

EXHIBIT 1
ORDINANCE NO. 2018 –

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, CREATING SECTION 2-10 “DONATIONS TO THE CITY”; CREATING SECTION 2-11 “DONATIONS OF ARTWORK TO THE CITY”; PROVIDING FOR A PROCESS OF ACCEPTING DONATIONS AND A PROCESS OF ACCEPTING ARTWORK ON BEHALF OF THE CITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on occasion, items, artwork, and/or funding have been donated to the City;
and

WHEREAS, establishing a procedure and legal guidelines for the acceptance of donations, including donations of artwork, will help provide consistency, guide the review and acceptance of such donations, confirm that the City has relevant and adequate resources to administer such donations, and ensure the City appropriately accounts for donated funds; and

WHEREAS, the Mayor and the City Commission have determined that it is in the best interest of the residents of the City to provide for a process of accepting donations on behalf of the City.

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

SECTION 1. The foregoing “Whereas” clauses are hereby incorporated herein.

SECTION 2. Chapter 2 “Administration” of the Code of Ordinances of the City of Hallandale Beach, Florida is hereby amended to read as follows:

Sec. 2-10. – Donations to the City.

(a) The following definitions shall apply:

Donor is defined as a person or other legal entity that proposes or provides a donation to the City.

Donation is defined as any monetary or nonmonetary gift, device, or bequest to the city. A monetary donation includes cash, a check, money order or other negotiable instrument. A non-monetary donation includes real or personal property. Artwork is not a donation for purposes of this section.

(b) Donations to the City shall be accepted as follows:

(1) Department directors are authorized to accept donations valued at less than \$500.00.

(2) City Manager or his/her designee is authorized to accept donations valued at \$500.00 and less than \$20,000.00.

(3) Donations valued at \$20,000.00 or more shall be accepted by the City Commission.

(4) The value of the donation shall be ascribed by the donor at the time the donation is tendered to the City.

(5) Donations of artwork shall be in accordance with Section 2-11, Donations of Artwork to City.

(6) All Donors shall submit a Donation Agreement Form to the City.

(c) The City reserves the right to decline any donation if, upon review, acceptance of the donation is determined not to be in the best interest of the City.

Section 2-11. – Donations of Artwork to the City.

(a) The following definitions shall apply:

Artist means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts. An individual not meeting this definition may be otherwise approved as an artist or professional artist by the City.

Artwork means tangible creations by artists exhibiting skill and aesthetic principles and includes all forms of the visual arts conceived in any medium, material, or

combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate a person or an event, functional furnishings, such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements. The following shall not be considered artwork for purposes of this section unless otherwise approved by the City Commission:

(1) Reproductions or unlimited copies of original artwork.

(2) Art objects which are mass produced.

(3) Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site.

(b) By agreeing to donate artwork to the City, the artist agrees to transfer all ownership interests to the City, including, but not limited to, all rights as to placement, the timing of placement and the location of placement of the donated artwork; and all rights as to the maintenance, storage, sale or disposal of the artwork.

(c) An application for the donation of artwork to the City shall be submitted, and shall include:

(1) Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;

(2) For items valued at over \$10,000, an appraisal or other evidence of the value of the proposed artwork including acquisition and installation costs;

(3) A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that can be waived under applicable state and federal laws. City approval of the artwork shall be deemed to be a grant of the artist for authorization by third parties to review and reproduce documents provided by the artist to the City which are deemed to be public records pursuant to the public records laws of the state. The City shall also have the option of referring to the name and title of the artist and artwork in reproductions;

(d) Ownership of all works of art acquired by the City under this program is vested in the City. The City shall acquire title to each work of art acquired. The City Commission is charged with the custody, supervision, maintenance and preservation of such works of art.

(e) The City reserves the right to decline any donation if, upon review, acceptance of the donation is determined not to be in the best interest of the City.

(f) Items may be accepted pursuant to the authorization thresholds in Sec. 2-10.

SECTION 3. Sections 2-5 to 2-9 are reserved for future use.

SECTION 4. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 5. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 6. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 7. Effective date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on the 4th day of April 2018.

PASSED AND ADOPTED on 2nd reading on _____, 2018.

KEITH S. LONDON
MAYOR

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128 SPONSORED BY: CITY ATTORNEY

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130 ATTEST:

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134 _____
JENORGEN GUILLEN

135 INTERIM CITY CLERK

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137 APPROVED AS TO LEGAL SUFFICIENCY

138 AND FORM

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JENNIFER MERINO

143 CITY ATTORNEY