

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 21, 2010

☒ 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 2009 -1164 pertaining to the Public Art Committee (PAC).

Summary: On July 21, 2009 the BCC approved the latest revision to the Resolution creating and governing the Public Art Committee. One of the changes made in this revision removed the requirement that a BCC Member sit as the Chair of the PAC. While this was the most recent revision, other revisions have been made over the years to reflect the need for a different mix of expertise among members in order to coincide with the evolving role of the PAC. Recognizing the BCC's expressed desire to serve on only those committees where participation is mandated or can have a direct impact on policy issues, Staff is recommending that the PAC structure be modified to eliminate the seat for a County Commissioner. There are no other changes to the Resolution proposed. (FDO Admin) Countywide (MJ)

Background & Justification: Recognizing the BCC's expressed desire to serve on only those advisory boards where participation is mandated or can have a direct impact on policy issues, Staff is recommending that the Public Art Committee structure be modified to eliminate the seat for a County Commissioner.

Attachments:

1. Proposed Resolution - Redlined
2. Proposed Resolution - Clean

Recommended by: _____

Anthony Wolf
Department Director

12/3/10
Date

Approved by: _____

Joe Baker
County Administrator

12/14/10
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____ <i># See below</i>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No _____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
Program _____

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

☒ No fiscal impact from this item.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB *[Signature]* 12/10/10 *12/9/10* *12/10/10*
Contract Development and Control *[Signature]* 12/13/10

B. Legal Sufficiency:

[Signature] 12/14/10
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. R2010-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RESCINDING RESOLUTION R2009-1164 AND REPLACING IT WITH A RESOLUTION CREATING THE PUBLIC ART COMMITTEE; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR MEETINGS AND ORGANIZATION; PROVIDING FOR COMMITTEE ACTION ADVISORY ONLY; PROVIDING FOR ASSISTANCE; PROVIDING FOR TERMINATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH FEDERAL OR STATE LAWS OR COUNTY ORDINANCES

WHEREAS, the Board of County Commissioners acknowledge 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;

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 acknowledge 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 ~~ten (10)~~ nine (9) members - 9 ~~8~~ 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.~~

2 1. Two (2) members shall be an Urban Planner or Architectural Design professional.

3 2. One (1) member shall be a member of the Board of Directors or staff member of the Palm Beach County Cultural Council, as recommended by the Cultural Council.

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

5 4. Three (3) members shall be Palm Beach County residents with significant visual art background.

6 5. One (1) member shall be a Landscape Architect.

A. 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.

B. The Alternate will have the same opportunity to provide input on Committee discussions and direction setting as regular members. If the number of regular attendees is less than 5, and the Alternate is in attendance, they will be permitted to vote. However, the Alternate is only permitted to vote when a quorum is not met for an individual meeting.

C. For Committee members appointed/reappointed on or after the passage of this Resolution, the Committee member term shall be three (3) years from the date of appointment/reappointment.

D. Any selection committee convened for the purpose of selecting or commissioning a work of art 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.

E. 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.

F. 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 or his or her designee shall be the department representative.

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 subcommittees 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.

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.

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.

Section 10. Effective Date. The provisions of this Resolution shall be effective immediately upon adoption hereof. The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- COMMISSIONER KAREN T. MARCUS, CHAIR
- COMMISSIONER SHELLEY VANA, VICE CHAIR
- COMMISSIONER PAULETTE BURDICK
- COMMISSIONER STEVEN L. ABRAMS
- COMMISSIONER BURT AARONSON
- COMMISSIONER JESS R. SANTAMARIA
- COMMISSIONER PRISCILLA A. TAYLOR

The Chair thereupon declared the resolution duly passed and adopted this _____ day of _____, 2010.

PALM BEACH COUNTY, a political subdivision
of the State of Florida
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: _____
Assistant County Attorney

By: _____
Department Director

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1. Two (2) members shall be an Urban Planner or Architectural Design professional.
2. One (1) member shall be a member of the Board of Directors or staff member of the Palm Beach County Cultural Council, as recommended by the Cultural Council.
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CLERK & COMPTROLLER

By: _____
Deputy Clerk

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Assistant County Attorney

APPROVED AS TO TERMS
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Department Director