



To: Antonio Silio

From: Yaneris Figueroa, Assistant City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Art in Public Places

Date: October 2, 2015

You asked me to determine when a municipal repair project triggers the Art in Public Places deposit requirements. In reviewing Article 3, Division 21, of the Zoning Code, which establishes the Art in Public Places program (the "Program"), it becomes apparent that only *new* municipal construction and municipal repairs *over \$100,000.00* trigger the deposit requirement. Indeed, Section 3-2102 states that "[t]he Art in Public Places Program applies to Municipal and Non-Municipal Construction Projects." The definition section, Section 3-2106, establishes Municipal Construction Project as "*any remodel project over \$100,000 or new construction project* to the extent paid for wholly or in part by the City or other governmental entity, regardless of the source of the monies, for any public buildings, public decorative structures, public parking facilities and parks or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project." Thus, only new construction funded by the City, or other governmental agency, and City remodel projects costing over \$100,000.00, qualify as Municipal Construction Projects for purposes of the Program. Accordingly, because the Program applies only to Municipal Construction Projects, and only repairs over \$100,000.00 are Municipal Construction Projects, repairs under \$100,000.00 are not subject to the Program. Therefore, based on the above, it is my opinion that a municipal repair project must cost over \$100,000.00 to trigger the 1.5% deposit requirement of the Program. Any municipal repair project costing less than \$100,000.00 does not require deposit by the City.

This opinion is issued pursuant to Secs. 2-201(e)(1) and (8) of the City of Coral Gables Code authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

This opinion is also issued pursuant to section 2-702 of the Zoning Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#); [Figueroa, Yaneris](#)
Subject: Fwd: Art in Public Places Opinion
Date: Friday, October 02, 2015 10:31:51 AM
Attachments: [image001.png](#)

Please publish, and please add that this opinion is also issued pursuant to section 2-702 of the Zoning Code as well.

Sent from my iPhone

Begin forwarded message:

From: "Figueroa, Yaneris" <yfigueroa@coralgables.com>
Date: October 2, 2015 at 10:05:39 AM EDT
To: "Silio, Antonio" <asilio@coralgables.com>
Cc: "Leen, Craig" <cleen@coralgables.com>, "Ramos, Miriam" <mramos@coralgables.com>, "Paulk, Enga" <epaulk@coralgables.com>
Subject: Art in Public Places Opinion

Good Morning Tony,

You asked me determine when a municipal repair project triggers the Art in Public Places deposit requirements. In reviewing Article 3, Division 21, of the Zoning Code, which establishes the Art in Public Places program (the "Program"), it becomes apparent that only *new* municipal construction and municipal repairs *over \$100,000.00* trigger the deposit requirement. Indeed, Section 3-2102 states that "[t]he Art in Public Places Program applies to Municipal and Non-Municipal Construction Projects." The definition section, Section 3-2106, establishes Municipal Construction Project as "***any remodel project over \$100,000 or new construction project*** to the extent paid for wholly or in part by the City or other governmental entity, regardless of the source of the monies, for any public buildings, public decorative structures, public parking facilities and parks or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project." Thus, only new construction funded by the City, or other governmental agency, and City remodel projects costing over \$100,000.00, qualify as Municipal Construction Projects for purposes of the Program. Accordingly, because the Program applies only to Municipal Construction Projects, and only repairs over \$100,000.00 are Municipal Construction Projects, repairs under \$100,000.00 are not subject to the Program. Therefore, based on the above, it is my opinion that a municipal repair project must cost over \$100,000.00 to trigger the 1.5% deposit requirement of the Program. Any municipal repair project costing less than \$100,000.00 does not require deposit by the City.

This opinion is issued pursuant to Secs. 2-201(e)(1) and (8) of the City of Coral Gables Code authorizing the City Attorney's Office to issue opinions and

interpretations on behalf of the City.
If you have any questions or concerns, please let me know.

Best,
Yaneri Figueroa
Assistant City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 722-8625
Fax: (305) 476-7795

