

ORDINANCE NO. 1356

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI ENTITLED "ADMINISTRATION", SPECIFICALLY AT ARTICLE III, DIVISION 2, ENTITLED "BOARD OF TRUSTEES OF THE NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA)", BY AMENDING SECTION 2-61, ENTITLED "ORGANIZATION; TERM OF OFFICE", TO ALLOW THE MOCA BOARD OF TRUSTEES TO DETERMINE THE MAXIMUM NUMBER OF MEMBERS SERVING ON THE BOARD, IN LIEU OF THE CURRENT MAXIMUM OF THIRTY (30) BOARD MEMBERS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2 of the Code of Ordinances ("Code") of the City of North Miami ("City"), establishes the Board of Trustees ("Board") of the North Miami Museum of Contemporary Art ("MOCA"), and further delineates the Board's authority and duties; and

**WHEREAS**, the Board is responsible for the overall operation, administration, function and activities of MOCA; and

**WHEREAS**, Section 2-61 of the Code provides for a minimum of eleven (11) Board members, a maximum of thirty (30) Board members, and one (1) ex-officio Board member selected from the City staff; and

**WHEREAS**, on April 15, 2013, the Board voted in favor of amending Section 2-61 of the Code to allow the Board the authority to set the maximum number of members to the Board, in lieu of the current maximum of thirty (30) Board members, to broaden support and representation; and

**WHEREAS**, to ensure for the proper operation, administration and overview of MOCA, the Director of MOCA respectfully requests that the Mayor and City Council approve the proposed amendment to the Code, authorizing the Board to set its own maximum number of members serving the Board.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1. Amendment to City of North Miami Code.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 2 of the Code of Ordinances of the City of North Miami entitled "Administration", specifically at Article III, Division 2, entitled "Board of Trustees of the North Miami Museum of Contemporary Art (MOCA)", by amending Section 2-61, entitled "Organization; Term of Office", to allow the MOCA Board of Trustees to determine the maximum number of members serving on the board, in lieu of the current maximum of thirty (30) board members, as follows:

**CHAPTER 2. ADMINISTRATION**

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**ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS**

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**DIVISION 2. BOARD OF TRUSTEES OF THE NORTH MIAMI MUSEUM OF  
CONTEMPORARY ART (MOCA)**

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**Sec. 2-61. Organization; term of office.**

- (a) There is established a board of trustees of the North Miami Museum of Contemporary Art (MOCA) which shall consist of a minimum of eleven (11) members and a maximum of ~~thirty (30)~~ number of members as determined by the board of trustees, and one (1) ex officio member from the staff of the city. The city staff member shall be designated by the city council.
- (b) The board of trustees' nominating committee may present one (1) name as a nominee for each available seat on the board to the board for selection, to fill vacancies from time to time.
- (c) The term of office for the board of trustees shall be as follows:
  - (1) All members serving on the board as of the effective date hereof (October 25, 1994) shall continue to serve until their term expires. Appointments shall be made to fill any expired term for a term of four (4) years.
  - (2) In the event of the removal or resignation of a member of the board of trustees, the nominating committee of the board shall recommend one (1) name for the position to the board of trustees for selection by majority vote for the remainder of the unexpired term.
  - (3) Any member may be removed by a majority of the city council for cause. The board of trustees shall be given the opportunity to express their agreement or disagreement, before such removal vote occurs. Any member may be removed by a majority vote of

the board of trustees without cause.

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**Section 2. Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 28 day of May, 2013.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 25 day of June, 2013.

  
LUCIE M. TONDREAU  
MAYOR

ATTEST:   
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: MOCA BOARD OF TRUSTEES

Moved by: Vice Mayor Steril

Seconded by: Councilman Galvin

**Vote:**

Mayor Lucie M. Tondreau	<u>x</u>	(Yes)	<u>        </u>	(No)
Vice Mayor Marie Erlande Steril	<u>x</u>	(Yes)	<u>        </u>	(No)
Councilperson Scott Galvin	<u>x</u>	(Yes)	<u>        </u>	(No)
Councilperson Carol Keys, Esq.	<u>x</u>	(Yes)	<u>        </u>	(No)
Councilperson Philippe Bien-Aime	<u>x</u>	(Yes)	<u>        </u>	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.