

* 1986 Code w/ Supplements - this is where the things stood just before 2001 recodification

24.00 KEY WEST BIGHT MANAGEMENT DISTRICT; BOARD

Sec. 24.01 Definitions.

As used in sections 24.01 through 24.10 inclusive the following words shall have the meaning ascribed thereto:

Accounting. A certified public accountant.

Banking. An executive officer of a banking institution.

Board. The appointed members of the seven-member Key West Bight Management District.

Chamber of Commerce. A member of the Chamber of Commerce endorsed by its board.

Commission. The elected seven-member City Commission for Key West.

Historic preservation. A board member, or a past board member or current or former executive director of any group or organization whose purpose is primarily to study, preserve, protect or encourage historic preservation in Key West.

Key West Bight Management District. The eight and eight-tenths (8.8) acres of real property and the submerged baybottom land under lease from the trustees of the internal improvement trust fund owned or leased by the City of Key West at Key West Bight, and further described in the deed recorded at OR Book 1240, Pages 1109 through 1133 and OR Book 1240, Pages 1134 through 1154 of the Monroe County Records.

Legal. A person having graduated from an accredited law school in good standing with the Florida Bar or bar of another state.

Manager. Any person(s) whether natural or corporate who has the following contractual duty which includes, but is not limited to management of the city owned Key West Bight real property, including the marina, to prepare an annual budget and business plan, to negotiate lease terms first with existing tenants and set market rental amounts, (subject to board approval) to collect rental payments and remit same to city, and the development of rules and regulations for the marina and uplands, and any other duties or responsibilities assumed by the manager by contractual agreement.

Maritime. A person with professional maritime experience.

Real estate. A person with experience in property management engaged as a licensed real estate broker, or state licensed real estate appraiser.

Tenant. Any person(s) whether corporate or natural having the legal right to occupy the city property at Key West Bight regardless of status as a tenant or subtenant of the property as of May 24, 1993.

(Ord. No. 93-24, § 1, 6-3-93; Ord. No. 94-20, § 1, 3-1-94)

Sec. 24.02 Findings; purpose; board created.

(a) The city commission hereby finds that the management, preservation, and redevelopment of the Key West Bight property owned by the City of Key West is a public purpose, and further finds that said public purpose can be best achieved by creating the Key West Bight Management District Board having the power and duty to oversee the management preservation and development of the city's property at Key West Bight for best interest of the city and its citizens.

(b) The city commission hereby creates the Key West Bight Management District Board (hereinafter board or KWBMDB), and charges the board to use the power and authority conferred upon it by the Code of Ordinances to further the purposes expressed herein. The KWBMDB shall consist of a seven-member board appointed by the mayor with consent of the city commission. (Ord. No. 93-24, § 1, 6-3-93)

Sec. 24.03 Powers and duties of board; responsibility of city.

The KWBMDB shall have the following duties:

- (a) (1) Oversee the operation and development of an expanded public marina on the Key West Bight property;
- (2) Facilitate and approve application for all required permits necessary for redevelopment and/or expansion of the uplands property and marina;

- (3) Make application to the trustees of the internal improvement trust fund for renewal of all baybottom lease rights and apply for those deemed necessary to carry out marina expansion plans;
 - (4) Identify and recommend grant applications for approval by the city commission;
 - (5) Review and approve the annual budget and business plan prepared by the manager prior to submission for approval or disapproval by the city commission (without line item veto);
 - (6) Approve rental rates and lease terms negotiated by the manager for marina and upland tenants at Key West Bight; all leases shall be consistent with the City Charter, Code of Ordinances and Marina Bond Covenants;
 - (7) Review all conflicts between the manager and tenants; all decisions of the Key West Bight Management District Board regarding the terms and management of rental property and administration of leases shall be final;
 - (8) All matters within the Key West Bight subject to review and/or approval by the community redevelopment agency shall be considered by the board for review and comment only.
- (b) On the following matters the Key West Bight Management District Board shall submit ordinances and resolutions to the city commission which shall retain final approval authority on those ordinances and resolutions coming before it:
- (1) The Key West Bight Management District budget and annual business plan;
 - (2) Architectural concept, design or plans of redevelopment at Key West Bight;
 - (3) Acquisition and/or sale of real property at Key West Bight;
 - (4) The expenditure of funds in excess of seven thousand five hundred dollars (\$7,500.00);
 - (5) Transfers of funds from one budget category to another;
 - (6) The city commission shall request voter approval on matters of pledging commercial rents and marina revenues for the financing of improvements, expansion or property acquisition at or around the Key West Bight;
 - (7) The city commission shall have final review over any matter which may affect the tax exempt status of the marina/conservation bond.
- (c) The City by and through its city manager shall have day-to-day responsibility for the operation of the Key West Bight. The Bight Manager shall be an employee of the City, subject to hiring, supervision and termination by the city manager. Additionally, the city manager shall prescribe the duties of the Bight Manager upon the advice and consent of the KWBMDB.
- (Ord. No. 93-24, § 1, 6-3-93; Ord. No. 96-3, § 1, 3-19-96)

Sec. 24.04 Composition and terms; compensation.

The KWBMDB board shall consist of seven (7) members who shall reside in Key West, or have a business or profession located in Key West and reside in the lower keys (south of the seven-mile bridge), and who shall be appointed by vote of the city commission. No voting member shall have any ownership interest in any business located in the KWBMDB or shall be employed by a tenant or ownership interest located in the KWBMDB.

The mayor shall present a slate of nominees to the commission with not less than two (2) nor more than three (3) nominees for each discipline to be represented. The nominee from each discipline receiving the highest number of votes shall be appointed. At least one (1) person with a demonstrated interest in community service from each of the following disciplines shall be represented on the KWBMDB: legal; accounting; banking; historic preservation; maritime; real estate, Chamber of Commerce. In the event no applicant is reasonably available to represent a discipline, the mayor may nominate a person from outside of the discipline.

Appointments shall be made on a staggered basis as follows: Of the initial appointments, three (3) members shall be appointed for a term of two (2) years, and four (4) members shall be appointed for a term of four (4) years. Thereafter, each appointment shall be for a term of four (4) years, except that appointments to replace a vacating member shall be for the unexpired term of said member.

Any member may be removed by the city commission for cause, which shall include but not be limited to violation of law relating to the member's office. All members shall serve without compensation but, as authorized by the city commission, may be reimbursed for actual expenses incurred in connection with their duties.

The Key West Bight Preservation Association shall appoint two (2) of its members to serve as liaison with the KWBMDB; liaison shall not be voting members of KWBMDB.

The city commission shall appoint one of its own members to serve as liaison with the KWBMDB; the liaison shall not be a voting member of KWBMDB.
(Ord. No. 93-24, § 1, 6-3-93; Ord. No. 96-3, § 2, 3-19-96)

Sec. 24.05 Staff.

The city manager shall assure that sufficient secretarial support staff is provided to the board for the execution of its duties, and in order to record and transcribe in summary form, subject to KWBMDB approval, the minutes of all KWBMDB meetings. The city attorney or designee thereof may serve as legal counsel to the KWBMDB.

(Ord. No. 93-24, § 1, 6-3-93)

Sec. 24.06 Organization and rules.

(a) Four (4) members of the KWBMDB shall constitute a quorum for the transaction of business.

(b) From among its members KWBMDB biannually shall elect a chairperson and such other officers as it deems necessary.

(c) KWBMDB shall attempt to convene on a regularly scheduled basis at least once each month, and notice of such meeting shall be published in a newspaper of general circulation in the city at least five (5) days in advance thereof. All meetings shall be open to the public and an agenda for each regular meeting shall be available to the public at City Hall forty-eight (48) hours in advance thereof.

(d) Special meetings may be called on not less than twenty-four (24) hours' notice by the chairperson or by written notice signed by four (4) voting members.

(e) Minutes shall be kept of all meetings of the KWBMDB and committees thereof.

(f) If a member is absent from two (2) of three (3) consecutive meetings without cause and without prior approval of the chairperson, the KWBMDB may declare the member's office vacant.

(Ord. No. 93-24, § 1, 6-3-93)

Sec. 24.07 Revenues and budgeting thereof.

Not less than ninety (90) days prior to the end of each fiscal year of the KWBMDB, which shall be the same fiscal year as that of the city, the board shall adopt by resolution its proposed budget for the following fiscal year, and submit the same to the city commission. Such proposed budget shall include all anticipated expenditures of the district for all of its projects during the ensuing fiscal year, including operating expenses, capital outlays, materials, labor, equipment, supplies, payments of principal and interest on all outstanding revenue bonds, and sinking fund and reserve requirements, and payment of excess funds into the city's general revenue fund. Such proposed budget shall provide for expenditures only to the extent of funds legally available to the district for such purposes and reasonably anticipated revenues of the district for the ensuing fiscal year from established sources, based upon past experience and reasonable projections thereof, and from new projects or new sources of income of the district. The city commission shall conduct a public hearing with respect thereto and, in that event, the chairman or his/her designee and manager of the district shall be present at such public hearing. Following the public hearing by the city

commission, the board at any regular or special meeting prior to the commencement of the next fiscal year, shall adopt by resolution its budget for the ensuing year subject to the same constraints as to the amount of expenditures as set forth above with respect to the proposed budget of the district. Once adopted, said budget shall not be amended except by request by the district to the commission and except by the following: by the giving of ten (10) days' written notice of the proposed amendment to the city commission; and the giving of public notice of the district's intention to consider amending its budget, which notice shall be by publication in a newspaper of general circulation in Monroe County at least ten (10) days prior to the meeting of the commission at which such proposed amendment is to be finally considered.

Within ninety (90) days following the close of each fiscal year, the district board shall make a comprehensive report of its operations of each project under its control during the preceding fiscal year, including all matters relating to rates, charges, revenues, expenses of maintenance, repair and operation and of replacements and extensions, principal and interest retirement and the status of all funds. Copies of such annual reports shall be filed with the city clerk.
(Ord. No. 93-24, § 1, 6-3-93)

Sec. 24.08 Key West Bight Management District: Sunset.

The Key West Bight Management District and the board created herein shall not be disbanded or repealed prior to the retirement or defeasance 1992 Key West Bight Marina Conservation Bond.
(Ord. No. 93-24, § 1, 6-3-93; Ord. No. 94-20, §§ 2, 3, 3-1-94)

Sec. 24.09 Conflict.

Nothing herein shall be construed to be in conflict with the City of Key West Charter, Code or Marina Bond covenants.
(Ord. No. 93-24, § 1, 6-3-93; Ord. No. 94-20, § 4, 3-1-94)