

ORDINANCE NO. 853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BY AMENDING CHAPTER 16, ENTITLED "PUBLIC PLACES" BY REPEALING SECTIONS 16-17 "BOARD OF DIRECTORS - CREATED" AND 16-18 "POWERS, DUTIES" WHICH HAD INCORPORATED REPEALED STATUTORY PROVISIONS AND ENACTING NEW SECTIONS 16-17 AND 16-18 PROVIDING FOR THE CREATION AND DUTIES OF THE LIBRARY BOARD FOR THE NORTH MIAMI COMMUNITY LIBRARY, E. MAY AVIL NORTH MIAMI PUBLIC LIBRARY; AND REPEALING SECTION 16-21 "E. MAY AVIL NORTH MIAMI PUBLIC LIBRARY BUILDING FUND"; PROVIDING FOR REPEAL AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 16-17 of the North Miami Code of Ordinances entitled "Board of directors - Created" as set forth in Exhibit "A", attached hereto, is hereby repealed and a new Section 16-17 is created which section reads as follows:

"Sec. 16-17. Establishment of Board, Composition; Appointment; Term.

There is hereby created a Library board for the North Miami Community Library also known as E. May Avil North Miami Public Library. Each member of the City Council shall nominate one (1) member of the Library Board, which nomination shall be subject to approval of a majority of the City Council. The five members thus appointed by the City Council shall be residents of the City. The initial members of the Board shall be appointed by the City Council immediately upon adoption of this ordinance. Each member so appointed shall hold office for a four (4) year term, except the member nominated by the Mayor shall hold office for a two (2) year term. The City Council may at any time remove a member from office and appoint a qualified person to serve out the unexpired term of any member so removed. Such action shall require (3) positive votes. If any member fails to attend two (2) out of three (3) successive meetings without cause and without prior notice and approval of the chairman, the board shall declare the member's office vacant and the City Council shall promptly fill such vacancy for the remainder of the term. The City Council may reappoint the person removed provided there is at least a majority vote of the City Council to do so. The board

members shall serve without compensation. Members of the Library Board shall elect a Chairperson, who shall be the presiding member; a vice-chairperson, who shall preside in the absence or disqualification of the chairperson; and shall appoint a secretary. Terms of all officers shall be for one (1) year, with eligibility for re-election. The library board shall give at least five (5) days notice of all meetings by posting such notice on the bulletin board of City Hall."

Section 2. Section 16-18 of the North Miami Code of Ordinances entitled "Same - Powers, duties", as set forth in Exhibit "A" attached hereto, is hereby repealed and a new Section 16-18 is created to read as follows:

"Sec. 16-18. Same - Powers, duties.

The library board may, subject to supervision by the City Manager, and control by the City Council, make and adopt bylaws and rules and regulations for their guidance and for use and administration of the library and its facilities, as may be deemed necessary to maintain the usefulness and efficiency of the library, including recommendations regarding library programs and policies, penalties for trespasses or injury to the library grounds, books or other property, or failure to return any books, or for violation of any such bylaw or regulation. Any bylaw or regulation established by the board may be amended by the City Council. The board shall make recommendations with regard to all monies collected or donated to the credit of the Library Fund."

Section 3. Section 16-21 of the North Miami Code of Ordinances entitled "E. May Avil North Miami Public Library Building Fund", as set forth in Exhibit "A" attached hereto, is hereby repealed, effective October 1, 1991.

Section 4. The remaining provision of Article II Public Library shall remain in full force and effect as follows:

Sec. 16-19. Tax levied.

There is hereby levied and assessed an ad valorem tax of up to one (1) mill on the dollar annually on all real and personal property within the city the same to be paid and collected in the same manner as any other ad valorem taxes levied, assessed and collected by the city.
(Code 1958, + 16-20)

Sec. 16-20. Fund created.

There is hereby created a library fund to which are hereby and annually hereafter appropriated the entire proceeds of the taxes provided by this chapter disbursements from which library fund shall be made in the manner provided by the city exclusively for the acquisition and maintenance of library and reading room facilities.

(Code 1958, + 16-21)

Section 5. Repeal. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this ordinance.

Section 6. Severability. If any word, clause, phrase, sentence, paragraph or section of this ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this ordinance.

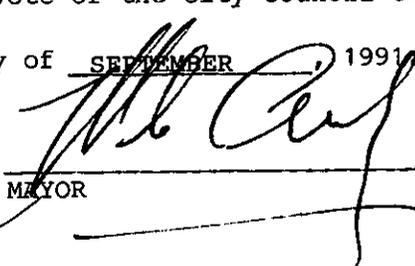
Section 7. Effective Date. This ordinance shall be effective upon passage by City Council on second reading.

PASSED AND ADOPTED by 5-0 vote of the City Council on the first reading, in full, this 27th day of AUGUST, 1991.

PASSED AND ADOPTED by 5-0 vote of the City Council on second reading, by title only, this 10th day of SEPTEMBER, 1991

ATTEST:


CITY CLERK



MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT "A"

Sec. 16-17. Board of directors-Created.

There is hereby created a board of directors to govern and administer the public library and reading room.
(Code 1958, + 16-18)

Sec. 16-18. Same-Powers, duties.

The provisions of sections 167.30, 167.32, 167.33, 167.34, 167.35, Florida Statutes are hereby adopted as if set forth herein in haec verba, as they relate to the manner of election of the members of the board of directors and their powers, duties and functions; provided, however, that each director elected to the board shall give bond in the sum of one thousand dollars (\$1,000.00) before assuming office.
(Code 1958, + 16-19; Ord. No. 817, + 4,7-11-89)
(Note - See Adopting Ordinance (Ord. No. 817), p.vii, + 4.

Sec. 16-21. E. May Avil North Miami public library building fund.

(a) There is hereby created a special fund to be known as the E. May Avil North Miami public library building fund.

(b) The E. May Avil North Miami public library building fund shall be administered by the city manager or the city manager's designee in accordance with the Charter and ordinances of the city and the laws of the State of Florida.

(c) The E. May Avil North Miami public library building fund hereby established shall consist of revenues donated or dedicated to the construction of the expansion of the E. May Avil Public Library, interest earned on fund investments and any other source approved by the city council. The fund shall be segregated from other funds of the city and shall be included in the annual city budget. Moneys deposited into the fund shall accumulate until the city manager or city council determines that an adequate amount is available to commence the presently planned expansion of the library or such other improvements as the council may from time to time approve.

(d) Moneys in the fund shall be used solely for improvements to the E. May Avil Public Library and costs attendant thereto. Expenditures from the fund for any purpose other than the North Miami public library are specifically prohibited.
(Code 1958, + 16-22)