



VILLAGE OF KEY BISCAYNE

MEMORANDUM

Village Council

Michael W. Davey, Mayor

Allison McCormick, Vice Mayor

Luis Lauredo

Edward London

Brett Moss

Katie Petros

Ignacio J. Seguro

DATE: January 15, 2019
TO: Honorable Mayor and Council Members
FROM: Andrea Agha, Village Manager *AA*
RE: Amending the Art-in-Public Places Board

RECOMMENDATION

It is recommended that the Village Council approve this amendment to section 2-142 of the Art-in-Public-Places Board reducing the number of members of the Board from eight (8) to seven (7).

BACKGROUND

During the discussion of the December 4, 2018 agenda item 10A3 "Reappointments/Appointments to Village Boards & Committees", Mayor Davey requested that the Art-in-Public-Places Board be reduced from eight (8) members to seven (7) so that the Board can have an odd number of members for voting purposes. The Council unanimously supported the motion.

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Cole & Bierman as to form and legal sufficiency.

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII, “WORKS OF ART IN PUBLIC PLACES” TO REDUCE THE MAXIMUM NUMBER OF MEMBERS OF THE ART-IN-PUBLIC-PLACES BOARD FROM EIGHT TO SEVEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 27, 2001, the Village Council of the Village of Key Biscayne (the “Village”) adopted Ordinance No. 2001-14, which created the Art-in-Public-Places Board (the “Board”); and

WHEREAS, the Village Council desires to amend Section 2-142, “Art-in-Public-Places Board” of Chapter 2, Article VII “Works of Art in Public Places” of the Village’s Code of Ordinances (“Code”) by reducing the maximum number of members on the Board from eight to seven; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. That the above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amending Village Code. The Village Council hereby amends Section 2-142, “Art-in-Public-Places Board” of Chapter 2, Article VII “Works of Art in Public Places” of the Village Code as follows:

ARTICLE VII. - WORKS OF ART IN PUBLIC PLACES

* * *

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

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

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

(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 up to ~~eight~~ 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. Appointments of four members shall be made each year so that the staggered terms of members shall be maintained. 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.

* * *

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2019.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2019.

MAYOR MICHAEL W. DAVEY

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

VILLAGE ATTORNEY