



**MEMORANDUM**

Agenda Item No. 4(E)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 1, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending Section 2-11.15  
of the Code to suspend the applicability  
of Art in Public Places for County  
projects for a period of two years

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

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**SUBJECT:** Agenda Item No. 4(E)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(E)  
9-1-11

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ART IN PUBLIC PLACES;  
AMENDING SECTION 2-11.15 OF THE CODE OF MIAMI-  
DADE COUNTY, FLORIDA TO SUSPEND THE  
APPLICABILITY OF ART IN PUBLIC PLACES FOR COUNTY  
PROJECTS FOR A PERIOD OF TWO YEARS, PROVIDING  
FOR EXEMPTIONS, INCLUSION IN THE CODE,  
SEVERABILITY AND EFFECTIVE DATE

**WHEREAS**, this Board is painfully aware of unprecedented budgetary reductions in the current capital budget of Miami-Dade County; and

**WHEREAS**, this Board values the enhancements to the quality of life that can be realized through the prudent use of public capital funds to thoughtfully address the built environment of public spaces, including those quality of life enhancements that can be achieved through the County's historic and trend-setting Art in Public Places program, as well as by implementing the County's more recently enacted Aesthetic Master Plan; and

**WHEREAS**, this Board desires to balance the need for fiscal restraint in the expenditure of County capital funds, with the desire to enhance the quality of life for residents and visitors to Miami-Dade County,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-11.15 of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

**Sec. 2-11.15. Works of art in public places.**

1. *Art-in-public-places program.*

(a) *Appropriation for construction to include amount for works of art.* Miami-Dade County and each municipality in Miami-Dade County shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1½) percent of the construction cost 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 or art in, on, or near government facilities which have already been constructed.

(b) *Waiver of requirements.* The requirements of subsection (a) may be waived by resolution of the Board of County Commissioners of Miami-Dade County when and if it appears to said Board that a construction project covered hereunder is not appropriate for application of the above requirements.

>>i. Suspension for economic emergency. The application of Subsection (a) shall be suspended for the acquisition of works of art funded by Miami-Dade County for a period of 2 years from the effective date of this Ordinance; this suspension shall operate prospectively, and shall not prevent the completion of works of art already underway. During this suspension period, the Mayor or Mayor's designee shall not authorize the expenditure of County funds to acquire any new works of art under this Section; provided however, that the Board of County Commissioners, by a majority of those present at a duly noticed meeting,

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

may exempt any new governmental building from the application of this suspension.<<

\* \* \*

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” or “article,” or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to  
form and legal sufficiency:



Prepared by:



Deborah Bovarnick Mastin

Prime Sponsor: Chairman Joe A. Martinez