

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Neighborhoods, Community Services, Public Health and  
3 Safety Committee:  
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6 **ORDINANCE 2021-591-E**

7 AN ORDINANCE CONCERNING THE AUTHORITY OF THE  
8 BOARD OF LIBRARY TRUSTEES (BOARD); AMENDING  
9 CHAPTER 90 (BOARD OF LIBRARY TRUSTEES), SECTION  
10 90.102 (AUTHORITY OF BOARD), *ORDINANCE CODE*, TO  
11 CREATE A NEW SUBSECTION (C) TO AUTHORIZE THE  
12 BOARD TO APPROVE AND EXECUTE, FOR AND ON BEHALF  
13 OF THE CITY OF JACKSONVILLE, MEMORANDA OF  
14 UNDERSTANDING (MOUS) WITH THE LIBRARY'S AFFINITY  
15 GROUPS (FRIENDS OF THE LIBRARY AND FOUNDATIONS  
16 ESTABLISHED TO SUPPORT THE LIBRARY'S PROGRAMS  
17 AND SERVICES), NOT-FOR PROFIT ORGANIZATIONS,  
18 GOVERNMENT AGENCIES, AND OTHER LIBRARIES  
19 TOGETHER WITH ALL AMENDMENTS THERETO FOR THE  
20 PURPOSES OF ENHANCING, EXPANDING, OR IMPROVING  
21 LIBRARY SERVICES OR TO PROVIDE TRAINING OR  
22 PROFESSIONAL DEVELOPMENT ACTIVITIES WITHOUT  
23 FURTHER CITY COUNCIL AUTHORIZATION, *PROVIDED*  
24 *HOWEVER*, SUCH AGREEMENTS (1) DO NOT REQUIRE  
25 ADDITIONAL FUNDING FROM THE CITY, (2) DO NOT  
26 REQUIRE THE CITY TO INDEMNIFY OR HOLD HARMLESS  
27 A THIRD PARTY BEYOND EXISTING STATUTORY AND  
28 COMMON LAW OBLIGATIONS, (3) PROVIDE FOR  
29 TERMINATION AT WILL UPON 90 DAY NOTICE CLAUSES,  
30 (4) CONTAIN, NEAR THE SIGNATURE BLOCK, REFERENCE  
31 TO NEW SUBSECTION (C) AS THE AUTHORITY FOR THE

1 BOARD TO MAKE AND EXECUTE SAME, (5) ARE REVIEWED  
2 AND APPROVED AS TO FORM BY THE OFFICE OF GENERAL  
3 COUNSEL, AND (6) ARE MAINTAINED BY THE OFFICE OF  
4 GENERAL COUNSEL IN THE FORM OF A FULLY SIGNED  
5 AND EXECUTED COPY OR DUPLICATE ORIGINAL THEREOF;  
6 PROVIDING AN EFFECTIVE DATE.

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8 **WHEREAS**, pursuant to Section 662.101, *Ordinance Code*, the Board  
9 of Library Trustees (the "Board") is charged with the administration  
10 of a free public library system for the use and enjoyment of the  
11 residents of the City; and

12 **WHEREAS**, the members of the Board are highly competent and, with  
13 the assistance of the Director and staff of the Jacksonville Public  
14 Library (the "Library") and the Office of General Counsel, are well  
15 able to evaluate and approve MOUs with specified organizations that  
16 further the efficient operation of a free public library system and  
17 do not expose the City to additional financial obligations and  
18 unnecessary liability; and

19 **WHEREAS**, the Board should be given the authority to execute such  
20 MOUs with the Library's Affinity Groups (friends of the Library  
21 organizations and foundations established to support the Library's  
22 programs and services), not-for-profit organizations, government  
23 agencies, and other libraries without the necessity and delay of  
24 Council approval; now therefore

25 **BE IT ORDAINED** by the Council of the City of Jacksonville:

26 **Section 1. Findings.** The above-stated recitals are  
27 accurate, true, and correct and by this reference are incorporated  
28 into this ordinance as findings of the Council.

29 **Section 2. Amending Section 90.102, *Ordinance Code*, to**  
30 **authorize the Board to execute memoranda of understanding.** Section  
31 90.102 (Authority of Board) of Chapter 90 (Board of Library Trustees),

1 *Ordinance Code*, is hereby amended to create a new subsection (c)  
2 authorizing the Board to approve and execute, for and on behalf of  
3 the City of Jacksonville, memoranda of understanding with applicable  
4 organizations, together with all amendments thereto, for the purposes  
5 of enhancing, expanding, and improving free public library services,  
6 and as amended shall read as follows:

7 **CHAPTER 90. BOARD OF LIBRARY TRUSTEES.**

8 \* \* \*

9 **Section 90.102. Authority of Board.**

10 (a) The Board shall have the authority to receive, accept,  
11 and exercise control over funds, property, gifts,  
12 legacies and devises now or hereafter granted to the  
13 library or its predecessor libraries and agencies for  
14 the purpose of establishing and maintaining a free  
15 public library in and for the Consolidated Government  
16 and its citizens. The Board shall be responsible for the  
17 administration of Chapter 662 and the provision of the  
18 library services provided for in that Chapter.

19 (b) In connection with monies drawn from the City's General  
20 Fund in each budget year, the Board shall abide by the  
21 provisions of the City's Budget and Accounting Code, the  
22 Mayor's Executive Orders relating to the Mayor's Budget  
23 Committee Review Procedures and the Administration of  
24 Non-Departmental Lapse, and any other Executive Orders  
25 pertaining to budgetary matters and the City's budgetary  
26 policies as published from time to time. The Board shall  
27 ensure that no expenditure of budgeted funds from the  
28 General Fund shall exceed maximum permissible  
29 expenditure by object account within an activity except  
30 as allowed by the City's published budgetary policies.

31 (c) The Board shall have authority to approve and execute

1 through the Library Director or designee, for and on  
2 behalf of the City of Jacksonville, memoranda of  
3 understanding ("MOUs"), and amendments thereto, with the  
4 Library's Affinity Groups (friends of the Library  
5 organizations and foundations established to support the  
6 Library's programs and services), not-for-profit  
7 organizations, government agencies, and other libraries  
8 for the purposes of enhancing, expanding, and improving  
9 library services or providing training or professional  
10 development. The MOUs are authorized however such MOUs  
11 (i) do not require additional funding from the City,  
12 (ii) do not require the City to indemnify or hold  
13 harmless a third party beyond existing statutory and  
14 common law obligations, (iii) provide for termination  
15 at will upon 90 day notice clauses, (iv) contain, near  
16 the signature block, reference to new subsection (c) as  
17 the authority for the Board to make and execute same,  
18 (v) are reviewed and approved by City of Jacksonville  
19 Risk Management Division in advance of execution, (vi)  
20 are reviewed and approved as to form by the Office of  
21 General Counsel, and (vii) are maintained by the Office  
22 of General Counsel in the form of a fully signed and  
23 executed copy or duplicate original thereof. The  
24 Director shall provide Council with a quarterly report  
25 regarding the MOUs permitted under this section.

26 **Section 2. Effective Date.** This ordinance shall become  
27 effective upon signature by the Mayor or upon becoming effective  
28 without the Mayor's signature.  
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1 Form Approved:

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3           /s/ Paige H. Johnston          

4 Office of General Counsel

5 Legislation prepared by James R. McCain, Jr.

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