

OFFICE OF THE CITY ATTORNEY



PHONE: (305) 809-3770  
FAX: (305) 809-3771  
EMAIL: [cityattorney@cityofkeywest-fl.gov](mailto: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: November 9, 2023 2<sup>nd</sup> Reading  
Agenda Item: Amending Sec. 90-52 to provide for direct appointment and direct removal of members of the Planning Board.  
Sponsor: Commissioner Hoover

### **Action Statement:**

The proposed ordinance seeks to amend Sec. 90-52 to permit the direct removal of a Planning Board member by the appointing City Commissioner and not require a majority vote of the City Commission. During the first reading of the ordinance, an amendment was also sought to expand the residency requirement to be a member of the Planning Board up to and including Big Coppitt Key. Although the direct removal component passed at first reading, the latter amendment was not passed.

### **Background:**

Currently, Sec. 90-52 permits each member of the City Commission to directly appoint a member to the Planning Board. Historically, if the appointing Commissioner wishes to replace their Planning Board member, that process has been done unceremoniously by agreement. Since 2015, there have been 2 instances where a Planning Board member declined to vacate the position voluntarily, thereby requiring a contested public hearing.

During the Planning Board meeting when this amendment was considered and approved, the Chairman made a friendly amendment to the residency requirement. Currently, a member must

reside within the City of Key West. That is proposed to be extended up to and including Big Coppitt Key to achieve parity with the requirements to sit on HARC. That friendly amendment was approved by the Planning Board accepted by the sponsor.

Other amendments are to delete obsolete language that was adopted in 2008 when the Planning Board went from 5 members to 7 with direct appointments.

**Procurement:**

This amendment has no direct impact on procurement or city finances.

**Options:**

1. To pass the proposed ordinance amendment to permit the direct removal of a Planning Board member 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, and to maintain a Key West residency requirement.

**Recommendation:**

Option 1.