

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-591**

5 AN ORDINANCE CONCERNING THE AUTHORITY OF THE
6 BOARD OF LIBRARY TRUSTEES (BOARD); AMENDING
7 CHAPTER 90 (BOARD OF LIBRARY TRUSTEES), SECTION
8 90.102 (AUTHORITY OF BOARD), *ORDINANCE CODE*, TO
9 CREATE A NEW SUBSECTION (C) TO AUTHORIZE THE
10 BOARD TO APPROVE AND EXECUTE, FOR AND ON BEHALF
11 OF THE CITY OF JACKSONVILLE, NON-FINANCIAL
12 MEMORANDA OF UNDERSTANDING (MOUS) WITH THE
13 LIBRARY'S AFFINITY GROUPS (FRIENDS OF THE
14 LIBRARY AND FOUNDATIONS ESTABLISHED TO SUPPORT
15 THE LIBRARY'S PROGRAMS AND SERVICES), NOT-FOR
16 PROFIT ORGANIZATIONS, GOVERNMENT AGENCIES, AND
17 OTHER LIBRARIES TOGETHER WITH ALL AMENDMENTS
18 THERETO FOR THE PURPOSES OF ENHANCING,
19 EXPANDING, OR IMPROVING LIBRARY SERVICES OR TO
20 PROVIDE TRAINING OR PROFESSIONAL DEVELOPMENT
21 ACTIVITIES WITHOUT FURTHER CITY COUNCIL
22 AUTHORIZATION, *PROVIDED HOWEVER*, SUCH
23 AGREEMENTS (1) DO NOT REQUIRE ADDITIONAL FUNDING
24 FROM THE CITY, (2) DO NOT REQUIRE THE CITY TO
25 INDEMNIFY OR HOLD HARMLESS A THIRD PARTY BEYOND
26 EXISTING STATUTORY AND COMMON LAW OBLIGATIONS,
27 (3) PROVIDE FOR TERMINATION AT WILL UPON 90 DAY
28 NOTICE CLAUSES, (4) CONTAIN, NEAR THE SIGNATURE
29 BLOCK, REFERENCE TO NEW SUBSECTION (C) AS THE
30 AUTHORITY FOR THE BOARD TO MAKE AND EXECUTE
31 SAME, (5) ARE REVIEWED AND APPROVED AS TO FORM

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

6
7 **WHEREAS**, pursuant to Section 662.101, *Ordinance Code*, the Board
8 of Library Trustees (the "Board") is charged with the administration
9 of a free public library system for the use and enjoyment of the
10 residents of the City; and

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

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

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

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

28 **Section 2. Amending Section 90.102, *Ordinance Code*, to**
29 **authorize the Board to execute non-financial memoranda of**
30 **understanding.** Section 90.102 (Authority of Board) of Chapter 90
31 (Board of Library Trustees), *Ordinance Code*, is hereby amended to

1 create a new subsection (c) authorizing the Board to approve and
2 execute, for and on behalf of the City of Jacksonville, non-financial
3 memoranda of understanding with applicable organizations, together
4 with all amendments thereto, for the purposes of enhancing, expanding,
5 and improving free public library services, and as amended shall read
6 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, non-financial
3 memoranda of understanding ("MOUs"), and amendments
4 thereto, with the Library's Affinity Groups (friends of
5 the Library organizations and foundations established
6 to support the Library's programs and services), not-
7 for-profit organizations, government agencies, and other
8 libraries for the purposes of enhancing, expanding, and
9 improving library services or providing training or
10 professional development; provided however such MOUs (i)
11 do not require additional funding from the City, (ii)
12 do not require the City to indemnify or hold harmless a
13 third party beyond existing statutory and common law
14 obligations, (iii) provide for termination at will upon
15 90 day notice clauses, (iv) contain, near the signature
16 block, reference to new subsection (c) as the authority
17 for the Board to make and execute same, (v) are reviewed
18 and approved as to form by the Office of General Counsel,
19 and (vi) are maintained by the Office of General Counsel
20 in the form of a fully signed and executed copy or
21 duplicate original thereof.

22 **Section 2. Effective Date.** This ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

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26 Form Approved:

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28 /s/ James R. McCain, Jr.

29 Office of General Counsel

30 Legislation prepared by James R. McCain, Jr.

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