

**ORDINANCE NO. 2008-17**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, CREATING DIVISION 5 "ARTS AND CULTURAL CENTER ADVISORY BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE BY CREATING SECTION 2-191 "CREATION, COMPOSITION AND QUALIFICATIONS," SECTION 2-192"APPOINTMENT OF BOARD MEMBERS PROCESS", SECTION 2-193 "ADVISORY CAPACITY ", SECTION 2-194 "RULES OF PROCEDURE; QUORUM", SECTION 2-195 "MISSION; JURISDICTION AND DUTIES"; AND SECTION 2-196 "STANDARDS OF CONDUCT FOR MEMBERS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, the City Commission desires to create an advisory board, to be known as the City of Aventura Arts and Cultural Center Advisory Board, to provide advice, recommendations and otherwise assist in matters pertaining to the Aventura Arts And Cultural Center (the "Center").

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above stated recital is hereby adopted and confirmed.

**Section 2. Code Revised.** That Division 5 " Arts and Cultural Center Advisory Board " of Article III "Advisory Boards" of Chapter 2 "Administration" of the City Code is hereby created to read as follows:

**Division 5. Arts and Cultural Center Advisory Board.**

**Sec. 2-191. Creation, composition and qualifications.**

- A. There is hereby created and established the City of Aventura Arts and Cultural Center Advisory Board (the "Board") consisting of nine (9) members who shall be appointed by the Mayor, subject to the

approval of the City Commission. Five (5) members of the Board shall be residents of the City and the four (4) remaining members may be from within or outside the City limits. Members of the Board shall be appointed in accordance with procedures established herein and shall hold office at the pleasure of the City Commission. Members of the Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses. Members shall serve for a two year term and may be reappointed in accordance with the process outlined herein.

- B. (i) Each one of the five (5) resident members of the Board shall be a qualified elector of the City of Aventura who has continuously resided within the City for the six-month period immediately prior to the appointment, and shall not be an employee of the City. Any member of the Board who ceases to reside within the City, and has been selected as a resident appointment shall be deemed to have resigned as of the date of his or her change of residence.
- (ii) The remaining four (4) members shall be selected without preference to residence, but shall have resided at their residence for a continuous period of six months immediately prior to appointment.

- (iii) In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on such Board for the unexpired portion of the term of the member vacating such office, subject to approval of the City Commission in accordance with procedures established herein.
- C. In the event that a member of the Board shall be absent and unexcused from a duly-called meeting of the Board for three consecutive meetings, then in that event such member shall automatically be removed as a member of the Board by the City Manager. An excused absence shall be requested in writing via email, fax or letter prior to the Board meeting.
- D. The City Manager or his designee shall provide necessary staff support for the Board.

**Sec. 2-192. Appointment of Board Members Process.**

- A. Individuals wishing to be a member of the Arts and Cultural Center Advisory Board shall make application to the City Manager on the forms provided by the City. The City Manager shall interview all applicants and make recommendation to the Mayor. The Mayor shall appoint to the Board members from the list of applicants recommended by the City Manager, subject to the approval of the City Commission.

B. In recommending members of the Board, the following guidelines shall be considered:

- (i) The membership of this Board should be representative of the broad spectrum of the arts and have specific experience and a strong commitment to performing arts including music, dance, the dramatic arts, the visual arts and the cultural arts.

**Sec. 2-193. Advisory capacity.**

The powers and duties of the Board shall be solely of an advisory nature to the City Manager and Arts & Cultural Center Director. The City Manager shall be responsible for communicating to the City Commission the actions of the Board.

**Sec. 2-194. Rules of procedure; Quorum**

A. The Board shall adopt rules of procedure not inconsistent with the ordinances of the City and the laws of the State of Florida and shall utilize Robert's Rules of Order recently revised 1990 Edition for the rules of procedure for the conduct of meetings of the Board. The Board may create additional rules for the conduct of its internal proceedings.

B. During the first meeting of the Board, the members shall elect one of their members to act as Chairperson and may elect a Vice-Chairperson, both of whom shall serve for one-year and may be re-elected.

C. Five members shall constitute a quorum for the transaction of business of the Board. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board, except that at least five (5) affirmative votes shall be required for official action.

**Sec. 2-195. Mission; Jurisdiction and Duties.**

- A. The Mission of the Board is to assist the City in developing a facility that offers a wide range of quality entertainment year-round and cultivates partnerships with other local and regional organizations to enhance the quality of life for Aventura by providing a variety of performing arts and relevant cultural programming for audiences of all ages.
- B. The jurisdiction of the Board shall be solely advisory. Action of the Board shall be in the form of a written recommendation of advice to the City Manager and/or Arts & Cultural Center Director. The following matters shall be within the advisory jurisdiction of the Board:
- (1) Promote the mission of the Arts & Cultural Center and broad spectrum of performing arts.
  - (2) Review the various programs to be held at the Arts & Cultural Center as recommended by the Arts & Cultural Center Director. Final programming decisions shall rest with the Arts & Cultural Center Director.

- (3) Recommend fundraising and sponsorship opportunities and assist with the implementation of same to support the Center's operations and programming. The Board may accept donations on behalf of the Center in a manner as approved by the City Manager.
  - (4) Review polices and regulations that have been recommended by the Arts & Cultural Center Director as it relates to the Arts & Cultural Center.
  - (5) Assist in the promotion of the Arts & Cultural Center programs.
- C. The Board shall meet quarterly or more frequently as determined by the City Manager.

**Sec. 2-196. Standards of Conduct for Members.**

All members of the Board shall be subject to the Standards of Conduct for Public Officers and Employees, as set by federal, state, county, city or other applicable law pursuant to City Charter Section 7.03 and must file the appropriate financial disclosure forms.

**Section 3. Severability.** That 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. Inclusion in the Code.** That it is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Aventura; that 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 5. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Joel, who moved its adoption on first reading. The motion was seconded by Commissioner Auerbach and, upon being put to a vote, the vote was as follows:


Commissioner Zev Auerbach	yes
Commissioner Bob Diamond	yes
Commissioner Teri Holzberg	yes
Commissioner Michael Stern	yes
Commissioner Luz Urbáez Weinberg	yes
Vice Mayor Billy Joel	yes
Mayor Susan Gottlieb	yes

The foregoing Ordinance was offered by Vice Mayor Joel, who moved its adoption on second reading. The motion was seconded by Commissioner Diamond, and upon being put to a vote, the vote was as follows:

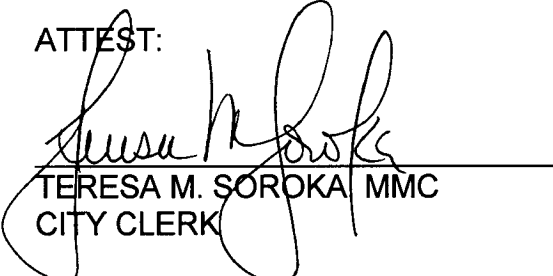
Commissioner Zev Auerbach	yes
Commissioner Bob Diamond	yes
Commissioner Teri Holzberg	yes
Commissioner Michael Stern	yes
Commissioner Luz Urbaez-Weinberg	yes
Vice Mayor Billy Joel	yes
Mayor Susan Gottlieb	yes

PASSED on first reading this 7<sup>th</sup> day of October, 2008.

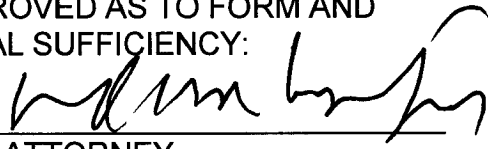
PASSED AND ADOPTED on second reading this 6<sup>th</sup> day of November, 2008.

  
SUSAN GOTTLIEB, MAYOR

ATTEST:

  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
CITY ATTORNEY