

ORDINANCE NO. 2007-

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;" TO PROVIDE FOR BOARD MEMBERS TO SERVE STAGGERED TERMS ON THE BOARD; CONFIRMING AND RATIFYING APPOINTMENTS TO THE ART-IN-PUBLIC PLACES BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Village Council desires to amend the Village Code provisions which govern the Art-in-Public Places Board (the "Board") so as to provide for staggered terms of service of the members of the Board, as provided herein, and desires to confirm and ratify appointments to the Board .

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

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 Chapter 2 "Administration" , by amending Section 2-142 "Art-In-Public Places Board," by amending subsection (b) "Purpose," at paragraph (1) "Membership; Qualifications," to read as follows:¹

^{1/} Proposed additions to text of Village Code are indicated by underline; proposed deletions from text of Village Code are indicated by strikethrough.

(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 three 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 may not operate, own or be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives income from the sale or display of art work.

Section 3. Severability. 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. 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, and shall be applied retroactively so as to ratify any Resolution which is intended to implement the provisions hereof.

PASSED on first reading this _____ day of _____, 2007.

PASSED AND ADOPTED on second reading this _____ day of _____, 2007.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY