

MEMORANDUM

Amended
Agenda Item No. 11(A)(6)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

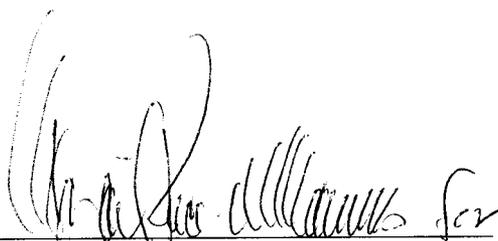
DATE: July 17, 2008

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

SUBJECT: Resolution relating to
Art in Public Places

Resolution No. R-860-08

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas and Co-Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/bw



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(Revised)

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Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(6)
7-17-08

RESOLUTION NO. R-860-08

RESOLUTION REQUESTING COUNTY MAYOR OR
DESIGNEE TO STUDY ART IN PUBLIC PLACES PROGRAM
AND TO REPORT TO BOARD; REQUESTING THAT NO
NEW ART IN PUBLIC PLACES CONTRACTS BE EXECUTED
UNTIL THE REPORT IS SUBMITTED

WHEREAS, Section 2-11.15 Code of Miami-Dade County establishes the County’s Art in Public Places Program, which requires the acquisition of works of art equivalent in value to not less than one and one-half 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; and

WHEREAS, Administrative Order 3-11, which establishes the procedures to implement the Art in Public Places ordinance, was approved in 1989; and

WHEREAS, conditions in Miami-Dade County have changed since 1989, including the enactment of the General Obligation Bond program and additional security mandates from the Department of Homeland Security and other federal agencies; and

WHEREAS, on May 19, 2008, the County Manager published “A Guide to Art in Public Places”; and

WHEREAS, the County Manager has the authority pursuant to ordinance to execute Art in Public Places Program contracts without review or approval of this Board; and

WHEREAS, this Board has concerns about whether the Art in Public Places implementation procedures adequately address the current conditions in Miami-Dade County and whether a global examination of the program would be appropriate at this time; and

WHEREAS, the Mayor or his designated staff can support this Board in its legislative and policy-making deliberations by providing a study of the Art in Public Places operations, in light of changed conditions including but not limited to the general obligation bond program, the security and access mandates imposed by the Federal Government on capital projects, appropriateness of other infrastructure projects that do not provide shelter, and availability of specific funding sources for this program, in order to enable this Board to take appropriate action in the budget ordinance to be adopted in September, 2008,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board requests that the County Mayor or his designee conduct a study of the operations of the Art in Public Places Program and to furnish a report to this Board along with the distribution of materials to Commissioners in preparation for the first budget hearing. Such study shall include consideration of the General Obligation Bond projects, conditions created by security requirements of the Transportation Safety Administration, Department of Homeland Security, and other Federal Agencies, shall address issues concerning infrastructure improvements that do not provide shelter, and shall identify specific funding sources for art in public places projects. This Board further requests that no new art in public places projects shall be executed until this study is furnished to this Board. Existing and ongoing projects may be continued.

The Prime Sponsor of the foregoing resolution is Commissioner Natacha Seijas and the Co-Sponsor is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner

Natacha Seijas, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye		
	Barbara J. Jordan, Vice-Chairwoman	absent		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye	
Carlos A. Gimenez	aye	Sally A. Heyman	aye	
Joe A. Martinez	absent	Dennis C. Moss	aye	
Dorrin D. Rolle	aye	Natacha Seijas	aye	
Katy Sorenson	aye	Rebeca Sosa	aye	
Sen. Javier D. Souto	aye			

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. DBM

Deborah Bovarnick Mastin