

BILL NO. 2003-102

ORDINANCE NO. 5654

AN ORDINANCE TO ESTABLISH THE PERCENT FOR THE ARTS PROGRAM AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Appropriates a percentage of the annual capital improvements budget for securing, installing and maintaining works of art at City capital improvement projects.

**THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1: Title 2, Chapter 34, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 15, to read as follows:

2.34.015: As used in this Chapter, unless the context otherwise requires, the words and terms defined in this Section have the meanings ascribed to them herein as follows:

“Administrative cost” means all costs associated with the operations of the Art Commission, including those costs incurred in connection with artistic programs and projects and the selection, acquisition, installation and exhibition of, and publicity about, City-owned works of art.

“Arts Fund” means the fund designated in Subsection (A) of Section 2.34.130.

“Capital improvements” means any City capital project including, but not limited to, those paid for wholly or in part by the City to construct, remodel, renovate, or repair any building, park, street, sidewalk, parking facility or utility or any portion thereof within the limits of the City boundaries.

“Municipal Arts Fund” means the fund described in Section 2.34.180.

“Municipal Arts Plan” means an annual plan approved by the City Council for works of art and other artistic programs and projects in the City.

“Percent for the Arts” means a program whereby a percentage of the City’s annual capital improvements budget is appropriated by the City Council to the Municipal Arts Fund.

“Works of art” means:



- 1 – Two or three dimensional art that may be integrated into the structure of a public works
- 2 project, building, landscape, other fixture or element, in any material or media or combination thereof;
- 3 – Two or three dimensional art of any material or media or combination thereof;
- 4 – Enhancements to public works projects, buildings, landscapes or any standardized
- 5 fixtures and elements that are designed by an artist or by a design team which includes an artist
- 6 member; and
- 7 – New genres including video, electronic and digital art, holography, video and
- 8 additional technologically based forms as they evolve.

9 For the purposes of this Section the term “works of art” does not mean:

- 10 – Commercially mass produced objects of standard designs, except where these elements
- 11 are integral parts of an original artwork;
- 12 – Reproductions, by mechanical or other means, of original works of art, except in cases
- 13 of film, video, photography, printmaking or other media arts;
- 14 – Directional elements such as supergraphics, signage or color coding, except where
- 15 these elements are integral parts of an artwork;
- 16 – Decorative, ornamental or functional elements which are not designed by an artist; and
- 17 – Landscape architecture and landscape gardening, except where these elements are
- 18 designed by an artist or are an integral part of an artwork, or are both designed by an artist and an
- 19 integral part of an artwork.

20 SECTION 2: Title 2, Chapter 34, Section 120, of the Municipal Code of the City of

21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **2.34.120:** [(A)] The purpose of the Arts Commission shall be to serve as an advisory body to

23 the City Council as follows:

24 [(1)] (A) Make recommendations with respect to [a master plan for the growth and

25 development of the arts in the City,] the Municipal Arts Plan, with annual updating of such

26 recommendations;

27 [(2)] (B) Advise with respect to all matters concerning the arts, including suggested

28 legislation and the allocation of funds in support of the arts;

- 1 [(3)] (C) Propose methods to encourage private initiative in the fields of art;
- 2 [(4)] (D) Develop plans and proposals for submission to the City for the purpose of
- 3 encouraging the City Council to seek State, Federal and private funds for the support of the arts;
- 4 [(5)] (E) Make recommendations to the City Council with respect to the establishment
- 5 of and appropriations to the Arts Fund for artistic programs and projects and the granting of funds
- 6 therefrom;
- 7 [(6)] (F) Encourage the highest possible standards in the development and presentation
- 8 of artistic programs;
- 9 [(7)] (G) Encourage an awareness of the value of the arts to the quality of life in the City
- 10 and its residents and visitors;
- 11 [(8)] (H) Serve as liaison between the arts community, the general public and the City
- 12 Council with respect to matters concerning the arts;
- 13 [(9)] (I) Strengthen, support and collaborate with new and existing cultural
- 14 organizations, projects and programs;
- 15 [(10)] (J) Consult with, support and advise arts organizations, individuals, local colleges,
- 16 universities, libraries and the Clark County School District with respect to the coordination and
- 17 development of the arts in the City and the arts in education;
- 18 [(11)] (K) Review and make recommendations with respect to the acquisition, commission
- 19 or purchase by the City of works of art to be placed on public property or in public works, with the
- 20 exception of works of art given to or purchased by museums, and to make recommendations with
- 21 respect to the removal, relocation, upkeep, conservation and alteration of existing works of art in the
- 22 possession of the City; and
- 23 [(12)] (L) Engage in such other activities or projects relative to the arts as may be
- 24 authorized by the City Council.
- 25 [(B) For the purpose of this Section, the term "works of art" means all forms of original
- 26 creation of visual art, including without limitation all paintings, murals, sculpture, inscriptions, stained
- 27 glass, statues, bas reliefs, monuments, fountains, arches, artistic embellishments or other structures
- 28 intended for artistic comment or commemoration.]

1 SECTION 3: Title 2, Chapter 34, Section 130, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **2.34.130:** (A) A special account shall be established for the purpose of receiving private,
4 local, State and Federal funds obtained by the City for artistic purposes consistent with the function
5 of the Arts Commission. The fund shall be known as the Arts Fund.

6 (B) [All funds received by the City for the Arts Commission and all funds
7 appropriated by the City to the Arts Commission shall be deposited in the Arts Fund, with the
8 exception of the Arts Commission's operational funds and budgetary appropriations made by the city
9 to its departments for artistic services.] All funds received by the City or the Arts Commission for
10 artistic programs and projects and works of art, and all funds appropriated by the City Council to the
11 Arts Commission shall be deposited in the Arts Fund, with the exception of:

12 (1) The Arts Commission's operational funds;

13 (2) The budgetary appropriations made by the City to its departments for
14 artistic services; and

15 (3) Percent for the Arts funds.

16 (C) All funds deposited in the Arts Fund shall be used exclusively for the purpose
17 or function for which they are appropriated, specified or donated. In the event that funds deposited
18 in the Arts Fund are unspecified, the Arts Commission shall make recommendations to the City
19 Council with respect to the use of these funds for purposes consistent with the function of the Arts
20 Commission.

21 SECTION 4: LVMC Sections 2.34.140 and 2.34.150 are hereby repealed.

22 SECTION 5: Title 2, Chapter 34, of the Municipal Code of the City of Las Vegas,
23 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, to read
24 as follows:

25 **2.34.140:** (A) There is hereby established a program for funding works of art in conjunction
26 with City capital improvement projects, to be known as "Percent for the Arts."

27 (B) Under the Percent for the Arts program the City Council shall appropriate not
28 less than one percent of the City's annual capital improvements budget to the Municipal Arts Fund.

1 (C) For the purposes of this Section, "capital improvements budget" means only
2 those funds budgeted for transfer to capital project funds from the general fund and proceeds from the
3 sale of bonds whose debt service is paid solely from general fund revenues.

4 (D) In addition to the annual Percent for the Arts appropriations, the City Council
5 may make additional annual appropriations to the Municipal Arts Fund which shall be subject to the
6 same terms and conditions applying to expenditure of Percent for the Arts funds.

7 SECTION 6: Title 2, Chapter 34, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 150,
9 to read as follows:

10 **2.34.150:** (A) Only those works of art approved by the City Council for capital improvement
11 projects as part of the Municipal Arts Plan shall be eligible to receive expenditures from Percent for
12 the Arts funds.

13 (B) For the purposes of this Chapter the following are permissible works of art
14 expenditures:

15 (1) Artists' design services, development of design concepts and models
16 and the selection, acquisition, installation, fabrication and exhibition of works of art;

17 (2) Identification plaques and labels;

18 (3) Water works, electrical and mechanical devices and equipment which
19 are an integral part of the works of art;

20 (4) Frames, mat and single pedestals necessary for the proper presentation
21 of the works of art;

22 (5) Walls, bases, pools or other architectural or landscaping elements on
23 or in which the works of art are placed or affixed and which, in the opinion of the Arts Commission,
24 are an integral part of and contribute to the aesthetic and structural support of the works of art;

25 (6) Architectural or landscaping elements which themselves constitute some
26 works of art;

27 (7) Ongoing operating expenses or maintenance of works of art,
28 architectural elements on or in which the works of art are placed, or sites where works of art are

1 located; or

2 (8) Any other expenditures as approved by the City Council in the
3 Municipal Arts Plan.

4 SECTION 7: Title 2, Chapter 34, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 160,
6 to read as follows:

7 **2.34.160:** Works of art at capital improvements projects may be placed on public display, integral
8 or attached to a public building or structure, detached within or outside a public building or structure,
9 or as a part of the landscape or a public park, square or other outdoor public site or lands.

10 SECTION 8: Title 2, Chapter 34, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 170,
12 to read as follows:

13 **2.34.170:** (A) A Municipal Arts Plan for the next fiscal year shall be submitted by the Arts
14 Commission not later than February each year for City Council approval, which plan shall include
15 any:

16 (1) Proposed works of art for capital improvements projects;
17 (2) Proposed works of art for sites and locations not in conjunction with
18 capital improvements projects;

19 (3) Progress reports and completion plan regarding the design, selection,
20 acquisition, fabrication and installation of uncompleted works or art previously approved by the City
21 Council; and

22 (4) Requested funding from the Arts Fund and Municipal Arts Fund,
23 respectively, for proposed and ongoing works of art projects.

24 (B) The Municipal Arts Plan shall be submitted to the City Council in conjunction
25 with the City's capital project plan for the next fiscal year.

26 SECTION 9: Title 2, Chapter 34, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 180,
28 to read as follows:

1 **2.34.180:** (A) A special account shall be established for the purpose of receiving funds
2 appropriated by the City Council pursuant to the Percent for the Arts program. The fund shall be
3 known as the Municipal Arts Fund.

4 (B) All funds deposited to the Municipal Arts Funds shall be used exclusively for
5 the purpose or function for which they are appropriated.

6 (C) Except as otherwise provided in this Section, funds remaining in the Municipal
7 Arts Fund at the end of each fiscal year shall carry over in such fund for the next fiscal year.

8 (D) Funds in excess of one million dollars remaining in the Municipal Arts Fund
9 at the end of each fiscal year that are not committed to works of art approved in the Municipal Arts
10 Plan for that year or previous years shall revert to the City general fund.

11 SECTION 10: Title 2, Chapter 34, of the Municipal Code of the City of Las Vegas,
12 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 190, to read
13 as follows:

14 **2.34.190:** In the event of the repeal of this Chapter and the dissolution of the Arts Commission
15 all funds remaining in the Arts Fund and Municipal Arts Fund shall revert to the City and be used for
16 artistic purposes except as follows:

17 (A) All remaining Percent for the Arts funds shall revert to the City general fund
18 to be used in the discretion of the City Council.

19 (B) Any restricted gift or donations shall be used for the purpose specified in the
20 restriction or returned to the donor.

21 SECTION 11: If any section, subsection, subdivision, paragraph, sentence, clause or
22 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
23 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
24 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
25 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
26 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
27 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
28 invalid or ineffective.

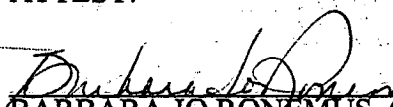
1 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 17 day of December, 2003.

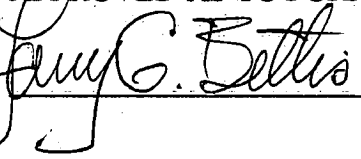
5 APPROVED:

6
7 By 
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13  11-6-03
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 19th day of November, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 17th day of December, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as first read and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, L. B. McDonald, Weekly, and
Moncrief

7 VOTING "NAY": Councilmembers Brown and Mack

8 EXCUSED: None

9 ABSTAINED: None

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3096644

2296311LV

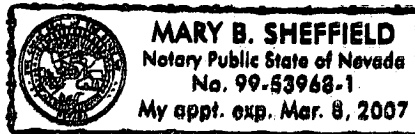
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/05/2003 to 12/05/2003, on the following days: DEC. 5, 2003

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 5

day of December 2003

Mary B. Sheffield
Notary Public



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CITY CLERK
2003 DEC 10 P 2:49

BILL NO. 2003-102

AN ORDINANCE TO ESTABLISH THE PERCENT FOR THE ARTS PROGRAM AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman
Summary: Appropriates a percentage of the annual capital improvements budget for securing, installing and maintaining works of art at City capital improvement projects.

At the City Council meeting of NOVEMBER 19, 2003 BILL NO. 2003-102 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA. PUB. December 5, 2003 LV Review-Journal

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CITY CLERK

2003 DEC 26 A 10:57

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3119470

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/20/2003 to 12/20/2003, on the following days: DEC. 20, 2003

Signed: _____

Donna Stark

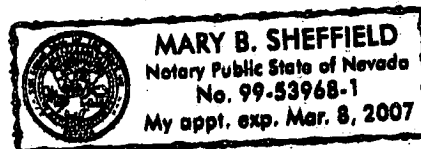
SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

23

day of December 2003

Mary B. Sheffield

Notary Public



BILL NO. 2003-102
ORDINANCE NO. 5654

AN ORDINANCE TO ESTABLISH THE PERCENT FOR THE ARTS PROGRAM AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman
Summary: Appropriates a percentage of the annual capital improvements budget for securing, installing and maintaining works of art at City capital improvement projects.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of November, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of November, 2003, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, L.B. McDonald, Weekly, and Moncrief
VOTING "NAY": Councilmembers Brown and Mack
EXCUSED: NONE

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PUB: Dec. 20, 2003
LV Review-Journal

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2004 JAN -7 P 3:50

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3127658

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/29/2003 to 12/29/2003, on the following days: DEC. 29, 2003

**CORRECTED
BILL NO. 2003-102
ORDINANCE
NO. 5654**

AN ORDINANCE TO ESTABLISH THE PERCENT FOR THE ARTS PROGRAM AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Appropriates a percentage of the annual capital improvements budget for securing, installing and maintaining works of art at City capital improvement projects.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of November, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of December, 2003, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, L.B. McDonald, Weekly, and Moncrief

VOTING "NAY": Councilmembers Brown and Mack

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: December 29, 2003
LV Review-Journal

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

31

day of *December* 2003

Mary B. Sheffield

Notary Public



MARY B. SHEFFIELD

Notary Public State of Nevada

No. 99-53968-1

My appt. exp. Mar. 8, 2007