

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Finance and Economic Resiliency Committee Members

FROM: Eric Carpenter, City Manager

DATE: February 21, 2025

TITLE: DISCUSS THE CREATION OF A FOUNDATION FOCUSED ON SOLICITING DONATIONS OF WORKS OF ART FOR THE CITY'S PERMANENT ART IN PUBLIC PLACES COLLECTION AND/OR TEMPORARY EXHIBITIONS.

RECOMMENDATION

The City's Art in Public Places Ordinance provides for the Art in Public Places (AiPP) Committee (Committee). The Committee's powers and duties include oversight, review and acceptance of artwork donations. The City's acceptance of temporary or permanent works of art may have significant liability implications and stewardship obligations. The Tourism and Culture Department and AiPP Committee currently review artwork donation requests for appropriateness and confirm valuations in the art market to ensure the quality and value if added to the City's AiPP Collection. The Administration recommends that if the creation of a foundation is seen as beneficial then the solicitation of donations should be limited to funding in order to maintain the existing decision making authority related to the very successful Miami Beach Art in Public Places program.

BACKGROUND/HISTORY

On October 30, 2024, at the request of Mayor Steven Meiner, the City Commission approved a referral (C4 T) to the Finance and Economic Resiliency Committee (FERC) to discuss the creation of a foundation focused on soliciting donations for works of art for the City's permanent Art in Public Places (AiPP) collection and/or temporary exhibitions.

As noted in the referral memorandum (attached), the City of Miami Beach has long been committed to the enhancement of its public spaces through its Art in Public Places program ("AiPP"), which aims to integrate high-quality, publicly accessible art throughout the City. AiPP enriches the community, supports cultural engagement, and promotes Miami Beach as an international destination for the arts through the curating and commissioning of public art. AiPP was created in 1984, with its ordinance adopted in 1995. The program allocates funds totaling 2% of hard costs for City construction projects and joint private/public projects. Appointed by the City Commission, the AiPP Committee's seven (7) members serve in an advisory capacity to the Mayor and City Commission. Artworks commissioned through AiPP should add value to the public art collection, attract international attention and celebrate the diversity and heritage of Miami Beach.

To further this commitment, the item sponsor has requested that FERC discuss the potential benefits, structure, and feasibility of creating a foundation with specific focus on soliciting and accepting donations (or temporary installations) of works of art from individuals, corporations, and other benefactors. The item sponsor suggests that such a foundation could serve as a platform for residents, art collectors, and art institutions to contribute to the cultural fabric of Miami Beach, ensuring a continuous enhancement of public art offerings. Further, the establishment of a dedicated foundation to solicit art donations represents an opportunity for Miami Beach to expand its AiPP collection while fostering community engagement and philanthropy.

Key issues for consideration by the Committee include:

1. Foundation Structure: Evaluate the optimal organizational structure for a foundation, including governance, legal framework, and potential partnership models.
2. Funding and Management: Discuss operational funding and staffing needs, as well as costs associated with installation, maintenance, and insurance.
3. Integration with the City's AiPP Program: Review how a foundation's activities would align with and support the existing AiPP Committee and the broader cultural initiatives of the City.
4. Community and Economic Benefits: Consider the cultural, social, and economic impact of enhancing the City's public art collection through such a foundation, including the potential to further elevate Miami Beach's standing as a global arts destination.

ANALYSIS

Art in Public Places Committee

Pursuant to the AiPP Ordinance, the AiPP Committee reviews and provides a recommendation based on its powers and duties. The powers and duties of the AiPP Committee already provide the ability to oversee potential donations of works of art for the City. The provisions of the Ordinance are outlined below.

- **Sec. 82-562. 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 to select works of art to be recommended for a site.
- (4) To recommend a professional advisory committee to advise the committee and city commission regarding selection of 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 provide an advisory recommendation to private nonprofit applicants seeking to install works of art in public places and/or noncommercial artistic murals, graphics and images on private or city-owned buildings, which mural, graphic or image art is not funded by the city.
- (10) To perform all other duties and functions as requested by the city commission.

- **Division 3. - Fund**

- **Sec. 82-586. - Art in public places fund established.**

The city art in public places fund shall be established, to consist of the following:

(1) Monies appropriated to the fund by the city commission in accordance with section 82-587.

(2) Monies donated to the fund by private individuals and organizations.

(3) Monies received by the city from award of federal or state grants for the acquisition or maintenance of works of art on public property or at public facilities in the city. Grant monies received by or on behalf of the Bass Museum of Art shall be exempt from placement in the art in public places fund.

Division 4. Procedures

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

(i) When providing an advisory recommendation to private nonprofit applicants seeking to install works of art in public places and/or noncommercial artistic murals, graphics and images on private or city-owned buildings, which mural, graphic or image art is not funded by the city, 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.

Based on the parameters of the AiPP Ordinance, the Administration does not recommend creating a foundation to oversee and solicit donations of works of art. In addition, the potential creation of such a "committee" would be outside of standard procedures for municipalities as it pertains to obtaining artwork donations. The Tourism and Culture Department's Cultural Affairs Division met with staff from the Miami-Dade County Cultural Affairs Department Art in Public Places program to discuss whether the county, or any municipality, has an entity outside of AiPP that solicits artwork. The county shared that they do not solicit any artwork donations but rather has a process to review, accept, and take over third-party donations of artwork for permanent placement on County-owned property. In addition, requests for artwork donations for temporary exhibits/display are often pursued by non-profit organizations (such as The Underline) and/or emerging quasi-governmental arts agencies. Where a foundation could be most helpful is the solicitation of contributions to augment the AiPP program.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Based on the Art in Public Places Ordinance, the Art in Public Places (AiPP) Committee's powers and duties include oversight, review and acceptance of artwork donations. The Tourism and

Culture Department and AiPP Committee currently review artwork donation requests for appropriateness. The Administration recommends that if the creation of a foundation is seen as beneficial then the solicitation of donations should be limited to funding in order to maintain the existing decision making authority related to the very successful Miami Beach Art in Public Places program.

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?

If so, specify the name of lobbyist(s) and principal(s):

Department

Tourism and Culture

Sponsor(s)

Mayor Steven Meiner

Co-sponsor(s)

Commissioner Joseph Magazine

Condensed Title

Discuss the creation of a Foundation focused on soliciting donations of works of art for AiPP