

**ORDINANCE NO. 2019-3**

**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:<sup>1</sup>**

**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.

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<sup>1</sup> 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~~ All Board members shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10. ~~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.

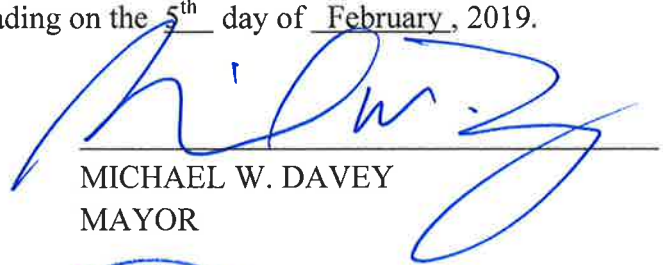
**Section 4. Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such 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 15th day of January, 2019.

**PASSED AND ADOPTED** on second reading on the 5<sup>th</sup> day of February, 2019.

  
MICHAEL W. DAVEY  
MAYOR

ATTEST:

  
JENNIFER MEDINA, CMC  
VILLAGE CLERK



APPROVED AS TO FORM AND LEGALITY:

  
VILLAGE ATTORNEY

# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAYNE - ORDINANCE - SECOND  
READING - FEB. 5, 2019

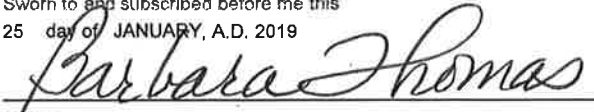
in the XXXX Court,  
was published in said newspaper in the issues of

01/25/2019

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

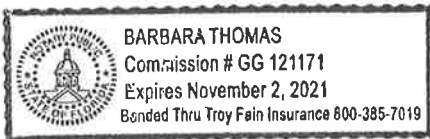


Sworn to and subscribed before me this  
25 day of JANUARY, A.D. 2019



(SEAL)

GUILLERMO GARCIA personally known to me



## VILLAGE OF KEY BISCAYNE OFFICE OF THE VILLAGE CLERK PUBLIC NOTICE

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, February 5, 2019 at 6:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

**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.**

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinances. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Jennifer Medina, CMC  
Village Clerk  
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