

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", ARTICLE III, ENTITLED "BOARDS, COMMITTEES, COMMISSIONS", DIVISION 2, ENTITLED "BOARD OF TRUSTEES OF THE NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA)", SPECIFICALLY AT SECTION 2-63 ENTITLED "MEETINGS; ATTENDANCE", TO CHANGE THE NUMBER OF REQUIRED MEETINGS; 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, the proposed ordinance provides an update to the Board's standards and criteria as it relates to the minimum number of meetings to be conducted by the Board on an annual basis; and

WHEREAS, to ensure for the proper operation, administration, and overview of MOCA by the Board of Trustees, it is requested that the Mayor and City Council approve the proposed amendments to the Code.

WHEREAS, the Mayor and City Council of the City of North Miami have determined that the proposed amendments to Chapter 2, Article III, Division 2 of the Code of Ordinances is in the best interest of the City.

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

Section 1. Chapter 2 of the City Code of Ordinances, entitled "Administration", Article III, entitled "Boards, Committees, Commissions" Division 2 entitled "Board of Trustees

of the North Miami Museum of Contemporary Art (MOCA) is hereby amended at Section 2-63 entitled "Meetings; attendance" as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
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)

Sec. 2-63. Meetings; attendance.

- (a) The board shall meet approximately once each month and there shall be a minimum of ~~nine (9)~~ four (4) meetings each year. If a board member is absent without good cause for more than two (2) consecutive meetings, the board member may be removed by a majority vote of the board of trustees. Board members shall not use proxies to serve at a meeting in the absence of the board member. The meetings of the board of trustees shall be open to the public.
- (b) Quorum; required vote. The board of trustees shall transact the business of MOCA with thirty-three (33) percent of board members constituting a quorum. A positive recommendation for any matter coming before the board of trustees shall require a majority vote of the members present. No member shall participate in deliberations or vote upon any item before the board of trustees that would constitute a conflict of interest for that member, in compliance with F.S. ch. 112, as amended from time to time.
- (c) The board of trustees shall elect from within the board a chairperson, who shall be the presiding member; a vice-chairperson, who shall preside in the absence or disqualification of the chairperson.

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. **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 5. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.


Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 12th day of November, 2024.

PASSED AND ADOPTED by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 26th day of November, 2024.


ALIX DESULME, ED.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Charles

Seconded by: Estime-Irvin

Vote:

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|---|-------------------|-------|-------------------|-------------|
| Mayor Alix Desulme, Ed.D. | <u>X</u> | (Yes) | <u> </u> | (No) |
| Vice-Mayor Mary Estimé-Irvin | <u>X</u> | (Yes) | <u> </u> | (No) |
| Councilman Scott Galvin | <u>X</u> | (Yes) | <u> </u> | (No) |
| Councilwoman Kassandra Timothe, MPA | <u> </u> | (Yes) | <u> </u> | (No) Absent |
| Councilman Pierre Frantz Charles, M.Ed. | <u>X</u> | (Yes) | <u> </u> | (No) |

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