

ORDINANCE NO. 23-105

AN ORDINANCE OF MANATEE COUNTY, FLORIDA REGARDING COMMUNITY AND VETERANS SERVICES; RELATING TO THE EXPANSION OF MEMBERSHIP FOR THE LIBRARY ADVISORY BOARD; EXPANDING THE DUTIES OF THE LIBRARY ADVISORY BOARD; AMENDING SECTION 2-9-55 OF THE MANATEE COUNTY CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2-9-42, of the Manatee County Code of Ordinances, authorizes the Board of County Commissioners of Manatee County, Florida to establish, operate and maintain a free public library or free public library service for Manatee County, including free library service for residents of the various municipalities of Manatee County; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida has previously adopted Ordinance 14-41, re-designating Sections 1-23-16, 1-23-17 and 1-23-20 of Article II of Chapter 1-23 of the Code, as Sections 2-9-55, 2-9-56 and 2-9-57 of the Manatee County Code; and

WHEREAS, the Library Advisory Board serves in advisory capacity to the Library Services Manager and assists the Board of County Commissioners in providing and improving library services throughout the County in compliance with Florida law; and

WHEREAS, the primary function of the Library Advisory Board is to advise and make recommendations to the Board of County Commissioners on matters pertaining to the County library system; and

WHEREAS, on April 18, 2023, the Board of County Commissioners of Manatee County, Florida approved a motion to increase the number of members to serve on the Manatee County Library Advisory Board from five (5) members to nine (9) members; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, deeming it advisable and necessary to incorporate and expand the duties of the Library Advisory Board and to include collection development process review responsibilities; and

WHEREAS, it is in the best interest of the health, safety and welfare of Manatee County and its citizens for the Board to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Chapter 2-9-55 and Chapter 2-9-57 of the Code is hereby amended as set forth in attached Exhibit "A" to this Ordinance (underlined text added, ~~strike-through~~ text

delete).

Section 2. Pursuant to Section 125.68(1), Florida Statutes, the codifier of the Code, Municipal Code Corporation, shall codify the substantive amendments to the Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting this 10th day of October, 2023.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: [Signature]
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER**

By: [Signature]
Deputy Clerk

EXHIBIT "A"

Chapter 2-9 of the Manatee County Code is hereby Amended as follows:

Chapter 2-9 COMMUNITY DEVELOPMENT

Division 2 – LIBRARY BOARD

Sec. 2-9-55. Generally.

When the Board of County Commissioners of Manatee County shall determine by resolution that there exists a need in Manatee County for the establishment, operation and/or maintenance of a free public library or free public library service in Manatee County, there shall be appointed a Manatee County Library Board composed of ~~five (5)~~ nine (9) members. Members shall be composed in the manner below:

Seat 1: There shall be one member appointed by the City Council of the City of Bradenton.

Seat 2: There shall be one member appointed by the City Council of the City of Palmetto.

Seat 3: One of said remaining members shall be a resident of Anna Mariea, Bradenton Beach, Holmes Beach, or the Town of Longboat Key. This member of the board shall be appointed by the Board of County Commissioners, after consideration of any recommendations in regard thereto made to the Board of County Commissioners by the city councils of the said four (4) island municipalities.

Seat 4: One shall be a representative Manatee County at-large. This member of the board shall be appointed by the Board of County Commissioners

Seat 5: One of which shall be a representative from Parrish and Ellenton area. This member of the board shall be appointed by the Board of County Commissioners.

Seat 6: One shall be a representative from the Lakewood Ranch or Myakka City area. This member of the board shall be appointed by the Board of County Commissioners.

Seat 7: There shall be one member of appointed by the Board of County Commissioners shall be a librarian with a Master of Library Science (MLS) from an accredited school of Library Science. This member of the board shall be appointed by the Board of County Commissioners.

Seat 8: One said member shall be a parent/guardian of a child(ren) enrolled in the school district of Manatee, a private school, or a charter school operating in Manatee County. This member of the board shall be appointed by the Board of County Commissioners.

Seat 9: One said member shall be a parent/guardian of homeschool child(ren). This member of the board shall be appointed by the Board of County Commissioners.

Initial appointments shall be as follows for new seats:

Seats 6,7,8, and 9 shall serve an initial term extending until January 31, 2028 and thereafter serving a term of 4 years.

~~Of the first board appointed, the members appointed by the City of Bradenton, the City of Palmetto, and the resident of the island municipalities shall be appointed for a term of four (4) years. The remaining two (2) members of the first board shall be appointed for a term of two (2) years. Thereafter, all terms successors shall be appointed for terms of four (4)~~

years, except that an appointment to fill a vacancy shall be for the unexpired term only.
Seats become available for application only upon vacancy. Members of the board may be reappointed by the appropriate appointing body.

(Ord. No. 14-41, § 31, 10-7-14)

Sect. 2-9-57 ~~Grants and payments of money.~~ Duties and Powers.

The Library Advisory Board, shall perform the following functions:

- (a) The Manatee County Library Board is specifically authorized and qualified to receive ~~all~~ grants and/or payments of money as if the said Manatee County Library Board had been formed under the provisions of Chapter 257 of the Florida Statutes. Any monies received by the Manatee County Library Board under the provisions of this section shall be turned over to the Board of County Commissioners of Manatee County, Florida, to be deposited in the county free library fund.
- (b) Advise the Library Services Manager on the public's needs for library services in their areas and providing input on library programs and services.
- (c) Review and recommend Library policies to the Manatee County Board of County Commissioners for consideration.
- (d) Review and provide input to the Library Annual Plan to the Manatee County Board of County Commissioners for consideration.
- (e) Review and recommend the Long-Range Plan to the Manatee County Board of

County Commissioners for consideration.

- (f) Provide input regarding collection development, review and provide recommendations on the Manatee County Collection Development Policy, collaborate with Library Services Manager on the process of review, selection, and purchase of new materials, make recommendations on providing new resources, and ensure the library collection meets the needs of the community at large.
- (g) Annually, present to the Manatee County Board of Commissioners on the state of the Manatee County Library System.
- (h) Form a subcommittee for the purpose of performing any of these duties.

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida (Board), will conduct a public hearing on the **10 day of October, 2023, at 9:00 a.m.**, or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following ordinance:

AN ORDINANCE OF MANATEE COUNTY, FLORIDA REGARDING COMMUNITY AND VETERANS SERVICES; RELATING TO THE EXPANSION OF MEMBERSHIP FOR THE LIBRARY ADVISORY BOARD; EXPANDING THE DUTIES OF THE LIBRARY ADVISORY BOARD; AMENDING SECTION 2-9-55 OF THE MANATEE COUNTY CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Copies of proposed **ORDINANCE 23-105** may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.

The Board does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), should contact Carmine DeMilio at (941) 792-8784, Extension 8203 or carmine.demilio@mymanatee.org.



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
132103	467557	Print Legal Ad-IPL01398710 - IPL0139871		\$104.86	2	32 L

Attention: Brooke Frasca

Manatee County Government
 1301 Barcarrota Blvd W
 Bradenton, FL 34205

brooke.frasca@mymanatee.org

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IPL0139871
 Sep 17 2023

**THE STATE OF TEXAS
 COUNTY OF DALLAS**

Before the undersigned authority personally appeared Crystal Trunick, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Public Notice, was published in said newspaper in the issue(s) of:

1 insertion(s) published on:

09/17/23

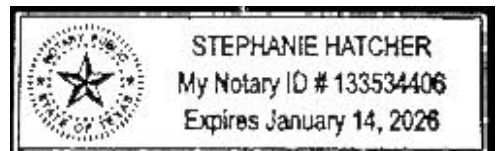
**THE STATE OF FLORIDA
 COUNTY OF MANATEE**

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 19th day of September in the year of 2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 13, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 34206

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 23-105, which was filed in this office on October 12, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

From: [Alex Nicodemi](#)
To: [Tammy Parrott](#)
Cc: [Lyn Begraft](#); [Brooke Frasca](#); [Theresa Woods](#); [William Clague](#); [Melinda Dunnam](#); [Tracie Adams](#); [Amanda Ballard](#)
Subject: RLS; Manatee County Public Library Advisory Board Revisions; CAO MATTER NO. 2023-0344
Date: Wednesday, August 23, 2023 3:25:58 PM
Attachments: [Draft Ordinance VERSION 2 \(CAO\) 8232023.doc](#)

Tammy:

Pursuant to the above referenced Request for Legal Services you have asked this Office to assist in the drafting of Ordinance No. 23-105 regarding the expansion of members and clarification of duties of the Library Advisory Board. My comments are as follows:

1. The Manatee County Board of County Commissioners Regular Meeting on April 18, 2023 gave rise to this RLS wherein a motion was passed to: 1) include an additional four seats on the Library Advisory Board and 2) to include as a duty of the Library Advisory Board input regarding the collection development process. While conducting legal review of Section 2-9-55 and 2-9-57 of the Manatee County Code, I recommended on July 21, 2023, that the CAO and Library staff work together to develop and further define the functions and duties of the Library Advisory Board within the text of the Ordinance.
2. Attached to this correspondence you will find revised Ordinance No 23-105. This Ordinance reflects comments from the April 18th BCC meeting, discussions and input from Commissioner Ballard, and discussions and input from Library staff. Please turn on "All-Mark-up" in Microsoft Word to review the red-lined changes in the Ordinance. There is one outstanding issue that I have left a comment regarding how the appointments of new seats may impact the timing of already appointed members. Please call me so that this can be revised accordingly.
3. The proposed title of the Ordinance and shall be advertised appropriately at least ten (10) days prior to adoption. Please do not hesitate to contact this Office if you need assistance with this requirement.
4. Make sure to "accept all" changes in the Word document and delete comments in the margins before placement on the BCC Agenda. It is important to make sure the Ordinance is clean and in final form prior to placement on the BCC Agenda. The underlined and ~~strikethrough~~ text must remain for the codifiers to properly change the Code.

Subject to resolution of the matters addressed above, I have no objection from a legal standpoint to scheduling this Ordinance for adoption by the Board of County Commissioners. I express no opinion as to the business judgment of the adoption of

this Ordinance. This concludes my response to your Request for Legal Services. If you have any further questions, comments, or concerns, please feel free to contact me.

Alexandria C. Nicodemi
Assistant County Attorney
Manatee County Attorney's Office
1112 Manatee Avenue West – Suite 969
Bradenton, Florida 34205
Email: alex.nicodemi@mymanatee.org
Phone: 941-745-3750 x3746
Fax: 941-745-3089

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APPROVED in Open Session
10/10/2023
Manatee County Board of County
Commissioners



October 10, 2023 Regular Meeting

Subject

Adoption of Ordinance 23-105, regarding Community and Veterans Services and relating to the Expansion of Membership for the Library Advisory Board

Category

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Tammy Parrott, Library Services Manager x6301
Tracie Adams, CVS Deputy Director x3646

Action Requested

Adoption of Ordinance 23-105

Enabling/Regulating Authority

Background Discussion

The Board of County Commissioners of Manatee County, Florida has previously adopted Ordinance 14-41, re-designating Sections 1-23-16, 1-23-17 and 1-23-20 of Article II of Chapter 1-23 of the Code, as Sections 2-9-55, 2-9-56 and 2-9-57 of the Manatee County Code.

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Attorney Review

Formal Written Review (Opinion memo must be attached) Nicodemi

Instructions to Board Records **emailed 10/12/2023 DN**

Return signed copy of Ordinance 23-105 to; tracie.adams@mymanatee.org, CVS Deputy Director, tammy.parrott@mymanatee.org, Library Services Manager, lyn.begraft@mymanatee.org, Assistant Library Services Manager, brooke.frasca@mymanatee.org, Administrative Specialist and theresa.woods@mymanatee.org, Assistant to Charlie Bishop.

Cost and Funds Source Account Number and Name

102.0005108

Amount and Frequency of Recurring Costs