

34-2  
Agenda Item #

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: January 9, 2007

☒ [X] Consent    ☐ [ ] Regular  
☐ [ ] Ordinance   ☐ [ ] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: a Resolution rescinding and replacing Resolution No 2004-1323 pertaining to the Public Art Committee.

**Summary:** Since the inception of this Committee, recommendations for membership have been from the Committee to the BCC by consent item. The Public Art Committee recommends that two Committee seats be created to expand Committee expertise and improve efficiency in artist selection process. The Committee recommends that one of the seats be designated for a Landscape Architect professional to assist the Committee to successfully integrate the landscape and outdoor public art projects. In addition, the Committee recommends that an alternate seat be created for a "Citizen with significant visual art background". The term for both new Committee members will be through September 2009 - term end date for the other current Committee members (FDO Admin) Countywide (MJ)

**Background and Justification:** On April 5, 2005, the BCC approved the latest revision to the resolution creating and governing the Public Art Committee. This resolution modified the membership of the Committee by adding a new member who resigned. At this time the Committee recommends that two new seats be created.

Jo Ellen Leisinger is a Florida licensed Landscape Architect and since 1991 she has been the President/Owner of Land Stewardship Company in West Palm Beach. For the past 19 years she has served on the Board of Keep Palm Beach County Beautiful; she is currently the Board Chair.

Lucy M.F. Keshavarz is an artist of Art & Culture Group, Inc. for the past 10 years. Ms. Keshavarz has worked as both an arts consultant and artist in the public art field. She is currently the President of Artists of Palm Beach County, an emerging coalition for artists of all disciplines living and working in Palm Beach County.

Public Art Committee Seat	No.	Seat
BCC Chair (or designee)	1	Commissioner Mary McCarty
PBC Cultural Council	1	Bill Nix
Citizen w/significant but no current interest in for profit visual art businesses	2	David Miller Kara Walker-Tome'
Professional non-profit art administrators	2	Rod Faulds Joan Goldberg
Planning/Design Professional	1	Rick Gonzalez
PBC resident w/significant visual art background	2	Elizabeth Tennyson <u>Lucy M.F. Keshavarz (alternate)</u>
Landscape Architect	1	<u>Jo Ellen Leisinger</u>

(Continued on Page 3)

**Attachments:**

Proposed Resolution - Redlined  
Proposed Resolution - Clean

Recommended by: \_\_\_\_\_

Department Director

Date

Approved by: \_\_\_\_\_

County Administrator

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

# ADDITIONAL FTE  
POSITIONS (Cumulative)

\_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Reporting Category \_\_\_\_\_

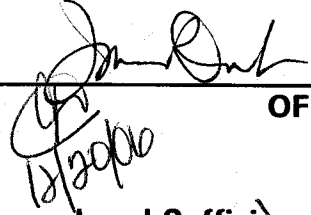
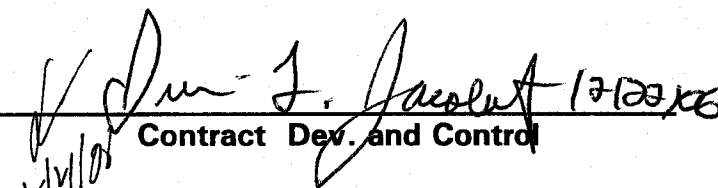
*No Fiscal Impact.*

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS:

### A. OFMB Fiscal and/or Contract Development & Control Comments:

 12-20-06  
 \_\_\_\_\_ OFMB  
 12/20/06  
 \_\_\_\_\_ Contract Dev. and Control

### B. Legal Sufficiency:

  
 \_\_\_\_\_  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_

### **BACKGROUND & JUSTIFICATION (CONT'D)**

Quorum for our Committee, with the new Landscape Architect seat, is still 5. If the number of regular attendees at a meet equals or exceeds 5, then only regular members will vote on issues requiring a quorum. If the number of regular attendees is less than 5, and the Alternate is in attendance, they will be permitted to vote. The Alternate will have the same opportunity to provide input on Committee discussions and direction setting as regular members. However, the Alternate is only permitted to vote when a quorum is not met for an individual meeting.

RESOLUTION NO. R-2007-\_\_\_\_\_

A RESOLUTION RESCINDING R2004-1323 AND REPLACING IT WITH A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING THE PUBLIC ART COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING FOR COMMITTEE ACTION ADVISORY ONLY; PROVIDING FOR ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH FEDERAL OR STATE LAWS OR COUNTY ORDINANCES.

**WHEREAS**, the Board of County Commissioners acknowledges the quality of works of art exhibited in the County's non-profit museums and galleries as setting a standard of excellence for art acquisition programs; and

**WHEREAS**, the Board of County Commissioners acknowledges the mission and success of the Palm Beach International Airport and the Palm Beach County Courthouse art acquisition programs in creating an environment of visual excellence for residents and visitors through selection, acquisition and exhibition of works of art in all appropriate media, significantly but not exclusively by Florida artists, which represents the best in Florida visual style, spirit and diversity, as recommended by a group including recognized county art experts; and

**WHEREAS**, the Board of County Commissioners acknowledges the success of the recently completed "Call to Artists" for the creation of an aesthetically-appealing solution to security barriers, combining artistic beauty with public safety at the Palm Beach County Main Courthouse; and

**WHEREAS**, the Palm Beach County Board of County Commissioners recognizes the role of Public Art Committee plays in advising the County in an overall public art policy, in the direction of public art in Palm Beach County, and in the integration of artistic elements into the planning, design and engineering process of County facilities; and

**WHEREAS**, the Board of County Commissioners desires to create an advisory committee to recommend to the Board of County Commissioners the selection, acquisition and placement of works of art in and on County-owned facilities and properties;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

**Section 1. Creation.** Upon adoption of this Resolution by the Board of County Commissioners, there is created and established a committee to be known as the Public Art Committee ("Committee").

**Section 2. Duties and Functions.** The Committee shall advise the Board of County Commissioners as to; a) the overall art policy in Palm Beach County; b) set the direction and conduct the selection of all County works of art, whether loaned, donated, or purchased, and c) develop an educational program to expand the traditional definition and perception of art and the benefit of incorporating artwork into public design projects.

**Section 3. Membership.**

A. The Committee shall be staffed by one or more staff members of Facilities Development & Operations. The Committee shall consist of ~~eight (8)~~ ten (10) members - 9 regular; 1 alternate who shall be appointed by the Board of County Commissioners as follows:

1. One (1) member shall be the Chair of the Board of County Commissioners of Palm Beach County or his or her commissioner designees, and shall act

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as Chair of the Public Arts Committee.

2. One (1) member shall be an urban planner or architectural design professional.

3. One (1) member of the Board of Directors of the Palm Beach County Cultural Council, as recommended by the Cultural Council.

4. Two (2) members shall be Palm Beach County professional nonprofit visual art administrators.

5. Two (2) members shall be Palm Beach County citizens with a significant visual art background but no current interest in a for-profit art business.

6. ~~One (1)~~ Two (2) members shall be a Palm Beach County residents with significant visual art background. One shall be a regular Committee member, one shall be an alternate member. If the number of regular attendees is less than 5, and the Alternate is in attendance, they will be permitted to vote. The Alternate will have the same opportunity to provide input on Committee discussions and direction setting as regular members. However, the Alternate is only permitted to vote when a quorum is not met for an individual meeting.

7. One (member) shall be a Landscape Architect.

B. Appointment of new members to fill vacancies in the Committee created by resignation shall be made by the Board of County Commissioners as recommended by the person, group or entity that was responsible for recommending the original appointment.

C. Any selection committee convened for the purpose of selecting or commissioning a work of art or for placement of artwork within a courthouse or on the site of a courthouse shall include the Chief Judge or his/her designee as a voting member.

D. Any selection committee convened for the purpose of selecting or commissioning an exterior work of art or for placement of artwork on a site within municipal limits shall include a representative of the municipality as a voting member. The municipality shall designate its representative.

E. Any selection committee convened for the purpose of selecting or commissioning a work of art or for placement of artwork at a facility or site occupied or managed by a County department shall include a representative of the user department as a voting member. The department director shall be the department representative.

F. All selection committees convened for the purpose of selecting or commissioning a work of art or for placement of artwork at a County owned facility or site shall include the District County Commissioner as a voting member.

G. The Committee shall have the ability to identify and include additional voting members to any selection committee if the Committee believes it is necessary to ensure appropriate artistic, technical or community input.

**Section 4. Meetings and Organizations.** The Committee shall establish a time and place for holding meetings as may be necessary and shall adopt such rules or organization and procedure as may be required. The Committee shall appoint a vice chairman, may establish sub-committees for specific subjects or tasks and may invite participation in the subcommittee by non-members in order to obtain input from other sectors of the public interested in the selection, acquisition, and siting of works of art. All meetings of the Committee and any of its sub-committees shall be open to the public, duly advertised and otherwise comply with all applicable requirements of Florida's Government in the Sunshine" and "Public Records" laws.

**Section 5. Committee Action Advisory Only.** The actions, decisions and recommendations of the Committee shall not be final or binding on the Board of County Commissioners but shall be advisory only.

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**Section 6. Assistance.** The Committee shall be encouraged to seek additional funds from private and public foundations, private individuals, and other public agencies, including the State of Florida and the National Endowment for the Arts, for acquisition of works of art. The Committee may also consider permanent donations of art to the County, provided they meet criteria established for acquired works of art.

~~The Committee shall be staffed by one or more staff members of Facilities Development & Operations~~

**Section 7. Termination.** The Committee shall expire and terminate five (5) years from the date of passage hereof without further action of the Board of County Commissioners, unless otherwise extended.

**Section 8. Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Resolution is, for any reason, held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

**Section 9. Conflict with Federal or State Law or County Ordinance.** Any statutory or Ordinance provisions in conflict with this Resolution shall prevail to the extent of such conflict.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote was passed as follows:

COMMISSIONER ADDIE L. GREENE, CHAIRPERSON	_____
COMMISSIONER JOHN F. KOONS, VICE CHAIR	_____
COMMISSIONER KAREN T. MARCUS	_____
COMMISSIONER WARREN NEWELL	_____
COMMISSIONER MARY MCCARTY	_____
COMMISSIONER BURT AARONSON	_____
COMMISSIONER JESS R. SANTAMARIA	_____

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

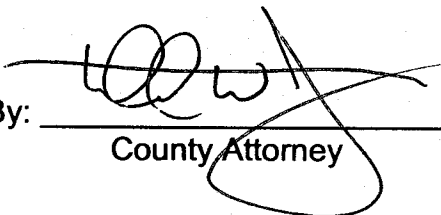
PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS  
AND CONDITIONS

By:  \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Audrey Wolf, Director  
Facilities Development & Operations

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3. One (1) member of the Board of Directors of the Palm Beach County Cultural Council, as recommended by the Cultural Council.

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The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote was passed as follows:

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COMMISSIONER JOHN F. KOONS, VICE CHAIR	_____
COMMISSIONER KAREN T. MARCUS	_____
COMMISSIONER WARREN NEWELL	_____
COMMISSIONER MARY MCCARTY	_____
COMMISSIONER BURT AARONSON	_____
COMMISSIONER JESS R. SANTAMARIA	_____

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

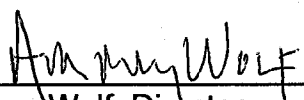
SHARON R. BOCK, CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Audrey Wolf, Director  
Facilities Development & Operations

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