

Clark County, Nevada County Arts Plan 2013



Shan Michael Evans, Zap box (2005)

BCC AGENDA ITEM

DECEMBER 4, 2012

Item# 49 - Approve and adopt the County Arts Plan pursuant to Section 2.90.40 of the Clark County Code. When approved, the apportionment of moneys to the County Arts Fund shall begin on January 1, 2013. (For possible action)

ATTACHMENT: [Clark County Agenda Item Template.doc](#)

ATTACHMENT: [ArtsFundBCC#71Jul17-12.pdf](#)

ATTACHMENT: [ArtsFundOrd Jul17-12.rtf](#)

ATTACHMENT: [PublicArtPlan - latest with photos 112112.pdf](#)

ACTION: APPROVED/ADOPTED WITH A ONE-YEAR REVIEW (JANUARY 1, 2014)-STAFF DIRECTED TO COME BACK WITH A COLLABORATIVE MODEL IN MAY 2013; LOCAL ARTISTS ARE TO BE UTILITIZED; & CLARIFICATION MADE THAT ROLLOVER FUND WILL BE \$1.25 MILLION MAXIMUM AS RECOMMENDED

AUGUST 6, 2013

Item#17 - Ratify the Director's appointment of seven (7) qualified members to the Art Committee as required in the current County Art Plan. (For possible action)

ACTION: APPROVED AS RECOMMENDED

ATTACHMENT: [Clark County Agenda Item Template.doc](#)

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Ozzy Vitale, Zap box (2008)



Erin Stelton, Zap boxes (2005)

Definitions

“County Arts Fund” or “Fund” means the fund created in Section 2.90.030 of Title 2 of the Clark County Code. “County Arts Plan” or “Plan” means the plan to be approved pursuant to Section 2.90.040. “Percent for the Arts Program” means the program established in Section 2.90.020.

“Works of art” means: (A) two- or three-dimensional art that may be integrated into the structure of a public works project, building, landscape, other fixture or element, in any material or media or combination thereof; (B) two- or three-dimensional art of any material or media or combination thereof; (C) enhancements to public works projects, buildings, landscapes or any standardized fixtures and elements that are designed by an artist or by a design team that includes an artist member; (D) ZAP art projects; and (E) new genres, including video, electronic and digital art, holography, video and additional technologically based forms as they evolve.

For the purposes of this plan, the term “works of art” does not mean: (A) commercially mass-produced objects of standard designs, except where these elements are integral parts of an original artwork; (B) reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts; (C) directional elements such as super graphics, signage or color coding, except where these elements are integral parts of an artwork; (D) decorative, ornamental or functional elements which are not designed by an artist; or (E) landscape architecture and landscape gardening, except where these elements are designed by an artist or are an integral part of an artwork, or are both designed by an artist and an integral part of an artwork.



Mario Lorne Smith, Jr., Zap box (2010)

Vision/Mission

Public art makes a metropolis a community, civilizes, and creates identity. The vision for this plan includes an enriched Clark County with engaging public spaces in which citizens and visitors encounter art that will surprise, delight, and complement the County's commitment to excellence in urban design. This vision represents a County whose art celebrates its diversity and history and points to an even richer future in which creativity is treasured in the urban landscape.



Dayo Adelajia, Adolfo Gonzalez, Sylvester Collier, Denise Duarte and Vicki Richardson, "Reach" (2009)

Introduction

Clark County has encouraged public art projects in the community from the inception of the Cultural Division of the Department of Parks and Recreation in 1991. Since that time, more than 15 public art projects have been completed; however, there has been no formal plan to address specific funding or advance planning. In July of 2012, the Clark County Board of Commissioners adopted an ordinance to establish a Percent for the Arts Program and a County Arts Fund to expand public art opportunities throughout Clark County.

The goal of the Public Arts Plan is to develop public art guidelines that will clarify funding availability, identify requirements and procedures, and provide guidance to County departments and the Commission. The Plan provides criteria for site selection, guidelines for appropriate art and procedures for review and selection of art and will be brought before the Board of County Commissioners in May of each year for approval.



(2010)
Kevin Berry, Barbara Grygulis and Buster Simpson, shade shelter, Sloan Trailhead, Flamingo Arroyo Trail

Responsibilities of County Components

Board of County Commissioners

The Board of County Commissioners (BCC) created the Per Cent for the Arts ordinance and the County Arts Fund to establish a public art program. The Parks and Recreation Department will provide the BCC a County Arts Plan each May, outlining progress and plans for public art. The BCC approves projects and major expenditures of Fund monies.

Real Property Management and Public Works

These offices shall provide recommendations for the inclusion of appropriate public art in any proposed Capital Improvement Program projects as the projects are being scoped and funding is allocated and will work with the Department of Parks and Recreation to integrate artists into the construction schedules and processes. The directors will meet quarterly with the director of Parks and Recreation to give updates on construction plans and projects.

Art Committee

The Art Committee will consist of seven (7) artists, art professionals and other County residents with art expertise. The committee will evaluate proposed and existing County development projects, select sites for which art will be commissioned, and recommend approaches and budgets for commissioning artworks for each site. Of the seven members, one shall be a faculty member of the UNLV Art Department, one a faculty member of the Art & Art History Program of the Department of Fine Arts at CSN, one a professional architect or landscape architect, one an independent professional artist, and one a staff member of the City of Las Vegas Office of Cultural Affairs, if such individuals are available to serve. Members shall be chosen by the Department of Parks and Recreation and the selections ratified by the BCC.

Parks and Recreation Department (CCPR)

CCPR will manage the public art program, issuing calls for artists, assisting with the installation process, maintaining artworks, and educating the community in public art. The Department will work closely with the Art Committee in selecting projects and developing scopes, budgets and timelines for each project according to the County Arts Plan. It will manage County appropriations for public art projects, closely monitor Arts Fund expenditures and report those regularly to the BCC. It will facilitate public meetings related to public art projects. It will bring the annual Arts Plan to the BCC in May of each year for approval. It will coordinate the roles and responsibilities of the artist, architect, general contractor and other professionals involved in each project from inception to installation. CCPR will administer the artist selection process, including the formation and meeting of juries and the acquisition and installation of artworks. It will catalog and track artworks for purposes of maintenance. It will oversee maintenance. It will develop public art education programs. It will thoroughly document, through photography, video and other means, all the projects of the Arts Fund. It will publicize the program through such opportunities as the on line Public Art Archive and the County's own web site.

Purchasing Department

In projects with larger scopes, Purchasing will be responsible for contract development and any RFQ or RFP processes.

Audit Department

Each year the Audit Department shall audit the budget of the Public Art Fund and report its findings to the BCC.



Clark County Department of Parks and Recreation

December 2012

Catherine Borg, "On Location," Stop and Glow bus stop, with location shots from the filming of "Diamonds Are Forever" (2007)



Process Snapshot

- Sites for commissioned artworks shall be chosen by the Art Committee, which shall also establish project budgets and general scopes of work.
- For each designated site the Department of Parks and Recreation shall establish an artist selection jury, consisting of artists, arts professionals, and residents and/or business owners of the area in which the work will be sited.
- Parks and Recreation shall work with the Purchasing Department to issue a call for artists, which may take the form of a Request for Qualifications (RFQ) or Request for Proposals (RFP).
- The project jury shall select an artist or artists to be commissioned. The process may consist of two steps, with three artists chosen from an initial pool and paid honoraria to create specific proposals, from which the jury would choose a proposal to be commissioned.



Jorge Catoni and K.D. Matheson, bus wrap (2006)

Site Selection

Procedures under this program shall include site-specific commissions (open call or invitational), acquisition of already completed works, rental or loan, gifts, and public/private partnerships. Under this program, art may be commissioned for new or existing County-owned parks, trails and natural areas, freeways, roads and bridges, sidewalks, plazas, gathering spots and buildings such as recreation centers and office buildings as well as street side utility boxes with the permission of the owners. As McCarran Airport has its own public art program, this program shall not extend to the airport.

In collaboration with Parks and Recreation staff, the Art Committee will evaluate and choose sites by the following criteria:

- **Visibility and public access:** Commissioned art shall be placed where it may be appreciated by a large number of people.
- **Public Safety:** Sites will be evaluated for safety issues in connection with possible art placement, and all works of art shall be evaluated to ensure that they comply with all permitting requirements.
- **Cultural Significance:** A site may be chosen because of its historic role in the community and/or its significance to a particular group or neighborhood in the County.
- **Function and uses of the site:** Potential art must not conflict with the functions of the site at which it is placed.
- **Future development plans:** Art must not be placed to conflict with possible future development.
- **Permanence:** Proposed permanent works shall be evaluated for resistance to theft, vandalism, weathering and excessive maintenance and repair costs. Temporary works, designed for a set period, may also be commissioned.
- **Media:** All media may be considered for a project. Works may be portable, permanently affixed or incorporated into the design and or function of a public space or building. These details will often be determined in advance and included in the call for artists; in other cases artists may be asked to propose media and applications.



Miguel Rodriguez, California King Snake, Woodhouse's Toad and Beaver.

Artist Selection for Site-Specific Commissions

Once the Art Committee has chosen a site and set a budget for a project, the Parks and Recreation Department will assemble a jury, consisting of artists, arts professionals, and interested citizens who reside or do business in the neighborhood of the site. The Department will work with the Purchasing Department to issue a call for artists. The call will be issued in a news release sent to media, will be announced on the County, social media pages and other informational outlets, and will be e-mailed to the Department's list of visual artists and arts organizations.

Selection panels (juries) for specific projects will be established by the Department to assist in selecting qualified artists. The number and composition of the jury will depend upon the size, location and complexity of each project, but will normally consist of five to eleven individuals, including the project architect for new construction projects, community members, artists and visual arts professionals.

For projects in which the art budget, including artist fees and materials, is \$50,000 or less, the jury may choose artists from those who apply. For projects with a larger budget, the jury will choose three finalists. The finalists will be paid honoraria to design the artwork they would create and provide drawings and possibly a maquette. The jury will then choose an artist from the three finalists.

Some projects may follow a different process, in which the art committee approves a list of artists from which list artists may be assigned to a given site.

The processes for temporary public art projects may follow various models.

In special circumstances the County may accept unsolicited proposals, particularly donations, but those proposals will be evaluated primarily on the basis of artistic merit; in the case of proposed works, on the reputation of the artist, or with completed works, the artist's reputation and the quality of the work itself.



Intellectual Property

Clark County recognizes the importance to artists and owners of artwork of intellectual property rights and wants to preserve those rights for artists to the extent practicable.

- **Copyright:** The artist will retain all rights under the Copyright Act of 1976 (17 USC Section 101) as the sole author of a work purchased or commissioned by Clark County for the duration of the copyright. The duration of the copyright in the United States is currently the life of the author plus seventy (70) years. Title to the artwork passes to the County upon its written acceptance of and payment for the work; copyright belongs to and remains with the artist.
- Although the County may “own” a work of art, the artist who created the work owns the copyright to the work of art, including all ways in which the work is represented, other than in situ. Artists may wish to register their copyright with the Federal government. The county will not request that artists waive or share any of their legal copyright privileges as defined and awarded by the Federal government.
- **Visual Artists Rights Act of 1990 (VARA):** In cases where the art is integrated (building, landscape, infrastructure, etc.), Clark County may ask the artist to waive VARA rights.
- **Rights to Reproduce the Work:** The artist and County must each agree to the right to reproduce the artwork in any and all forms. Typically, artists grant the County license to make two-dimensional reproductions of the work for non-commercial and educational purposes. The County in turn agrees to include a credit to the artist and a notice of copyright on all such reproductions.



Marty Walsh, Zap box (2005)

Program Administration

To administer the Arts Fund a full-time Cultural Specialist position (approximate salary \$40,000) will be created in the Parks and Recreation Department to administer the artist selection process and the acquisition, sitting and installation of artworks, working closely with the Art Committee; to catalog and track artworks for purposes of maintenance; to oversee maintenance; to develop public art education programs; to thoroughly document, through photography, video and other means, all the projects of the Arts Fund; to publicize the program through such opportunities as the on line Public Art Archive, to track all expenditures of the Arts Fund; and to report regularly on expenditures to the Board of County Commissioners.

Funding

Public Art will be funded by allocating five percent from the room tax collection commission (RTCC) received annually into the County General Fund plus five percent of the County's share of the Special Ad Valorem Capital. The total allocation of Room Tax Commissions and the Capital Special Ad Valorem revenue shall not exceed 1.25 million dollars annually.

FY 2013

The Arts Fund is expected to collect at least \$600,000 in the first full year of the Percent for the Arts program, FY2014, the total of five percent of the room tax collection commission (RTCC) plus five percent of the County's share of the Special Ad Valorem Capital Projects Tax.

In the last six months of FY2013, the County will plan and begin executing new Zap projects in different County areas, possibly with the assistance of the Metro Arts Council of Las Vegas, which undertook the most recent Zap project. Artists will again paint street side utility boxes. The County will perform much-needed maintenance work on existing projects, such as the earliest Zap boxes and the animal sculptures at the entrance to Wetlands Park. It will begin planning and site selection for larger public art projects. In addition \$13,600 will be used in support of high school students creating public art with the assistance of professional artists. This program will help continue the Summer Business Institute art team, which hires high school students for eight weeks to create public art projects. CCP&R will form at least one other group of high school age students to work similarly. The money will be spent on supplies and to hire artists part time to work with students.

The 2013 budget identifies funding to repair and restore existing public art. \$23,000 will be spent to repair and restore the artwork in the four completed Zap public art projects of which the greatest cost will be to replace the sacrificial coating of the 2005 project with permanent coating. An additional \$2,000 will be spent to hire artist Miguel Rodriguez to restore three large animal sculptures he created in 2007 at Clark County Wetlands Park. The sculptures have been scratched by visitors and impacted by weather. The artist will bring the sculptures back to their new appearance and coat them for greater durability.

FY 2013 Budget

Projected Revenue	\$300,000
Projected Expenses	
Salaries & Benefits	
Cultural Program Specialist	\$ 19,157
Benefits	<u>13,191</u>
Sub-total:	\$ 33,348
Projects	
Zap project	37,500
Public Art Education	13,600
Maintenance	<u>25,000</u>
Sub-total:	\$ 76,100
Total:	\$108,448
Balance:	\$191,552



FY 2014

In FY2014, the County will plan and begin executing a new Zap project in each County Commission district, again possibly with the assistance of the Metro Arts Council of Las Vegas. The County will continue maintenance work on existing projects. It will create two larger public art projects at approximately \$150,000 each. \$20,000 will be used in support of high school students creating public art with the assistance of professional artists. This program will help continue the Summer Business Institute art team, which hires high school students for eight weeks to create public art projects. CCP&R will maintain at least one other group of high school age students to work similarly. The money will be spent on supplies and to hire artists part time to work with students.

Work will continue to maintain existing artworks, for which \$15,000 is budgeted.

Projected Revenue	\$650,000
FY 13 Carryover	<u>\$191,552</u>
Sub-total	\$841,552
Projected Expenses	
Salaries & Benefits	
Cultural Program Specialist	\$ 38,314
Benefits	<u>\$ 26,382</u>
Sub-total	\$ 64,696
Projects	
Project A	\$150,000
Project B	\$150,000
Seven Zap projects	
\$375,000	
Public Art Education	\$ 13,600
Maintenance	<u>\$ 15,000</u>
Sub-total:	\$703,600
Total	\$768,296
Balance	\$
73,256	



Zak Ostrowski, Zap box
(2011)

Documentation of Public Art

All public art commissioned under the Art Fund shall be documented in writing, in photographs, and in other media that may seem appropriate. As the purposes of the Percent for Arts Program are to present excellent art to the public and to strengthen the Southern Nevada artist community, documentation through photography and other media will be made available as widely as possible, through the County's websites, through such websites as the Public Art Archive, and in other appropriate media. Over the first few years of the Percent for the Arts Program, CCP&R will develop a self-guided tour of the Clark County Public Art Collection through a printed booklet, a cell phone-based GPS system, or both.

Conservation

The Department of Parks and Recreation shall create an integrated conservation program for the County's art collection that shall include a complete and continuing inventory; annual assessments of the collection condition; treatment proposals and consultation with professional conservators as necessary; restoration of permanent works of art; training of maintenance personnel by conservators and/or program staff; and continuous updating of project records and documentation. When deemed necessary a professional conservator shall be consulted during the development of design documents and prior to fabrication of major artworks.



(2009) Brian Porray, "Everyone's a Scientist," Clark County Centennial Mural

Removal of Public Art

Because the County is responsible for conserving its collection, and because the disposal of artworks may have serious implications, removing a work of art from public view should be a deliberate and seldom-used procedure.

A work of art may be considered for removal from the County's collection for one or more of the following reasons and must receive concurrence from the Art Committee:

- The site has become inappropriate; for example, it is no longer publicly accessible, or the physical setting is to be destroyed.
- The work is fraudulent or not authentic.
- The work possesses faults of design or workmanship.
- The work requires excessive or unreasonable maintenance.
- The work is damaged irreparably, or to an extent where repair is unreasonable or impractical.
- The work represents a physical threat to public safety.
- The artist has requested removal in writing and the request receives the concurrence of the Art Committee.
- The work of art has received documented and consistent adverse public reaction from a measurably large number of individuals and/or organizations over a period of 3 or more years that surpasses the benefit of the art, and the Art Committee agrees that the work should be removed.

In any such cases the artist or her heirs must be notified and allowed to comment when removal is considered. The decision to dispose of a work of art must be ratified by the Director of the CCP&R, and final approval must be given by the BCC.



Miguel Rodriguez, Beaver (2007)