

*Ordinance;  
\* Approving purchases in excess of \$20K*

ORDINANCE NO. 15-08

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2, OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION," BY AMENDING DIVISION 10, SECTION 2-554 TO ASSIGN DAY-TO-DAY FINANCIAL RESPONSIBILITIES TO THE CITY MANAGER, TO ADJUST THE THRESHOLD FOR EXPENDITURES AND BUDGET TRANSFERS WHICH REQUIRE CITY COMMISSION APPROVAL TO \$20,000.00, AND TO ADD A PROVISION THAT PURCHASING AND PROCUREMENT REQUIREMENTS IN THE KEY WEST BIGHT DISTRICT SHALL BE GOVERNED BY SECTION 2-766 THROUGH 2-845 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it would be expeditious to align the purchasing and procurement requirements for the Key West Bight Management District with the standard City purchasing code; and

WHEREAS, an amendment to the Section 2-554 will improve municipal government efficiency, and promote the 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 Section 2-554 of the Code of Ordinances is hereby amended as follows\*:

DIVISION 10. - KEY WEST BIGHT MANAGEMENT DISTRICT BOARD

Sec. 2-554. - Powers and duties; responsibility of city.

(a) The board shall have the following duties:

(1) Oversee the operation and development of an expanded public marina on the Key West Bight property.

(2) Facilitate and approve applications 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.

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\* (Coding: Added language is underlined; deleted language is ~~struck through~~)

(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 Charter, this Code and marina bond covenants.

(7) Review all conflicts between the manager and tenants; all decisions of the board regarding the terms and management of rental property and administration of leases shall be final.

(8) Consider for review and comment only, all matters within the Key West Bight subject to review and/or approval by the community redevelopment agency.

(b) On the following matters the 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 ~~\$7,500.00~~ \$20,000.

(5) Transfers of funds from one budget category to another in excess of \$20,000.

(c) 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. The city commission shall have final review over any matter which may affect the tax exempt status of the marina/conservation bond.

(d) The city by and through its city manager shall have day-to-day responsibility for the operation of the Key West Bight. The manager of the Key West Bight shall be a city employee, subject to hiring, supervision and termination by the city manager. Additionally, the city manager shall prescribe the duties of the manager upon the advice and consent of the board.

(e) In addition to the requirement contained in subsection 2-554(b)(4) above, personal property purchasing and procurement pertaining to the Key West Bight shall be governed by the requirements contained in sections 2-766 through 2-845 of the Code of Ordinances."

Section 4: 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 5: 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 6: 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 7 day of April, 2015.

Read and passed on final reading at a regular meeting held this 5th day of May, 2015.

Authenticated by the presiding officer and Clerk of the  
Commission on 6th day of May, 2015.

Filed with the Clerk May 6, 2015.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Absent</u>
Commissioner Tony Yaniz	<u>Yes</u>

  
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CRAIG CATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST  
201 William Street Key West, FL 33040 (305) 809-3790

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager

**CC:** Sarah Spurlock, Assistant City Manager  
Greg Veliz, Assistant City Manager

**FROM:** Key West Bight Board  
Doug Bradshaw, Port and Marine Services Director

**DATE:** February 23, 2015

**SUBJECT:** Modification of Key West Bight Ordinance to follow City Purchasing Code Ordinance

### ACTION STATEMENT

Recommend modification of a portion of the City's Code of Ordinance's dealing with purchases at the Key West Bight in order to follow the City's purchasing code.

### PROJECT ISSUE

Section 2-554 of the City's Code of Ordinances, which pertains to the Key West Bight, requires that expenditure of funds in excess of \$7,500.00 or the transfer of funds from one budget category to another be reviewed by the Key West Bight Board who then in turn shall submit to the city commission for final approval.

Sec. 2-771 and 2-772 of the code, outside of the Key West Bight, authorizes the City Manager to approve these purchases and budget transfers for anything \$20,000 or less. Above this amount, City Commission must approve.

Staff's opinion is that the two provisions in Section 2-554, makes small purchases of commodities and contractual services within the Bight burdensome and can unnecessarily delay small projects.

Proposed changes to the ordinance are attached.

### RECOMMENDATION

Staff recommends modification of a portion of the City's Code of Ordinance's dealing with purchases at the Key West Bight in order to follow the City's purchasing code for items \$20,000 or less.

*Key to the Caribbean – Average yearly temperature 77° F.*

EXECUTIVE SUMMARY

## DIVISION 10. - KEY WEST BIGHT MANAGEMENT DISTRICT BOARD

### Sec. 2-554. - Powers and duties; responsibility of city.

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- (1) Oversee the operation and development of an expanded public marina on the Key West Bight property.
  - (2) Facilitate and approve applications 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 Charter, this Code and marina bond covenants.
  - (7) Review all conflicts between the manager and tenants; all decisions of the board regarding the terms and management of rental property and administration of leases shall be final.
  - (8) Consider for review and comment only, all matters within the Key West Bight subject to review and/or approval by the community redevelopment agency.
- (b) On the following matters the 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 ~~\$7,500.00~~ \$20,000
  - (5) Transfers of funds from one budget category to another in excess of \$20,000.
- (c) 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. The city commission shall have final review over any matter which may affect the tax exempt status of the marina/conservation bond.
- (d) The city by and through its city manager shall have day-to-day responsibility for the operation of the Key West Bight. The manager of the Key West Bight shall be a city employee, subject to hiring, supervision and termination by the city manager. Additionally, the city manager shall prescribe the duties of the manager upon the advice and consent of the board.
- (e) In addition to the requirement contained in subsection 2-554(b)(4) above, personal property purchasing and procurement pertaining to the Key West Bight shall be governed by the requirements contained in sections 2-766 through 2-845 of the Code of Ordinances."

(Code 1986, § 24.03)

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