

ORDINANCE NO. 17O-02-110

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, PUBLIC ART PROGRAM; SECTION 6.36, PUBLIC ART COMMITTEE; AMENDING THE TERMS TO BE CONCURRENT WITH THE CITY COMMISSION SEAT TERMS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY MAYOR RICHARD J. KAPLAN)

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City of Lauderhill Code of Ordinances, Chapter 6, Buildings and Building Regulations, Article II, Public Art Program, Section 6.36, Public Art Committee, is hereby amended to read as follows:

Sec. 6.36. Public Art Committee.

(a) There is hereby established a committee to be known as the "Public Art Committee".

(1) Public Art Committee Mission.

a. The mission of the Public Art Committee is to expand cultural opportunities for residents and visitors and to enhance the appearance of the City through the selection and integration of artwork in a public environment.

(2) Committee Membership.

a. The Public Art Committee shall consist of five (5) members who shall be appointed by each individual city commissioner for a term concurrent with their seat, plus two (2) alternates, who live in or conduct business in the City of Lauderhill, with a strong commitment to the objectives of the Public Art Program, ~~who shall be appointed by the City Commission.~~ The alternate members shall be appointed by the commission as a whole for a two (2) year term and may substitute for any member of the Committee who is unable to be present at a scheduled Committee meeting. Membership of the Public Art Committee shall include individuals interested in or knowledgeable in the field of public art and/or culture.

b. The City Manager shall designate a City Staff member to act as the City's liaison with the Committee. The liaison will be

responsible for budget development and monitoring.

c. The committee shall elect a Chairperson and a Vice Chairperson each year.

(3) Membership Terms.

~~a. The initial membership terms shall be staggered with three (3) members having two (2) year terms and two (2) members having one (1) year terms. Initially, alternate members shall have two (2) year terms.~~

~~b. The staff liaison member's term is not limited.~~

~~c. Initial terms will be determined by drawing lots or some other unbiased method.~~

~~d. After the initial terms, all future terms will be for a period of two (2) years, with staggered terminations.~~

~~e. Consecutive reappointments are permissible.~~

Terms for all Regular board members shall run concurrent with the term of each individual city commissioner appointing the member. However, if any city commissioner should leave office for any reason before their term expires, then the term of their appointee shall also expire. The 2 alternate member seats shall be staggered and shall run for a 2 year term.

(4) Vacancies shall be handled in accordance with the City policy.

(5) Meetings and Attendance.

a. The Public Art Committee shall meet at least once per year after appointments to elect officers.

b. Other meetings will be held as necessary to carry out the duties and responsibilities of the committee.

c. A committee member is required to attend a majority of meetings scheduled within each 12-month time period of his or her appointed term. Failure of a committee member to regularly attend meetings could result in removal from the position at the discretion of the

City Commission.

d. Public Art Committee meetings shall be open to the public.

(6) A quorum shall be a majority of the Committee members, which is a minimum of three (3) members present.

(7) Voting.

a. In all matters coming before the committee, the affirmative vote of a majority of those present and voting is the action of the committee, provided a quorum is present.

b. In the event that any members have personal interests in matters of acquisition or commissioning of artwork before the committee that constitutes a conflict of interest, those members shall excuse themselves from voting.

(8) *Conflict of Interest.* If any member of the Public Art Committee shall find that his private or personal interests are involved in the matter coming before the Committee, he shall disqualify himself from all participation in that matter. No member of the Public Art Committee shall have his or her work of art considered or approved by the Public Art Committee during their term of service on the Committee or for one (1) year thereafter.

(9) *Expenses.* Members shall serve without compensation.

(b) The Public Art Committee shall have the following powers and duties:

(1) Recommendations to the Commission on revisions to the Public Art Guidelines.

(2) Recommendations to the Commission on revisions to the Public Art Master Plan, to be adopted by Resolution by the City Commission.

(3) Recommendations to the Commission on Art and Artist selection.

(4) The Public Art Committee is responsible for submitting an annual report to the City Commission each year at the end of the 12-month term. The report will describe the committee's

accomplishments over the past year, give the status of current projects, provide information on any future plans, and include an inventory of public art in the City.

6.37. Artist and art selection criteria.

- (a) Artist will be selected in accordance with City procurement policy. The following criteria, at minimum, shall be considered by the Public Art Committee in the selection of an artist:
 - (1) Ability of the artist to complete the project within a specified schedule and budget;
 - (2) Exhibition and sales history of the artist, as well as works of art in public collections and previous public art purchases or commissions; and
 - (3) All other criteria set forth in the Public Art Program Guidelines, as amended from time to time.

- (b) The following criteria, at minimum, shall be considered by the Public Art Committee in the selection of artwork:
 - (1) Appropriateness of the artwork to the site and site environmental conditions;
 - (2) Maximum visual accessibility to pedestrian or vehicular traffic, as set forth in the Public Art Program Guidelines;
 - (3) Quality of the artwork;
 - (4) Maintenance requirements;
 - (5) Whether the artwork too closely resembles a business logo or sign and should, therefore, be rejected; and
 - (6) Any other criteria set forth in the Public Art Program Guidelines, as amended from time to time.

6.38. Ownership of artwork.

Unless otherwise expressly agreed to in writing by the City, ownership of all art acquired through expending funds in the Public Art Fund shall be vested in the City, which shall obtain title to each work of art.

Artist shall be required to enter into an Agreement with the City which includes, but is not limited to, the waiver of Artists rights as set out in the Visual Artists Rights Act, 17 U.S.C. §§ 106A and 113(d) ("VARA"), as amended, and any other rights arising under any international, federal, state or local law.

6.39. Public Art Program guidelines.

The Public Art Committee shall prepare, and from time to time revise, Public Art Program Guidelines and make the same available to the public, which shall provide guidance for program organization, organizational governance and staffing responsibilities; procedures for project planning; artist selection; art selection criteria; art placement criteria, donations; loans and memorials, collection management; and administration of the Public Art Fund.

SECTION 2. All Ordinances or parts of Ordinances, all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2017.

PASSED on first reading this _____ day of _____, 2017.

PASSED AND ADOPTED on second reading this _____ day of _____, 2017.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. BATES
H. BERGER
H. BENSON
K. THURSTON
R. KAPLAN

