

ORDINANCE NO. 23-37

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES,
ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE
II, DIVISION 2 TITLED "PLANNING BOARD",
SECTION 90-52, TITLED "MEMBERSHIP, TERMS, AND
REMOVAL" TO AMEND CERTAIN REQUIREMENTS FOR
MEMBERSHIP AND REMOVAL; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, Section 90-52 of the Code of Ordinances currently provides that Planning Board members are a direct appointment by the appointing City Commissioner for that seat, and that removal of a Planning Board member is by majority vote of the City Commission; and

WHEREAS, at its meeting of July 19, 2023, the Key West Planning Board recommended approval of this proposed ordinance; and

WHEREAS, the City Commission finds that it would be beneficial to make direct appointments and direct removal of Planning Board members; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:

Section 1: That Section 90-52 of the Code of Ordinances
is hereby amended as follows*:

Sec. 90-52 - Membership, Terms and Removal

(a) The planning board shall consist of seven members. ~~{who
reside in Key West or who have a business, employment or
profession located in the city of Key West and reside in the Lower
Keys from Key West to Big Coppitt Key.}~~ The five members serving
on the board upon adoption of this ordinance shall continue in
office, subject to the other provisions in this code, until the
expiration of their term. The five members serving on the planning
board upon adoption of this ordinance and the two additional
members shall be assigned to individual commission members via a
lottery system. The two commission members drawing the two new
board seats shall expeditiously appoint a member to comprise the
new seven person board. Thereafter the appointments shall be as
specified in paragraph (b) below. All planning board members must
be residents of the city and shall remain city residents for the
duration of their memberships on the board.

*(Coding: Added language is underlined; deleted language is
~~struck through~~ at first reading. Added language is double underlined
and ~~double struck through~~ at second reading.)

(b) The mayor and each city commissioner shall appoint one member of the board. The term of the board member shall be for a period of three years except that appointments to replace a member vacating before the expiration of the term shall be for the unexpired term of that member. Board members may be reappointed at the expiration of their term.

(c) All planning board members shall serve at the pleasure of their appointing city commissioner ~~the city commission and may be removed by majority vote of its full membership~~. If a member is absent from two of three consecutive regular meetings without cause and without prior approval of the chairperson, the planning board shall declare the member's office vacant, and the chairperson shall notify the appointing city commissioner for that planning board seat ~~city commission~~ that the member's office is vacant.

Section 3: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this 12th day of October, 2023.

Read and passed on final reading at a regular meeting held this 9th day of November, 2023.

Authenticated by the presiding officer and Clerk of the Commission on 13th day of November, 2023.

Filed with the Clerk November 13, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK