



VILLAGE OF KEY BISCAYNE

Office of the Village Clerk

Village Council

Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
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MEMORANDUM

Village Clerk

Conchita H. Alvarez, *CMC*

December 9, 2008

TO: Honorable Mayor and Members of the Village Council
FROM: Conchita H. Alvarez, CMC, Village Clerk 
RE: Re-Appointment of Art in Public Places Board

Ordinance 2001-14 created the Art in Public Places Program and the Art in public Places Board including the appointment of its members. Ordinance 2007-10 amended the Village Code provisions which govern the Art-in-Public Places Board so as to provide for staggered terms of service of the members of the Board.

Members are appointed by the Mayor with the approval of the Village Council. The following members were appointed to a one year term which terminated in November 2008: Dianne Moss, Lourdes Joffre Collette and Frank Caplan. Rosa de la Cruz, Joan Matheson, Veronica Scharf Garcia and Gloria Kahn were appointed to a two year term which terminates in 2009.

All of these individuals have provided an outstanding service to the Village and are seeking re-appointment.

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of the Village or the stationery or a real or fictitious agency, department or instrumentality of the Village of Key Biscayne without the expressed written authority of the Village Manager or designee.

(Ord. No. 93-15, § 1(3), 9-28-93)

Sec. 2-124. Exceptions.

The provisions of this section shall not be applicable to the Village of Key Biscayne, its agencies, departments, instrumentalities, quasi-judicial and advisory bodies, acting within the scope of their official capacities.

(Ord. No. 93-15, § 1(4), 9-28-93)

Secs. 2-125—2-140. Reserved.

ARTICLE VII. WORKS OF ART IN PUBLIC PLACES

Sec. 2-141. Art-in-public-places program.

(a) *Appropriation for construction to include amount for works of art.* The Village of Key Biscayne, Florida, shall provide for the acquisition of Works of Art equivalent in value to not less than 1½ percent of the Construction Costs of new governmental buildings, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund. To the extent the total appropriation is not used for the acquisition of Works of Art for said buildings, the remainder may be used for:

- (1) Program administrative costs, insurance costs or for the repair and maintenance of any Works of Art acquired under this section; or
- (2) To supplement other appropriations for the acquisition of Works of Art under this section or to place works of art in, on, or near government facilities which have already been constructed.

(b) *Definitions.* For the purpose of this section, the following terms are hereby defined:

Construction cost is defined to include architectural and engineering fees, site work, and contingency allowances. It does not include land acquisition or subsequent changes to the construction contract. All construction costs shall be calculated as of the date the contract is executed.

Works of art is defined as the application of skill and taste to production of tangible objects, according to aesthetic principles, including, but not limited to, paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, lighting designs and drawings.

(Ord. No. 2001-14, § 1, 11-27-01)

Sec. 2-142. Art-in-Public-Places Board.

(a) *Established.* There shall be an Art-in-Public-Places Board to administer the program.

(b) *Purpose.* The Art-in-Public-Places Board shall act in the public interest upon all matters relating to the program and shall support the program's goals and objectives. The Board's responsibilities include recommendations to the Village Council for the selection, maintenance, planning, and curating of all Works of Art acquired by the Village. The Board's responsibilities also include the selection, maintenance, planning, and public education regarding and curating of all Works of Art to be loaned to the Village.

- (1) *Membership; qualifications.* The Board shall be composed of seven members appointed by the Mayor, with the approval of the Council, as provided in the Charter, at Section 2.02. Each Board member shall be appointed to a term of two years, more or less, commencing the first Tuesday after the first Monday of November of each odd-numbered year, except for the initial Board, the membership of which shall be appointed and approved as prescribed by the Village Charter, commencing promptly after the effective date of the Ordinance from which this article derived. Notwithstanding any contrary provisions which are provided above, commencing on November 6, 2007, appointments to the Board shall be made upon a staggered term basis. Accordingly, three members of the Board shall be appointed for a one year term of service commencing on November 6, 2007 and terminating on November 4, 2008, and four members of the Board shall be appointed for a two-year term of service commencing on November 6, 2007 and terminating on November 3, 2009. Thereafter, commencing with the first Tuesday after the first Monday of November 2008 and for the first Tuesday after the first Monday of November of each subsequent year, three Board members shall be appointed to a two (2) year term as described herein. If a vacancy occurs prior to the expiration of Board member's term, another appointment shall be made to fill the vacancy for the remainder of the term. Each Board member must be knowledgeable in public art, must be a resident of the Village, and is precluded from participating in and/or voting on any matter which may directly or indirectly benefit the member, any family member or business associate of the member.
- (2) *Term of office.* No Board member shall serve more than eight consecutive years on the Board. Nothing shall prohibit any individual from being reappointed to the Board after a hiatus of two years.
- (3) *Duties.* The Board shall prepare written guidelines for curatorial purposes of acquired Works of Art and loaned Works of Art. The written guidelines shall not be effective unless and until approved by the Village Council. In accordance with the written guidelines, the Board shall recommend to the Village Council which Works of Art should be acquired by the Village. In accordance with the written guidelines, the Board shall select which works of art or exhibits of Works of Art shall be loaned temporarily to the Village.

(Ord. No. 2001-14, § 1, 11-27-01; Ord. No. 2007-10, § 2, 12-4-07)

Sec. 2-143. Selections of Works of Art.

(a) *Acquisition procedure.* All acquisitions will be in accordance with the written guidelines approved by the Village Council. The Village Manager will negotiate and execute appropriate contracts to acquire each approved Work of Art. Funds may be aggregated to acquire Works of Art.

(b) *Selection criteria.* In the selection process for acquired Works of Art, the following principles shall be observed:

- (1) Works of Art shall be located in areas where residents and visitors live and congregate and shall be highly accessible and visible.
- (2) The Board and the Village Council should consider the inherently intrusive nature of public art on the lives of those frequenting public places. With respect to acquired Works of Art, artworks reflecting enduring artistic concepts, not transitory ones, should be sought.
- (3) Recommendations by the Board and selections by the Village Council must reflect the cultural and ethnic diversity of the Village without deviation from a standard of excellence.
- (4) Selections of acquired Works of Art shall also take into account appropriateness to the site, permanence of the work in light of environmental conditions at the site, maintenance requirements, quality of the work, likelihood that the artist can successfully complete the work within the available funding, diversity of works already acquired by the Village, diversity of the artists whose work has been acquired by the Village.

(Ord. No. 2001-14, § 1, 11-27-01)

Sec. 2-144. Written guidelines.

The Board shall recommend and the Village Council shall adopt and publish in the Village Council Agenda uniform written guidelines to govern the manner and method of submission of proposed Works of Art for acquisition by the Village. The Board shall recommend and the Village Council shall adopt and publish in the Village Council Agenda uniform written guidelines to govern the manner and method of submission of Works of Art for temporary display by the Village in public spaces owned by the Village, which artworks shall be loaned to the Village from such sources as may loan these artworks to the Village without charge. Purchases of Works of Art shall be approved by the Village Council. Loans of Works of Art shall be approved by the Board.

(Ord. No. 2001-14, § 1, 11-27-01)

Sec. 2-145. Ownership and upkeep.

With respect to both acquired Works of Art and Works of Art temporarily loaned to the Village, the Art-in-Public-Places Board is charged with making recommendations to the Village Council regarding the custody, supervision, maintenance and preservation of Works of Art.

(Ord. No. 2001-14, § 1, 11-27-01)

Sec. 2-146. Personnel.

The Village Manager shall provide adequate and competent clerical and administrative support as may be reasonably required by the Board for the proper performance of its duties, subject to budget limitations.

(Ord. No. 2001-14, § 1, 11-27-01)

Secs. 2-147—2-149. Reserved.

ART IN PUBLIC PLACES BOARD MEETING ATTENDANCE* 2008

Name	1/8/ 08	2/5/ 12/08	3/11/ 08	4/15/ 08*	5/6/ 08*	7/8/ 08	8/20/ 08*	10/2 1/08
1. Dianne Moss	A	A	P	P	P	A	P	P
2. Rosa de la Cruz	P	P	P	P	P	P	P	P
3. Lourdes Joffre Collette	A	P	P	P	P	P	P	A
4. Joan Matheson	P	A	A	P	A	P	A	P
5. Frank Caplan	P	P	P	P	P	P	P	P
6. Veronica Scharf	P	P	P	P	P	P	P	P
7. Gloria Kahn	P	P	P	P	P	P	P	P
Staff								
Jud Kurlancheek	P	P	P	P	P	P	P	P
Cesar Trasobares	P	P	P	P	P	P	P	P
Paul Abbott			P					
Ramon Castella			P					
Village Manager								
Citizens								
Kelly Johansen	P	P	P		P			P
Jean Lardon				P				
Gustavo								

P = Present

A = Absent

R = Resigned

* Not a regular monthly meeting. Members that are absent for three (3) **regular** monthly meetings in one calendar year are automatically removed. This rule was approved by the Village Council effective March 9, 2004.

** Joint meeting with the Crandon Boulevard Implementation Committee

ART IN PUBLIC PLACES BOARD MEETING ATTENDANCE* 2007

Name	01/ 08/ 07	02/ 05/ 07*	03/ 06/ 07	04/ 05/ 07*	04/ 23/ 07*	05/ 08/ 07	05/ 17/ 07*	06/ 05/ 07	07/0 8/07 **	07/ 10/ 07*	08/ 07/ 07	09/ 04/ 07	10/ 02/ 07	10/ 19/ 07	11/ 09/ 07	12/ 19/ 07		
1. Dianne Moss	A	A	P	P	P	A	A	A	A	P	A	P	P	P	A	A		
2. Rosa de la Cruz	P	P	A	P	P	P	P	A	A	P	P	P	P	A	A	P		
3. Lourdes Joffre Collette	A	A	P	P	P	A	P	P	P	P	A	P	P	A	P	P		
4. Joan Matheson	P	P	P	P	P	A	P	A	P	P	A	A	A	P	P	P		
5. Frank Caplan	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P		
6. Veronica Scharf	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
7. Gloria Kahn	P	P	P	P	A	P	P	A	P	P	P	P	P	P	P	P		
Staff																		
Jud Kurlancheek	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Cesar Trasobares	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Paul Abbott				P					P					P				
Ramon Castella									P									
Village Manager								P		P			P		P			
Citizens																		
Kelly Johansen	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		
Shirley Fleisher			P															
Camile Guething								P										
Karen Llorente		P						P										
Shayna Vergas		P						P										
Andrew Lemke		P						P										
Henny Groshel-Becker		P						P										
Crandon Imp. CMT																		

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