



To: Cynthia Birdsill, Virginia Goizueta, Jane Tompkins

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

RE: Legal Opinion Regarding Determination Of 1% For Art In Public Places

Date: May 30, 2013

Both hard and soft costs should be used in calculating the 1%, as the Commission's Guidelines (passed by resolution), expressly refer to "hard and soft construction costs" in the first paragraph of page 13. Consistently, it is my view that the term "construction cost" as used in the "Developer Options" section of the Guidelines which begins later on page 13), refers to both hard and soft costs. The Commission has the authority to interpret and apply its ordinances through implementing resolutions, such as these Guidelines. It is also my view that using architectural and engineering fees for "soft costs" is a reasonable staff interpretation of soft costs.

Hernandez, Cristina

From: Leen, Craig
Sent: Thursday, May 30, 2013 3:31 PM
To: Hernandez, Cristina
Cc: Thornton Richard, Bridgette
Subject: FW: Determination of 1% for Art in Public Places

Importance: High

Please place in the opinion folder.

Craig E. Leen
City Attorney

From: Leen, Craig
Sent: Thursday, May 30, 2013 2:37 PM
To: Birdsill, Cynthia; Goizueta, Virginia; Tompkins, Jane
Subject: RE: Determination of 1% for Art in Public Places
Importance: High

I agree with this interpretation. Both hard and soft costs should be used in calculating the 1%, as the Commission's Guidelines (passed by resolution), expressly refer to "hard and soft construction costs" in the first paragraph of page 13. Consistently, it is my view that the term "construction cost" as used in the "Developer Options" section of the Guidelines (which begins later on page 13), refers to both hard and soft costs. The Commission has the authority to interpret and apply its ordinances through implementing resolutions, such as these Guidelines. It is also my view that using architectural and engineering fees for "soft costs" is a reasonable staff interpretation of soft costs.

Craig E. Leen
City Attorney

From: Birdsill, Cynthia
Sent: Wednesday, May 22, 2013 9:26 AM
To: Goizueta, Virginia; Tompkins, Jane
Cc: Leen, Craig
Subject: Determination of 1% for Art in Public Places

Hi Jane and Virginia, I have been meeting with Craig regarding calculation of the 1% for art in public places, which we learned recently was only being made on hard costs. However, the Guidelines adopted by the Commission indicate that the calculation should be made on hard and soft costs. I believe that the administration of determining the soft costs would be easiest to ask for proof of their architectural and engineering fees. Therefore, the 1% should be calculated based on the hard costs plus architectural and engineering fees. Craig, please chime in if any other thoughts.

Thanks!

Cindy

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