

**ORDINANCE NO. 2009-2**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING THE VILLAGE CODE BY AMENDING ARTICLE VII, "WORKS OF ART IN PUBLIC PLACES" OF CHAPTER 2 "ADMINISTRATION," BY AMENDING SECTION 2-142 "ART-IN-PUBLIC-PLACES BOARD"; BY AMENDING PARAGRAPH B (1), "MEMBERSHIP; QUALIFICATIONS"; BY ADDING AN ADDITIONAL BOARD MEMBER AND RETAINING STAGGERED TERMS FOR MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, the Village Council desires to amend the Village Code by adding an additional member to the Art-in-Public Places Board, while maintaining staggered terms of office for Board members; and

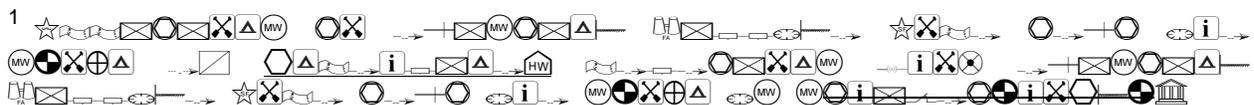
**WHEREAS**, the Village Council has reviewed this ordinance and finds that the expansion of the Board from seven (7) to up to eight (8) members is in the best interest of the Art in Public Places Program.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS<sup>1</sup>:**

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** That the Village Code of the Village of Key Biscayne, Florida is hereby amended by amending Article VII "Works of Art in Public Places" of

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Chapter 2 "Administration", Section 2-142 "Art-in-Public Places Board" by amending subsection

(b) "Purpose," at paragraph (1) "Membership; Qualifications," to read as follows:

**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~~ up to eight 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 (4) members shall be made each year so that the staggered terms of members shall be maintained. ~~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~~ four 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.

**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. Inclusion in the Code.** 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 Code of the Village of Key Biscayne; 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. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED and adopted on first reading this 13th day of January, 2009.

PASSED and adopted on second reading this 10th day of February, 2009.

MAYOR ROBERT L. VERNON

ATTEST:

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CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY

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