ORDINANCE NO. 23-33

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE V, DIVISION 2, ENTITLED "UNIFORM PROVISIONS FOR ADVISORY BOARD" SECTION 2-282, TO AMEND CERTAIN REQUIREMENTS FOR MEMBERSHIP APPOINTMENT AND TENURE; AMENDING SECTION 2-283 TO REQUIRE ANNUAL ELECTIONS FOR CHAIRPERSON AND VICE-CHAIRPERSON; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 2-282 of the Code of Ordinances (part of the 'Uniform Procedures for Advisory Boards') currently provides that all advisory board members serve at the pleasure of the city commission and may be removed by majority vote of its full membership; and

WHEREAS, the City Commission finds that in the case of advisory boards where members are directly appointed, it is reasonable to allow the Commissioner that appointed an advisory board member to remove them without a vote of the full city commission; and

WHEREAS, Section 2-283 of the Code of Ordinances currently does not mandate that advisory boards conduct annual elections for a chairperson and a Vice-Chairperson and the City Commission finds that requiring annual elections

will promote healthy debate among advisory boards and is in the best interest of the City of Key West to promote good governance.

WHEREAS, the City Commission finds that an amendment to section 2-282, to adjust the appointment and tenure provisions, would promote the health and welfare of the citizens and visitors of the City of Key West.

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

Section 1: That Chapter 2, Article V, Division 2, Section 2-282 of the Code of Ordinances is hereby amended as follows*:

Sec. 2-282. - Appointment; tenure.

All persons who desire to serve on an advisory board shall be city residents, except as provided in section 46-62, of this Code or as otherwise provided by law. All such persons shall submit a resume to the city commission as part of their application. All directly appointed advisory board members

*(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.)

serve at the pleasure of their appointing city commissioner. T~~t~~he city commission ~~and~~ may ~~be~~ removed~~d~~ an advisory board member, whether directly appointed or appointed by the vote of the commission, by majority vote of its full membership~~,~~ ~~notwithstanding that they were appointed for a specific term~~. No member derives any property rights in ~~his~~ their appointed position.

Section 2: That Chapter 2, Article V, Division 2, Section 2-284 of the Code of Ordinances is hereby amended as follows*:

Sec. 2-283. - Officers.

From among its members the advisory board shall elect a ~~c~~Chairperson and a Vice-Chairperson annually ~~and such other officers as it deems necessary~~.

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.

Read and passed on first reading at a regular meeting held this 14th day of September, 2023.

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

Authenticated by the presiding officer and Clerk of the Commission on 16th day of October, 2023.

Filed with the Clerk October 16, 2023.

Mayor Teri Johnston	Yes
Vice Mayor Sam Kaufman	Yes
Commissioner Lissette Carey	Yes
Commissioner Mary Lou Hoover	Yes
Commissioner Clayton Lopez	Absent
Commissioner Billy Wardlow	Yes
Commissioner Jimmy Weekley	Yes

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK

OFFICE OF THE CITY ATTORNEY
Ronald Ramsingh, City Attorney
Eric Nordback, Assistant City Attorney
Nicholas Trovato, Assistant City Attorney
Amanda Willett, Paralegal
Claire Hurd, Legal Assistant

PHONE: (305) 809-3770
FAX: (305) 809-3771
EMAIL: cityattorney@cityofkeywest-fl.gov

THE CITY OF KEY WEST

1300 WHITE STREET
KEY WEST, FLORIDA 33040

To:	The City Commission for the City of Key West
From:	Ronald J. Ramsingh, City Attorney
Meeting Date:	September 14, 2023
Agenda Item:	Amending Sec. 2-282 and Sec. 2-283 to provide for direct appointment and direct removal of members of all Advisory Boards and to require annual elections of a Chairperson and a Vice-Chairperson
Sponsor:	Commissioner Kaufman

Action Statement:

The proposed ordinance seeks to amend Sec. 2-282 to permit the direct removal of all members of advisory boards by the appointing City Commissioner and not require a majority vote of the City Commission. Additionally, this revision amends Sec. 2-283 to require all advisory boards to conduct *annual* elections of a Chairperson and a Vice-Chairperson. Currently, the ordinance only requires that a Chairperson is elected without an annual election.

Background:

Currently, Sec. 2-282 Only indicates that members serve at the pleasure of the City Commission. Historically, if the appointing Commissioner wished to replace their board member, that process had been done unceremoniously by agreement. Since 2015, there have been 2 instances where a Planning Board member declined to vacate their position voluntarily, thereby requiring a contested public hearing. This amendment seeks to avoid a contentious hearing regarding all advisory board members. I have attached a document outlining the other city boards and their appointment and removal criteria.

Options:

1. To pass the proposed ordinance amendment to permit the direct removal of all advisory board members by the appointing City Commissioner and not require a majority vote of the City Commission.

2. To deny the proposed ordinance amendment, thereby creating an opportunity to have a contested agenda item for the City Commission to consider.

Recommendation:

Pass the proposed ordinance.

THE CITY OF KEY WEST
1300 WHITE ST.
KEY WEST, FL 33040

BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)

Meeting Date: 10/12/2023
Ordinance Number: _____
Posted To Webpage: _____

This Business Impact Estimate is given as it relates to the proposed ordinance titled:
(Copy Header)

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE V, DIVISION 2, ENTITLED "UNIFORM PROVISIONS FOR ADVISORY BOARD" SECTION 2-282, TO AMEND CERTAIN REQUIREMENTS FOR MEMBERSHIP APPOINTMENT AND TENURE; AMENDING SECTIN 2-284 TO REQUIRE ANNUAL ELECTIONS FOR CHAIRPERSON AND VICE-CHAIRPERSON

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

__ 1. Ordinances required for compliance with federal or state law or regulation;

__ 2. Ordinances relating to the issuance or refinancing of debt;

__ 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

__ 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;

__ 5. Emergency ordinances;

__ 6. Ordinances relating to procurement; or

__ 7. Ordinances enacted to implement the following:

__ a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

__ b. Sections 190.005 and 190.046;

__ c. Section 553.73, relating to the Florida Building Code; or

__ d. Section 633.202, relating to the Florida Fire Prevention Code.

Part I.

Summary of the proposed ordinance and statement of public purpose:
(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Key West.)

The proposed ordinance seeks to give individual members of the City Commission the ability to remove a member of an advisory board that they have appointed without requiring the removal to be considered by the City Commission as a whole; thereby avoiding acrimonious hearings.

Part II.

Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Key West: (*fill out subsections a-c as applicable, if not applicable write "not applicable")*

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

___N/A_____

_____

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

___N/A_____

_____

(c) An estimate of the City of Key West's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

___N/A_____

_____

Part III.

Good faith estimate of the number of businesses likely to be impacted by the ordinance:

___N/A_____

Part IV. Additional Information (if any):

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