One-time, temporary exhibitions require an agreement which shall be obtained through the Parks, Recreation and Open Space Department, Recreation Supervisor Arts & Culture ("Recreation Supervisor"). These agreements will be vetted through an internal technical review process with City staff.~~

- ~~e. Ongoing programming and exhibitions in City-owned cultural venues are at the discretion of the appropriate City Department.~~

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 removal from 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 **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, coordination and partnership 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.-
- 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 \$49,999 with artists and other appropriate contractors in obtaining, commissioning, and maintaining artworks on City property or within City right-of-way.

6.2 Funding for Acquisitions

- a. Redevelopment Grants – Carson City's Redevelopment ~~Authority~~ ~~District Arts and Culture~~ 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.
- 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.
- c. City Departments – A City department, 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 an art project. Departments seeking the development and display of public art for its grounds, 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.
- d. Grants – 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 \$49,999 must be approved by the Board of Supervisors.

- e. Cash Contributions – 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 ~~annually as part of the budget~~. If the donation is greater than \$49,999, 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.
- f. Non-Cash Contributions – Non-cash contributions include, but are not limited to, donated items and services from partner organizations such as salaries and wages, facilities, food and drink, receptions, prizes, printing and supplies, parking and artwork.
- 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.

6.3 Procedures for Acquisition of Public Artwork

- a. Acquisition Criteria – The following criteria shall be used when considering acquisition of artwork by purchase, commission or donation, and additional criteria may be established at the discretion of the City Manager ~~Parks, Recreation and Open Space Department~~ to meet the needs of individual projects.
 - 1. Artistic Merit of the Proposed Project – Proposal achieves quality and value based on creativity, ingenuity, or talent.
 - 2. Context – The compatibility of the artwork 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.
 - 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.

4. 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 anticipated lifespan of the project and/or its host site.
6. Uniqueness – 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.

6.4 Selection Process

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

6.5 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~~Recreation Supervisor~~, 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 ~~Process~~ 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~~~~acquisition process~~ and determine if all aspects of this policy were appropriately executed. The CCCC may 1) approve the ~~finalist~~~~acquisition process~~ 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 approval of the acquisition process~~, the CCCC shall review the

~~finalist and~~ 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 ~~Recreation Supervisor~~ 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 \$49,999 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 the Recreation 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.

6.11 Procedures for Deaccession or Relocation of Public Artwork

- a. Grounds for deaccessioning – The City may consider deaccessioning of artwork 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.
 - 3. Significant changes in use, character, or design of the site have occurred, which affect the integrity of the work:
 - 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.
 - 4. Safety – the artwork endangers public safety in its current location.
 - 5. Security – the condition and security of the artwork cannot be reasonably guaranteed.
 - 6. Theft – a piece was stolen from its location and cannot be retrieved.
 - 7. Provenance – at the time of accessioning, complete information on the

provenance of the public art was not available and additional information has since become available indicating that the public art should not be part of the City's public art collection.

- 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 agendaized 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 can be 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.

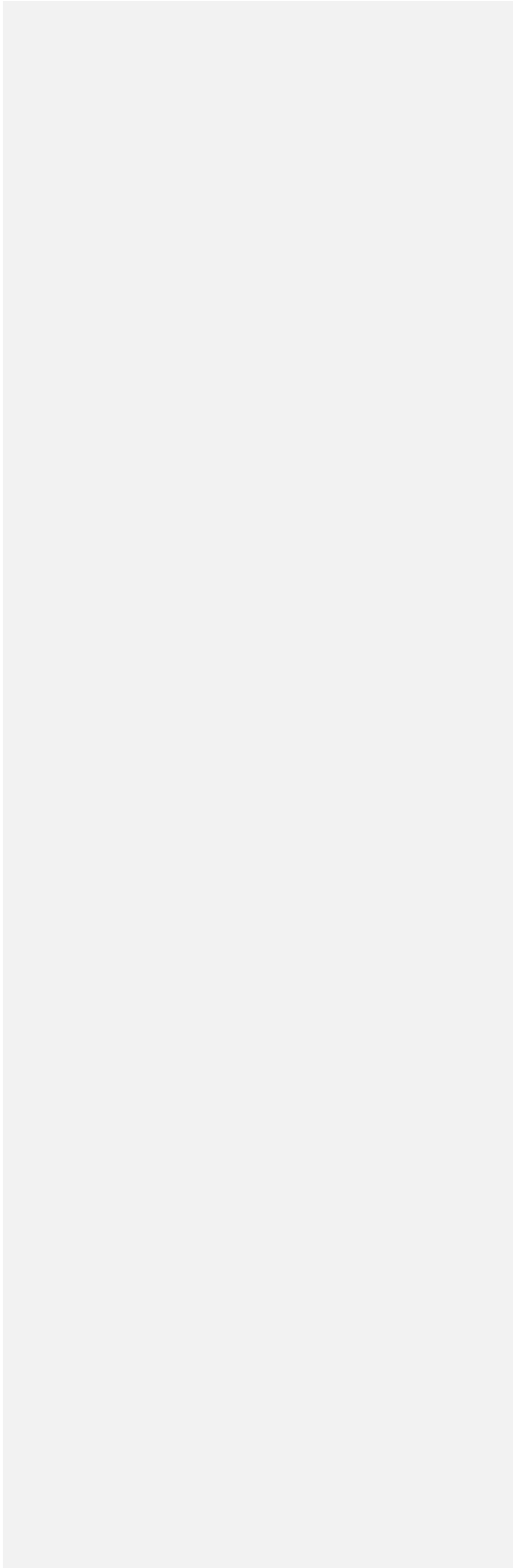
The ownership of title to the physical artwork is retained by the City. The artist(s) and the City must each agree in writing regarding the right to reproduce the artwork in any and all forms. There are several ways this can be approached:

- a. An artist(s) could sell the City reproduction rights for a price as part of the artwork commissioning contract, or they could license¹ 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.

¹ 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.

DRAFT

APPENDIX A
PUBLIC ART DONATION FORM (TBD)



DRAFT

APPENDIX B
PUBLIC ART PROPOSAL FORM (TBD)

