

RENO CITY COUNCIL

PUBLIC COMMENT CARD

Thank you for participating. We know your time is valuable and we look forward to hearing your comments, ideas and questions. The Mayor and City Council request that all comments are expressed in a courteous manner. Public comment is limited to three minutes each. Comments should be addressed to the council as a whole, not an individual member.

NAME: RON TREVOR
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CONTACT PHONE: 805 512-0557
E-MAIL: RHTREVOR49@GMAIL.COM

If you are representing someone, other than yourself, please indicate whom:

SAUG

☐ WARD 1 ☐ WARD 2 ☐ WARD 3 ☐ WARD 4 ☐ WARD 5
☐ OTHER _____

DO YOU WISH TO SPEAK? YES ☒ NO ☐

AGENDA ITEM A3

☐ IN FAVOR ☐ IN OPPOSITION ☐ NO POSITION STATED - CONCERNED

COMMENTS:

1st Question Response for
SAUG

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NAME: Terry Brooks
ADDRESS: 590 Lake St. #800, Reno, NV 89501
CONTACT PHONE: 775-335-3489
E-MAIL: None

If you are representing someone, other than yourself, please indicate whom:

☒ WARD 1 ☐ WARD 2 ☐ WARD 3 ☐ WARD 4 ☐ WARD 5
☐ OTHER _____

DO YOU WISH TO SPEAK? YES ☒ NO ☐

AGENDA ITEM A-3 Public Comment

☐ IN FAVOR ☐ IN OPPOSITION ☒ NO POSITION STATED - CONCERNED

COMMENTS: Chapter 5
Retirement and Physical Activity

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NAME: Steven White

ADDRESS: _____

CONTACT PHONE: 725 410 0696

E-MAIL: fiftyGimi@gmail

If you are representing someone, other than yourself, please indicate whom:

☐ WARD 1 ☐ WARD 2 ☐ WARD 3 ☐ WARD 4 ☐ WARD 5

☒ OTHER _____

DO YOU WISH TO SPEAK? YES ☒ NO ☐

AGENDA ITEM Art A3

☐ IN FAVOR ☐ IN OPPOSITION ☐ NO POSITION STATED - CONCERNED

COMMENTS: _____

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ASSEMBLY BILL NO. 351—ASSEMBLYMAN MORTENSON

MARCH 22, 2005

Referred to Concurrent Committees on Government Affairs and
Natural Resources, Agriculture, and Mining

SUMMARY—Requires adoption of certain regulations concerning
display and sale of art in state, county and municipal
parks. (BDR 35-555)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to parks; requiring the adoption of certain
regulations concerning the display and sale of art in state,
county and municipal parks, recreational and cultural
facilities; and providing other matters properly relating
thereto.

- 1 WHEREAS, The Supreme Court of the United States has
- 2 recognized that art is a form of expression protected by the First
- 3 Amendment; and
- 4 WHEREAS, The Supreme Court of the United States has held
- 5 that public parks are quintessential public forums where citizens
- 6 may engage in constitutionally protected expression, subject only to
- 7 *reasonable* restrictions on the time, place and manner of their doing
- 8 so; and
- 9 WHEREAS, The President's Committee on the Arts and the
- 10 Humanities has found that participation in the arts and humanities
- 11 unlocks the human potential for creativity and supports a thriving
- 12 culture that is at the core of a vital society; and
- 13 WHEREAS, The value of art in society has been well-
- 14 documented and has contributed greatly to the quality of life; and
- 15 WHEREAS, The parks of this State have been the hosts for
- 16 various forms of art in the parks, including such popular programs
- 17 as the Lake Tahoe Shakespeare Festival at Lake Tahoe State Park,
- 18 the Theatre Under the Stars program at Spring Mountain Ranch



* A B 3 5 1 *

Steven White A3

1 State Park, and art festivals such as the annual Candy Dance arts and
2 crafts festival at Mormon Station State Historic Park; and

3 WHEREAS, These and other programs celebrating arts and
4 culture in Nevada have been well attended and popular with park
5 visitors who appreciate the diversity of programs offered to all
6 Nevada residents throughout the parks of this State; and

7 WHEREAS, The use of the parks for the appreciation and
8 viewing of art has not yet been fully realized but presents continuing
9 opportunities to broaden the visitor base and public enjoyment of
10 Nevada's parks by making art and culture basic components of
11 recreation; now, therefore,

12
13 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
14 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
15

16 **Section 1.** Chapter 407 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 ***1. The Administrator shall adopt reasonable regulations***
19 ***concerning the display and sale of art in any of the park or***
20 ***recreational facilities within the jurisdiction of the Division.***

21 ***2. The regulations must include, without limitation,***
22 ***reasonable standards for:***

23 ***(a) Designating space within a park or recreational facility for***
24 ***an artist to display and sell art that he has created; and***

25 ***(b) Allocating the designated space among the artists wishing***
26 ***to display and sell their work in the park or recreational facility.***

27 ***3. The Administrator shall not charge a fee to an artist who***
28 ***displays and sells his work in the park or recreational facility.***

29 ***4. A person who displays and sells art in a park or***
30 ***recreational facility pursuant to the regulations required in this***
31 ***section is not immune from criminal liability for his conduct in***
32 ***connection with the display and sale of the art.***

33 **Sec. 2.** Chapter 244 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 ***1. A governmental entity responsible for regulating***
36 ***recreational, cultural or park facilities within a county shall adopt***
37 ***reasonable regulations concerning the display and sale of art in***
38 ***any of the recreational, cultural or park facilities within its***
39 ***jurisdiction.***

40 ***2. The regulations must include, without limitation,***
41 ***reasonable standards for:***

42 ***(a) Designating space within a recreational, cultural or park***
43 ***facility for an artist to display and sell art that he has created; and***



1 ***(b) Allocating the designated space among the artists wishing***
2 ***to display and sell their work in the recreational, cultural or park***
3 ***facility.***

4 ***3. The governmental entity shall not charge a fee to an artist***
5 ***who displays and sells his work in the recreational, cultural or***
6 ***park facility.***

7 ***4. A person who displays and sells art in a recreational,***
8 ***cultural or park facility pursuant to the regulations required in***
9 ***this section is not immune from criminal liability for his conduct***
10 ***in connection with the display and sale of the art.***

11 ***5. As used in this section, "governmental entity" includes,***
12 ***without limitation, a board of county commissioners, county park***
13 ***and recreation commission, and county park commission.***

14 **Sec. 3.** Chapter 266 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 ***1. The governing body of a city shall adopt reasonable***
17 ***regulations concerning the display and sale of art in any of the***
18 ***recreational, cultural or park facilities within its jurisdiction.***

19 ***2. The regulations must include, without limitation,***
20 ***reasonable standards for:***

21 ***(a) Designating space within a recreational, cultural or park***
22 ***facility for an artist to display and sell art that he has created; and***

23 ***(b) Allocating the designated space among the artists wishing***
24 ***to display and sell their work in the recreational, cultural or park***
25 ***facility.***

26 ***3. The governing body of a city shall not charge a fee to an***
27 ***artist who displays and sells his work in the recreational, cultural***
28 ***or park facility.***

29 ***4. A person who displays and sells art in a recreational,***
30 ***cultural or park facility pursuant to the regulations required in***
31 ***this section is not immune from criminal liability for his conduct***
32 ***in connection with the display and sale of the art.***

33 **Sec. 4.** Chapter 268 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 ***1. The governing body of a city shall adopt reasonable***
36 ***regulations concerning the display and sale of art in any of the***
37 ***recreational, cultural or park facilities within its jurisdiction.***

38 ***2. The regulations must include, without limitation,***
39 ***reasonable standards for:***

40 ***(a) Designating space within a recreational, cultural or park***
41 ***facility for an artist to display and sell art that he has created; and***

42 ***(b) Allocating the designated space among the artists wishing***
43 ***to display and sell their work in the recreational, cultural or park***
44 ***facility.***



1 3. *The governing body of a city shall not charge a fee to an*
2 *artist who displays and sells his work in the recreational, cultural*
3 *or park facility.*

4 4. *A person who displays and sells art in a recreational,*
5 *cultural or park facility pursuant to the regulations required in*
6 *this section is not immune from criminal liability for his conduct*
7 *in connection with the display and sale of the art.*



Who is a protected Fine Artist?

What Restrictions can government place on Fine Artists
Engaged in public forum Speech that is fully protected under the
First Amendment?

Who is a “Fine Artist”, protected by the First Amendment?

2007 Federal Court of Appeals for Ninth Circuit, *White vs City of Sparks, Nv.*, “This appeal presents the question of what protection the First Amendment extends to the sale by an artist of his paintings.”

“We hold that an artist's **sale of his original artwork** constitutes speech protected under the First Amendment.”

“So long as it is **an artist's self-expression**, a painting will be protected under the First Amendment, because it expresses the artist's perspective.”

“In holding that the First Amendment protects an artist's original paintings, we join two of our sister circuits. (holding that “[t]he protection of the First Amendment ... includes... music, pictures, films, photographs, paintings, drawings, engravings, **prints**, and sculptures”); (“[P]aintings, photographs, prints and sculptures ... always communicate some idea or concept to those who view it, and as such are entitled to full First Amendment protection.”); (holding that stained glass windows, as “**art for art's sake**,” were protected under the First Amendment).

Note; We can now understand that there are two basic rules to becoming a “Fine Artist”, fully protected by the First Amendment when performing, displaying and selling on traditional public

forums.

First, the Artwork being sold must be “Original” to the Artist selling the work of Art. Meaning the actual Artist that created the Art. This would include “prints” of one’s original artwork.

Second, the Artwork being offered for sale by the “Original Artist” that created it, **must be done “as art for art’s sake”**, having no other purpose than to be expressive. **Just as “stained glass windows” are protected “as art for art’s sake”, but NOT as a functional window.**

What Restrictions can Government place on a First Amendment protected Fine Artist who is performing, displaying and or selling his or her original fine Art on traditional public forums?

Government may impose some restrictions on fully protected speech but it is important to understand the rules for doing so, put forth by the Federal Courts.

Restrictions on fully protects speech activities taking place on traditional public forums must be;

1. Minimal
2. Reasonable
3. Narrowly Tailored to address a specific governmental need, in the public’s greater interest, overriding 1st Amendment protection, such as a safety issue.
4. Content Neutral, not favoring on speaker over another based upon the content of their speech. (*Note; a reason why government has no business jurying Fine Artist work for the purpose of handing out awards or favoritism.*)
5. Provide Equal alternative venues to reach the public
6. Be equally applied to All Speakers, not selectively applied

based upon the manner or content of speech.

7. Provide free equal access, in designated areas, to the attending public during “Public” events being held on traditional public forums.

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NAME: Emily Allen
ADDRESS: 1930 Lassen Dr
CONTACT PHONE: 914-844-0080
E-MAIL: emwallen@gmail.com

If you are representing someone, other than yourself, please indicate whom:

☐ WARD 1 ☐ WARD 2 ☐ WARD 3 ☐ WARD 4 ☒ WARD 5
☐ OTHER _____

DO YOU WISH TO SPEAK? YES ☒ NO ☐

AGENDA ITEM General comment A.3

☒ IN FAVOR ☐ IN OPPOSITION ☐ NO POSITION STATED - CONCERNED

COMMENTS: _____

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NAME: Paul Kiser
ADDRESS: 235 Bisby St.
CONTACT PHONE: 775-224-2228
E-MAIL: paulkiser1@gmail.com

If you are representing someone, other than yourself, please indicate whom:

☒ WARD 1 ☐ WARD 2 ☐ WARD 3 ☐ WARD 4 ☐ WARD 5
☐ OTHER _____

DO YOU WISH TO SPEAK? YES ☒ NO ☐

AGENDA ITEM B3 A.3

☒ IN FAVOR ☐ IN OPPOSITION ☐ NO POSITION STATED - CONCERNED

COMMENTS: I support the award of this
contract and the rehabilitation of our
street.

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