

To: The Honorable Mayor and City Council

From: Babacar MBow
MOCA Director

Date: September 23, 2014

RE: MOCA's future board

RECOMMENDATION

It is recommended that the Mayor and City Council approve the attached resolution authorizing the City Manager and City Attorney to create a Committee name "Interim" Board Members of MOCA.

BACKGROUND

The City and the current Board of Trustees of MOCA are in mediation to settle the lawsuits associated with separation of the museum from the City. This board has publicly announced it has formed a new organization called the Institute of Contemporary Art Miami located in Miami's Design District.

For MOCA to move forward to provide services and programs to advance the mission it has had for some twenty years there needs to be a future Board of Trustees to govern and support the institution to the benefit of the City and its visitors.

With the litigation still ongoing, a steering committee should be formed to help plan the future of the museum when the situation is resolved. These committee members would function initially as Interim Board Members and become Board of Trustee members when the situation is resolved.

ATTACHMENT(s)

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CREATING A COMMITTEE KNOWN AS “INTERIM BOARD MEMBERS OF MOCA” TO SUPPORT THE TRANSITION AND NEW DIRECTION OF THE MUSEUM OF CONTEMPORARY ART IN NORTH MIAMI, (MOCA NORTH MIAMI), PURSUANT TO THE PENDING FINALIZATION OF A SETTLEMENT AGREEMENT IN THE CASE STYLED AS MUSEUM OF CONTEMPORARY ART, INC., V. CITY OF NORTH MIAMI, ET AL.; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the current Board of Trustees of the Museum of Contemporary Art (“MOCA”) filed a lawsuit against the City of North Miami (City), Museum of Contemporary Art, Inc., v. City of North Miami, et al., Case No.: 14-008991 CA (30); and

WHEREAS, on August 7, 2014, in a public statement reported in the Miami Herald, the co-chairs of the Board announced that they would be establishing a new art institution located elsewhere in Miami-Dade County; and

WHEREAS, the current Board of Trustees of MOCA have formed the Institute of Contemporary Art, Inc.; and

WHEREAS, MOCA, North Miami, its staff, supporters and friends wish the current Board of Trustees the best in their new endeavors; and

WHEREAS, the City is excited about the future of MOCA, North Miami in its continued efforts to advance its mission to make contemporary art accessible to diverse audiences, especially underserved populations, through the collection, preservation and exhibition of the best of contemporary art and its art historical influences; and

WHEREAS, since the filing of the lawsuit, both parties have been negotiating towards a fair and equitable separation; and

WHEREAS, toward that end, the Vice Mayor as Acting Mayor and City Council wish to create a MOCA, North Miami steering committee to be named as the “Interim Board Members

of MOCA” for the purpose of directing and assisting MOCA North Miami during this transition period; and

WHEREAS, once a final agreement is reached between the parties to the lawsuit (Museum of Contemporary Art, Inc., v. City of North Miami, et al.), the Interim Board Members will become the Board of Trustee Members pursuant to Section 2-61, of the City of North Miami Code of Ordinances; and

WHEREAS, in accordance with general law, the Vice Mayor as Acting Mayor and Council approve the following individuals to the Committee of the “Interim Board Members of MOCA” (See Enclosed List as Exhibit “A”).

NOW THEREFORE, BE IT RESOLVED BY THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recitals. The recitals set forth above are adopted by the Acting Mayor and City Council of the City of North Miami, Florida and are incorporated herein.

Section 2. Creation. The Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, hereby create a Committee named “Interim Board Members of MOCA”.

Section 3. Appointments. The Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, hereby appoint members to the Committee named “Interim Board Members of MOCA” as outlined in Exhibit A.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, this _____ day of September 2014.

PHILIPPE BIEN-AIME
VICE MAYOR AS ACTING MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Vice Mayor as Acting Mayor Philippe Bien-Aime
Councilperson Scott Galvin
Councilperson Carol Keys, Esq.
Councilperson Marie Erlande Steril

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

EXHIBIT "A"

Interim Board Members of MOCA Committee

1. **Mr. Richard LeFrak, President**
2. **Dr. Rudy Moise**
3. **The Honorable Karen Mills-Francis**
4. **Dr. Larry Pierre, Executive Director**
5. **Ms. Mary Ann Portell**
6. **Dr. Ernest M. DiGeronimo, MD**
7. **Sheldon A. Philp, Esq.**
8. **Mr. Ronald L. Book**
9. **Mr. Clark Reynolds**
10. **Pamella Watson, President**
11. **Mr. Michael Dezer**
12. **Brian Flanagan, President**
13. **Dr. Joseph Fanfan, Jr.**

Update as of: 9/18/14