

LEGISLATIVE FACT SHEET

DATE: 03/21/18

BT or RC No: _____
(Administration & City Council Bills)

SPONSOR: Mayor's Office
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: Sam Mousa, Chief Administrative Officer

Provide Name: Sam Mousa, Chief Administrative Officer

Contact Number: (904) 630-1776

Email Address: SMousa@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation.

(Minimum of 350 words - Maximum of 1 page.)

This legislation is necessary to authorize the Mayor to accept on behalf of the City of Jacksonville the reconveyance of artwork from the Museum of Contemporary Art Jacksonville, Inc.; Terminate the Security Agreement dated 10/20/2006 (as amended between the parties); Declare work of art described as "Iva" by Joan Mitchell to be declared surplus to the City's needs; Authorize disposition of the artwork at an art auction; Establish an auction reserve price; Waive conflicting surplus and disposition provisions of Chapter 122, Part 8, Ordinance Code; Authorize the Mayor, or his designee, and the Corporation Secretary to execute and/or deliver (1) Quit-Claim Bill of Sale Executed by MOCA and accepted by City; (2) Termination of Security Agreement between City and MOCAJax; (3) Incoming Borrower Agreement between City and MOCAJax; (4) Auction Sale Agreement between City and Christie's, Inc.; (5) MOCAJax Agreement between City and MOCAJax, and any and all documents necessary to consummate the sale of the artwork and the transactions contemplated in this ordinance; Direct use of the art auction sale proceeds; Amend Chapter 111, Part 1, Section 111.160, Ordinance Code; Invoke the exemption in Section 126.107(g), Part 1, Chapter 126, Ordinance Code.

APPROPRIATION: Total Amount Appropriated _____ N/A as follows:

List the source name and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

| | | |
|---|-------------|---------------|
| Name of Federal Funding Source(s) | From: _____ | Amount: _____ |
| | To: _____ | Amount: _____ |
| Name of State Funding Source(s): | From: _____ | Amount: _____ |
| | To: _____ | Amount: _____ |
| Name of City of Jacksonville Funding Source(s): | From: _____ | Amount: _____ |
| | To: _____ | Amount: _____ |
| Name of In-Kind Contribution(s): | From: _____ | Amount: _____ |
| | To: _____ | Amount: _____ |
| Name & Number of Bond Account(s): | From: _____ | Amount: _____ |
| | To: _____ | Amount: _____ |

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

The Joan Mitchell Artwork auction estimates are attached as Exhibit 3 to the legislation. The legislation is requesting the City Council to approve the following uses of the art auction sales proceeds from the sale of the Joan Mitchell Artwork: (i) fifty percent (50%) of the auction sales proceeds shall be used to make a one-time gift to MOCAJax for the establishment of an endowment fund to be deposited into the UNF Foundation for MOCAJax to acquire, manage and maintain MOCAJax's art collection; and (ii) fifty percent (50%) of the auction sales proceeds shall be deposited in a separate activity under the Art in Public Places Trust Fund, of which only the annual interest earnings shall be used to maintain the City's public art.

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

Emergency? Yes No

Justification of Emergency: If yes, explanation must include detailed nature of emergency.

One-cycle emergency passage of this legislation is requested. The nature of the emergency is that Christie's Inc. needs adequate time to conserve, register and market the Joan Mitchell Artwork for Christie's New York City Art Week in May of 2018, which includes the highly anticipated "Rockefeller Collection" art auction. In order for the City to participate in the May auction, Christie's desires to begin marketing the Joan Mitchell Artwork by the week of April 9, 2018.

Federal or State Mandate? Yes No

Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.

Fiscal Year Carryover?

Note: If yes, note must include explanation of all-year subfund carryover language.

CIP Amendment?

Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.

Contract / Agreement Approval?

Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted?

The contracts were drafted and approved by OGC and the other interested parties involved. Copies of all agreements are attached to the legislation. MOCAJax shall oversee and manage the sale of the Joan Mitchell Artwork and the authorized agreements contained herein in consultation with the Mayor's

Related RC/BT?

Attachment: If yes, attach appropriate RC/BT form(s).

Waiver of Code?

Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.

Waiving any surplus and disposition provisions of Chapter 122 (Public Property), Part 8 (Tangible Personal Property), Ordinance Code, including, but not limited to, Section 122.811 (Sales of tangible personal property; prohibition of sales to certain persons) and Section 122.812 (Surplus, obsolete and waste supplies and other tangible personal property), that conflict with the terms of this ordinance.

Code Exception?

Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.

Section 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement Code), Ordinance Code; The services provided by Christie's Inc. under the Auction Sale Agreement are exempted from competitive solicitation because the services are being approved via authorizing legislation.

Related Enacted Ordinances?

Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper.

2006-131-E and 2008-1095-E are related ordinances for historical background

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

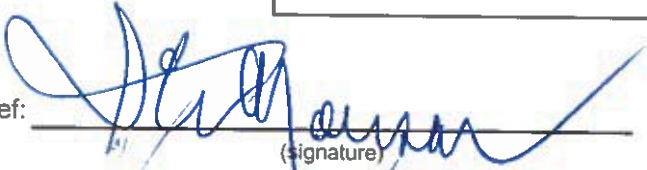
ACTION ITEMS: Yes No
Continuation of Grant?


Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?

| | | |
|---------------------------------|--------------------------|-------------------------------------|
| Surplus Property Certification? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Reporting Requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Attachment: If yes, attach appropriate form(s).

Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating

Division Chief: 
(signature)

Prepared By: Lawsikia Hodges, Office of General Counsel 
(signature)

Date: 3/22/2018

Date: 3/22/2018

ADMINISTRATIVE TRANSMITTAL

To: MBRC, c/o Roselyn Chall, Budget Office, St. James Suite 325

Thru: _____

(Name, Job Title, Department)

Phone: _____

E-mail: _____

From: Sam Mousa, Chief Administrative Officer

Initiating Department Representative (Name, Job Title, Department)

Phone: (904) 630-1776

E-mail: Smousa@coj.net

Primary Contact: Sam Mousa, Chief Administrative Officer

(Name, Job Title, Department)

Phone: (904) 630-1776

E-mail: Smousa@coj.net

CC: Allison Korman Shelton, Director of Intergovernmental Affairs, Office of the Mayor
904-630-1825 E-mail: akshelton@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Peggy Sidman, Office of General Counsel, St. James Suite 480

Phone: 904-630-4647

E-mail: psidman@coj.net

From: _____

Initiating Council Member / Independent Agency / Constitutional Officer

Phone: _____

E-mail: _____

Primary

Contact: _____
(Name, Job Title, Department)

Phone: _____

E-mail: _____

CC: Allison Korman Shelton, Director of Intergovernmental Affairs, Office of the Mayor
904-630-1825 E-mail: akshelton@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item:

Yes

No

Boards Action / Resolution?

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED