



Arts Commission Minutes

1. Call to Order and Roll Call

Minutes:

CHAIR KLEVEN called the meeting to order at 4:00 p.m.

PRESENT: CHAIR KLEVEN and COMMISSIONERS HACKETT-MORGAN (via teleconference and excused until 4:06 p.m.), PLASTER, CURRAN, SPROTT, HAMPTON (via teleconference), BEDNARCZYK, ROBERTS, WESTFIELD (via teleconference), DOUGLAS, DODSON, and CARLSON

ALSO PRESENT: LAURA MACHADO, REBECCA HOLDEN, and MARY SABO, Visual Arts Specialists II; VAL STEED, Chief Deputy City Attorney; and ASHLEY FOSTER, Deputy City Clerk

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations in accordance with the noticing standards as outlined in NRS 241.020: City Hall, 495 South Main Street, 1st Floor; The City of Las Vegas website – www.lasvegasnevada.gov; and The Nevada Public Notice website – notice.nv.gov.

3. Public Comment: Comment during this portion of the agenda must be limited to matters on the agenda for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

None.

4. For possible action to approve the Final Minutes by reference of the Regular Meeting of the Arts Commission and the Education Subcommittee of the Arts Commission Meeting of October 20, 2022

Motion made by Mickey Sprott to Approve

Passed For: 11; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

For-John Curran, Mickey Sprott, Jennifer Kleven, Ryan Hampton, Heather Bednarczyk, Eric Roberts, Monique Westfield, Fawn Douglas, Michael Dodson, Marni Carlson, Maggie Plaster; Excused-Suzanne Hackett-Morgan;

5. Report by Jennifer Kleven, Arts Commission Chair, regarding a monthly summary of current initiatives, cultural events and opportunities – All Wards

Minutes:

CHAIR KLEVEN reviewed the list of exhibitions and cultural events taking place throughout the city, which included: the Bahamian JUNKANOO Pop-Up Art Exhibit and Reception, Unexpected Portrait Art Exhibit and Reception, Rainbow Company Youth Theatre presents Alice's Adventures in Wonderland, and Tamale and Mariachi Festival. She provided some of the details regarding event/exhibit locations, dates, and artists, noting

additional information can be found at www.artslasvegas.org or by calling 702-229-ARTS.

COMMISSIONER DOUGLAS announced an event taking place at the Left of Center Gallery with ANTHONY JOHNSON on November 18th from 6:00 p.m. to 8:30 p.m. It is located at 2207 West Gowan Road and more information can be found at www.leftofcenterart.org. She also noted a 50th-anniversary celebration will take place at the Las Vegas Indian Center on November 19th from 2:00 p.m. to 7:00 p.m. It is located at 2300 West Bonanza Road.

CHAIR KLEVEN announced an event provided by the Bortolami Gallery, which opens on November 18th from 4:00 p.m. to 8:00 p.m. at the Old Bus Station. She said the event, featuring KOICHI SATO, SUSUMU KAMIJO, and JONAS WOOD, would be open for a couple of months. COMMISSIONER WESTFIELD confirmed with the Chair that the Old Bus Station is next door to the Plaza Hotel at 1 North Main Street.

6. Discussion for possible action regarding Arts Commission review and recommendations for changes to artistic services contracts – All Wards

Minutes:

CHIEF DEPUTY CITY ATTORNEY JOHN RIDILLA introduced DEPUTY CITY ATTORNEY DIMITRI DALACAS and said their two main concerns when procuring art, drafting contracts, and executing contracts were copyright and VARA (Visual Artists Rights Act of 1990). MR. RIDILLA explained that VARA is a federal law that gives artists the attribution and integrity of their artwork, and copyright involves the ownership and ability to reproduce artwork. Acquiring VARA rights is a priority of the City Manager's Office, and that provides flexibility to place and remove the artwork. He noted issues removing buildings from the right-of-way due to the City not owning VARA rights for wall murals. He advised that there is no VARA rights waiver for the Reflections of Energy within City Hall, and they are working with the artist to resolve discoloration issues. MR. RIDILLA reported that the City Manager's and Council Offices want artists to license their art to the City for municipal use, and the City would need written consent from artists for commercial use. Further, artists would retain their art's copyright.

COMMISSIONER SPROTT said that was the standard for government agency contracts, noting the need to move art in the event of an emergency. She opined that it made sense for the City of Reno to retain rights for the BELIEVE sculpture since they made 'Believe' the slogan of their city. She said artists working on the AMP Project expressed concern regarding commercial use language for merchandising, and she felt that was unfair since artists were provided low compensation. The Commissioner believed staff should be involved with contracting to provide industry standards. MR. RIDILLA noted they try to standardize contracts and are consistent with jurisdictions in the region. He said changing individual contracts with different compensation fees would make it more difficult for staff to manage them.

COMMISSIONER WESTFIELD questioned why copyrights are needed if the City is purchasing the artwork. MR. DALACAS explained that VARA is part of the Copyright Act, and acquiring VARA rights allows the City to relocate or modify artwork placed on City property at any time. He opined that management may desire the City to retain certain copyrights, and that would be negotiated with the artist.

CHAIR KLEVEN clarified with MR. DALACAS that this change was in process. MR. DALACAS reported that licensing agreements vary across jurisdictions, and they were looking to create language that best protects the City. He noted older contracts allowed artists to retain the copyright, but they did not cover licensing, and he explained the difference between municipal and commercial uses.

COMMISSIONER WESTFIELD requested highlighted bullet points for important terms on contracts so artists could easily review them prior to submitting their art to the City. COMMISSIONER SPROTT reported that RFQs (Request for Qualifications) at Clark County include the contract so artists can review the language as they apply. MR. RIDILLA advised that a majority of their procurements include the contract, opining that applicants may not prioritize reviewing the contract. He would work with the Purchasing Department to create bullet points that highlight VARA and copyright issues in the foreword language.

COMMISSIONER SPROTT expressed copyright concerns regarding the Windows on First temporary display, and she believed the contract should read like an exhibit rather than a procurement. MR. DALACAS acknowledged that Windows on First is a temporary art installation that would not be procured by the City, and

he said that the agreement states the artist would retain all rights and ownership in the concept design and artwork. He noted the City retains a license to visually reproduce the art through social media and similar purposes.

COMMISSIONER ROBERTS questioned why a contract would say the City may attribute art to the artist and not always provide attribution. MR. DALACAS advised that attribution placards are always provided with artwork at City Hall and other City properties, and using may in contract language allows flexibility to the City. He noted the AMP Project includes artwork on power boxes without attribution placards. He opined that artwork may be altered or damaged when moving to a new location, and retaining VARA rights allows the City to modify the artwork. Further, the artist may not agree with any modifications and request the art no longer be attributed to them.

COMMISSIONER ROBERTS expressed concern that the contract requires artists to indemnify, defend, and hold the City harmless against artwork that is deemed defamatory or obscene. He believed subjective art may be viewed differently over time and those terms were onerous. MR. DALACAS said the purpose of those terms was to ensure artists were not creating intentionally defamatory or reproducing someone else's artwork and infringing on their rights.

COMMISSIONER DOUGLAS expressed concern that artists would lose their art's copyright when signing the contract and that may deter them from applying with the City. MR. DALACAS explained that artists retain all rights until a contract is signed allowing the City to procure the artwork. He reported that the City would own the physical artwork and be granted certain rights for municipal purpose use. The artist would retain the copyright for future licensing. Further, the City would need to negotiate the licensing agreement for any commercial use. COMMISSIONER DOUGLAS suggested creating a workshop next year to teach artists about copyrights and City contracts.

Motion made by NOTE: A motion was not made and no action was taken on this item.

Passed For: 12; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-John Curran, Mickey Sprott, Jennifer Kleven, Ryan Hampton, Suzanne Hackett-Morgan, Heather Bednarczyk, Eric Roberts, Monique Westfield, Fawn Douglas, Michael Dodson, Marni Carlson, Maggie Plaster;

7. Report by Department of Parks, Recreation and Cultural Affairs staff regarding a monthly summary of current initiatives – All Wards

Minutes:

LAURA MACHADO, REBECCA HOLDEN, and MARY SABO, Visual Arts Specialists II, shared in narrating a PowerPoint presentation, a copy of which was submitted and attached as backup, regarding current projects and artistic opportunities. MS. MACHADO noted that the monthly Staff Report was also provided to the Commissioners, a copy of which was submitted for the record.

MS. MACHADO, MS. HOLDEN, and MS. SABO shared information regarding the location and timeline as well as the artists involved in the following initiatives: African American Museum and Cultural Center, 3rd Street Partnership, AMP Utility Cabinet Painting Project, Casino Center Pocket Park Sculpture Project, Charleston Boulevard Underpass Mural Project, Civic Center Plaza Public Art Project, Contemporary Public Art Program, East Las Vegas Banner Project, East Las Vegas Community Center, FY 2023 Municipal Arts Plan, Historic Westside Mural Project, Medical District Public Art Project, Municipal Courthouse Public Art Project, Natural History Museum Mural, and Washington Avenue Median Mural Project.

Regarding the East Las Vegas Community Center, COMMISSIONER SPROTT asked how the mural was adhered to the building, noticing that the artist utilized drawings from children in the area. MS. HOLDEN advised that the children's guardians signed participating artist waivers, which are required when an artist wants a contribution from another party. She noted the artist worked with a local vinyl company, and she believed the mural looks wonderful.

Regarding the Contemporary Public Art Program, COMMISSIONER SPROTT appreciated how the artwork looked. She suggested that staff talk with the artists about any lessons they learned and include a performance evaluation so the Commission can better serve the artists. COMMISSIONER CURRAN asked what would

happen with the sculptures on Main Street after the 12-month installation period ended. MS. MACHADO explained that some artwork was returned to the artists, and other artwork was purchased through approval from the Commission after the first round of the program ended. The Commission could ask to retain the artwork, and staff would work with the artist to purchase and install it permanently. CHAIR KLEVEN asked if there would be a reception for the artwork and if there was a plan to include information on the program nearby. MS. MACHADO said temporary plaques will have a QR (Quick Response) code that links to the public arts website and more substantial plaques will be made. She advised that a reception would be difficult since not all of the artwork will be completed at the same time.

8. Presentation by Department of Parks, Recreation and Cultural Affairs staff regarding the request for qualifications process– All Wards

Minutes:

REBECCA HOLDEN, Visual Arts Specialist II, reported that this item was requested at the last Commission meeting. She narrated from a PowerPoint presentation, which was included in the backup, stating that much of the information could be found in the Arts Commission Administrative Regulations. She listed common public art solicitations, noting that all solicitations must adhere to Nevada Revised Statutes regarding competitive bidding restrictions. They work with the Purchasing and Contracts Division to select the appropriate solicitation, and MS. HOLDEN explained they generally start with an RFQ (Request for Qualifications) that is open for 30 days. She advised that there is usually a time period for the applicant to ask questions regarding the nature of the project, and responses are posted for all applicants to see. An evaluation panel will rank the applications to produce a list of finalists that will receive an RFP (Request for Proposals). They will need to prepare their proposals and possibly present them to the public. An evaluation panel ranks the RFPs, and the Purchasing and Contracts Division issues a public Notice to Award with language allowing the decision to be contested. Contract negotiations begin after the artist is awarded the project, and that includes establishing agreeable project milestones, such as the initial funding payment. Further, the artist often receives a larger payment after the project has been completed.

CHAIR KLEVEN appreciated the presentation and said it helped her understand why some projects take so long.

9. Presentation by Department of Parks, Recreation and Cultural Affairs staff regarding the evaluation panel selection process– All Wards

Minutes:

REBECCA HOLDEN, Visual Arts Specialist II, narrated from a PowerPoint presentation, which was included in the backup, to explain the selection process for evaluation panels. She reported that the evaluation panel will never include LAURA MACHADO or MARY SABO, Visual Arts Specialist II, herself, or Purchasing and Contracts Division staff, since that would be a conflict of interest. She said having a balanced viewpoint on the panel is helpful during the evaluation process, noting panelists are typically not compensated. She advised that MS. MACHADO and SAPIRA CHEUK developed the Public Art Project Evaluator Interest Form, and 36 applications have been received since it was created over a year ago. MS. HOLDEN explained that the process for certifying evaluators is governed by Nevada Revised Statutes, and she listed situations that would disqualify potential evaluators.

CHAIR KLEVEN believed that Commissioners might be asked to become evaluators.

10. **Discussion regarding topics for future agenda items.** Comments made during this portion of the agenda by individual members shall refer solely to proposals for future agenda items and any discussion shall be limited to whether or not such proposed items are within the purview of the Commission and/or whether such proposed items shall be placed on a future agenda. No discussion regarding the substance of any such proposed topic shall occur and no action shall be taken.

Minutes:

COMMISSIONER SPROTT said that a project on the underpass went through the RFQ (Request for Qualifications) process, but it was pulled off. She believed it would be interesting to evaluate the RFQ process to see how it can be improved.

CHAIR KLEVEN requested a report on upcoming exhibitions in art spaces maintained by the City.

11. **Citizens Participation:** Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Commission. No subject may be acted upon by the Commission unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

ROBIN SLONINA, a resident of Las Vegas, said she is a mural and body painter, and she ran a mural painting company in Chicago for about 12 years. She was given a City contract for the Washington Avenue Median Project, and she expressed concern regarding the length of the contract compared to other City contracts. MS. SLONINA believed the contract length is prohibitive to artists. She supported giving artists the copyright and suggested the City ask for unlimited shared usage with the artist.

12. **Adjournment**

Minutes:

The meeting was adjourned at 5:30 p.m.

Respectfully submitted:

Ashley Foster, CMC, Deputy City Clerk

Maggie Plaster, Deputy Cultural Affairs Director
Department of Parks, Recreation and Cultural Affairs

Minutes Prepared by:
Brian Carroll, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS
IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN NRS 241.020:

The City of Las Vegas website – www.lasvegasnevada.gov

The Nevada Public Notice website – notice.nv.gov

City Hall, 495 South Main Street, 1st Floor