

*Ordinance changing duties.
Day to day operations moved to City Mgr.

ORDINANCE NO. 96-3

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 24 ENTITLED "KEY WEST BIGHT MANAGEMENT DISTRICT; BOARD" BY AMENDING SECTION 24.03 TO ESTABLISH DAY-TO-DAY MANAGEMENT DUTIES OF THE BIGHT AS A CITY MANAGER RESPONSIBILITY; AMENDING SECTION 24.04 TO ALTER THE QUALIFICATIONS OF BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Bight Management District Board ("KWBMD") at its meeting of February 21, 1996, recommended ordinance amendments regarding the operation of the Key West Bight; and

WHEREAS, the City Manager recommends such ordinance amendments; and

WHEREAS, the City Commission finds that such ordinance amendments will serve the best interest of the citizens of Key West;

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

Section 1: That Section 24.03 of the Code of Ordinances is

hereby amended as follows:

Sec. 24.03 Powers and duties, of Board;
responsibility of City

The KWBMDB shall have the following duties:

- (a) ~~(1) Prescribe the duties and responsibilities of the manager;~~
- ~~(2) To hire future manager(s) and negotiate management contracts subject to approval by the City Commission;~~
- ~~(3) To terminate manager(s) according to the terms of any contract;~~
- (4)(1) Oversee the operation and development of an expanded public marina on the Key West Bight property;
- ~~(5) Supervise the manager in performance of those duties contracted for by the manager;~~
- (6) (2) Facilitate and approve application for all required permits necessary for redevelopment and/or expansion of the uplands property and marina;
- (7)(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;

~~(8)~~(4) Identify and recommend grant applications for approval by the city commission;

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

~~(9)~~(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);

~~(10)~~(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 the Marina Bond

Covenants;

~~(11)~~(7) ~~The board shall r~~Review all conflicts between the manager and tenants; all decisions of the Key West Bight Management District Board regarding ~~day to day operation of the Key West Bight Marina,~~ the terms and management

of the rental property and administration of leases shall be final;

~~(12)~~(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.

* * * *

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 KWBMD.

Section 2: That Section 24.04 of the Code of Ordinances is hereby amended as follows:

Sec. 24.04 Composition and terms; compensation.

The KWBMD 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 shall be appointed by vote of the commission. No voting member shall have any ownership interest in any business located in the KWBMD or shall be employed by a tenant or ownership interest located in the KWBMD.

The Mayor shall present a slate of nominees to the commission with not less than two (2) nor more than (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 demonstrated interest in community service from each of the following disciplines shall be represented on the KWBMD: 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.

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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.

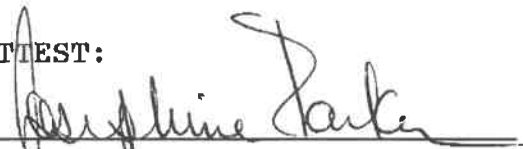
Read and passed on first reading at a regular meeting held this 3rd day of March, 1996.

Read and passed on final reading at a regular meeting held this 19th day of March, 1996.

Authenticated by the presiding officer and Clerk of the Commission on 22nd day of March, 1996.

Filed with the Clerk March 22, 1996.


DENNIS J. WARDLOW, MAYOR

ATTEST:

JOSEPHINE PARKER, CITY CLERK

MEMORANDUM

To: Honorable Mayor and
Members of the City Commission

From: Diane Tolbert Covan
City Attorney

Re: Key West Bight Ordinance Amendment

Date: March 5, 1996

Attached is an amendment to Chapter 24 of the Code of Ordinances governing the Key West Bight and its Board. It contains three changes:

1. It shifts day-to-day management of the Bight to the City Manager, formalizing a practice in place during the past year.
2. It delegates to the Board the right to enter into leases, again formalizing a practice already in place.
3. It allows for some flexibility on Board appointments due to the current difficulty of finding qualified applicants for each of the represented disciplines.