

## **Fee Waiver For Nonprofits**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING “APPENDIX A – FEE SCHEDULE” TO AUTHORIZE VIA RESOLUTION OF THE CITY COMMISSION THE REDUCTION OF DESIGN REVIEW BOARD OR HISTORIC PRESERVATION BOARD FEES FOR NONPROFITS PROPOSING ART IN PUBLIC PLACES AND/OR NON-COMMERCIAL ARTISTIC MURALS, GRAPHICS AND IMAGES; AND AMENDING CHAPTER 82 “PUBLIC PROPERTY”, ARTICLE VII “ART IN PUBLIC PLACES” TO REQUIRE SAID MURALS OR GRAPHICS TO BE REVIEWED BY THE ART IN PUBLIC PLACES COMMITTEE PRIOR TO REVIEW OF THE APPLICABLE BOARD; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City Code of Ordinances contains fees for development review, permitting, and other services to cover the costs of implementing the regulations contained therein; and

**WHEREAS**, certain nonprofit organizations, (i.e. the Bass Museum, Miami Design Preservation League) desire to invest in public art installments; and

**WHEREAS**, in order to assist these nonprofits in providing these benefits to the residents and visitors of Miami Beach, the City, via resolution, desires, on a case-by-case basis, to reduce waive the fees associated with Design Review Board or Historic Preservation Board review of said art in public places and/or non-commercial artistic murals, graphics and images; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** “Appendix A – Fee Schedule,” of the Code of the City of Miami Beach is hereby amended as follows:

### **APPENDIX A - FEE SCHEDULE**

#### **FEE SCHEDULE**

This appendix includes all fees and charges established by the City Commission that are referred to in the indicated sections of the Code of Ordinances:

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118-6	<b>Cost recovery</b>	
	Review and Report by outside source	TBD
118-7	<b>Fees for the administration of land development regulations</b>	
	<b>General Fees for Public Hearing</b>	
	Application for preliminary evaluation before a board	500.00
	Application for public hearing	2,500.00
	<b><u>Fees for Design Review Board or Historic Preservation Board – for nonprofits proposing art in public places and/or non- commercial artistic murals, graphics and images</u></b>	<b><u>Fee may be reduced by a 4/7<sup>th</sup> affirmative vote of the City Commission via resolution</u></b>
	Application for clarification of previously approved board order	1,500.00
	Application for amendment to an approved board order	2,500.00

**SECTION 2.** Chapter 82, “Public Property” at Article VII, “Art in Public Places”, at Sections 82-562 and 82-612, of the Code of the City of Miami Beach are amended as follows:

## CHAPTER 82 PUBLIC PROPERTY

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### ARTICLE VII – ART IN PUBLIC PLACES

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#### **Sec. 82-562. - Powers and duties.**

The art in public places committee shall have the following powers and duties:

- (1) To recommend to the city commission whether a particular proposed city construction project is an appropriate site for works of art and whether all or a part of the appropriation required by section 82-587 should be utilized at the site or, reduced or waived in its entirety or, placed, whether in its entirety or a portion thereof, in the art in public places fund for other acceptable uses.
- (2) To recommend to the city commission the selection of existing works of art or to determine whether to recommend the selection of new works of art, and screen submissions therefore, for the fulfillment of the requirements of this article.
- (3) To conduct contests and competitions in order to select works of art to be recommended for a particular site.
- (4) To recommend a professional advisory committee to advise the committee and city commission regarding selection of particular works of art for a city construction project.
- (5) To recommend to the city commission the maintenance and insurance necessary to preserve and protect works of art.

- (6) To make a recommendation to the city commission regarding proposed projects that include works of art and to participate in the planning of such projects.
- (7) To recommend legislation concerning public works of art in the city.
- (8) To make recommendations to the city commission regarding the placement of proposed donations of works of art for placement on public property in the city.
- (9) To perform all other duties and functions as requested by the city commission.
- (10) To provide an advisory recommendation to private nonprofit applicants seeking to install art in public places and/or non-commercial artistic murals, graphics and images on private or City owned buildings, which mural, graphic or image art is not funded by the City and without City funding for the mural, graphics or images.

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#### **Sec. 82-612. - Selection of artists and works of art.**

(a) When the art in public places committee recommends a particular city construction project or existing site as being appropriate for art in public places, the committee shall also recommend to the city commission one of the following means of obtaining the works of art:

- (1) *Open entry competition.* Through appropriate advertisement all artists are invited to enter into competition for a commission to create a work of art for the site. The amount to be paid for the works of art shall be determined by the city commission after considering the committee's recommendation. Artists may be asked to submit slides of their past work, resumes, letters of intent related to the specific project or specific proposals for the project under review.
- (2) *Limited entry competition.* A limited number of artists are invited to compete as set forth in subsection (a)(1) of this section.
- (3) *Direct selection of the artist.* An artist or several artists may be selected to develop a proposal for the project or produce the desired works of art.
- (4) *Direct purchase of existing works of art.* A completed work of art is purchased. No more than ten percent of the costs of the work of art may go to a dealer or agent.

(b) In the case of a limited competition or a direct selection, an artist may be asked to develop a proposal for a specific project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the committee after consultation and approval by the city manager and shall consist of a sliding schedule based upon the total project commission. However, in general no more than five percent of the total art in public places allocation for a project should be paid in proposal fees to artists.

(c) The committee may recommend the appointment of a professional advisory committee to assist with selection of works of art or artists for a particular project. Selection of a professional advisory committee shall be by the art in public places committee and confirmed by the city commission. Reasonable expenses incurred by the professional advisory committee may be

reimbursed from the fund in accordance with rates approved in advance by the art in public places committee and the city manager.

(d) The art in public places committee shall consider the recommendations of the professional advisory committee in selecting works of art for particular city construction projects or existing sites.

(e) Construction of selected works of art. Where the selected work of art requires construction management, construction shall be managed by the city manager's designee.

(f) Selection of artists, sculptors, craftsmen, and professional advisory committee's review of designs and choice and acceptance of works of art shall be by the art in public places committee and must have approval of the city commission. All agreements made pursuant to this article shall be authorized by the city commission.

(g) In selecting/approving works of art, the art in public places committee and/or professional advisory committee and city commission shall consider the following criteria:

- (1) Appropriateness to the city construction project or existing site.
- (2) Maintenance requirements.
- (3) Quality of the work.
- (4) Likelihood that the artist can complete the work within available funding.
- (5) Reflection of enduring artistic concepts, rather than transitory ones.
- (6) History of the artist in terms of completion of works on time.

(h) In obtaining the advice of the design review board, or historic preservation board, whichever has jurisdiction over the matter based on the location of the proposed project, according to such board's normal application and review procedures, the staff of the art in public places committee shall present the proposal to such boards, prior to submittal of a final recommendation by the art in public places committee to the city commission.

(i) When providing an advisory recommendation to private nonprofit applicants seeking to install art in public places and/or non-commercial artistic murals, graphics and images on private or City owned buildings, which mural, graphic or image art is not funded by the City without City funding for the mural, graphics or images, the Committee shall utilize the following criteria:

- (1) Appropriateness to the project or existing site.
- (2) Maintenance requirements.
- (3) Quality of the work.
- (4) Likelihood that the artist can complete the work within available funding of the private nonprofit applicant.
- (5) Reflection of enduring artistic concepts, rather than transitory ones.
- (6) History of the artist in terms of completion of works on time.

The recommendation shall be issued prior to any required review of the Design Review Board or Historic Preservation Board.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 4. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

First Reading: February 14, 2018

Second Reading: March 7, 2018

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

(Sponsored by Commissioner Ricky Arriola)