

ORDINANCE NO. 08-15

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTIONS 2-546 AND 2-549 TO ALTER THE COMPOSITION OF MEMBERSHIP OF THE KEY WEST BIGHT MANAGEMENT DISTRICT BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission desires to revise the composition of membership of the Key West Bight Management District Board to provide for a representative nominated by the Key West Bight Preservation Association Inc; and

WHEREAS, the proposed amendment to the ordinance would serve to promote the health, safety and welfare of the citizens of Key West.

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

Section 1: That Section 2-546 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 2-546. Definitions.**

**The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:**

~~Accounting means a certified public accountant.~~

Section 2: That Section 2-549 of the Code of Ordinances is hereby amended as follows\*:

Sec. 2-549. Composition; appointments; terms.

(a) The board shall consist of seven members who shall reside in the city or who shall have a business or profession located in the city 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 Key West Bight Management District or shall be employed by a tenant or ownership interest located in the Key West Bight Management District.~~

(b) The mayor shall present a slate of nominees to the city commission with not less than two nor more than three nominees for each discipline to be represented. The nominee from each discipline receiving the highest number of votes shall be appointed. At least one person with a demonstrated interest in community service from each of the following disciplines shall be represented on the board: legal, ~~accounting~~, banking, historic preservation, maritime, real estate, Chamber of Commerce. Additionally, one member of the board shall be an individual nominated by the Key West Bight Preservation Association Inc (KWBPA). The KWBPA shall provide a list of two (2) nominees to the city commission, from which the commission shall appoint one individual to the board. Any officer or director of the KWBPA shall be excluded from consideration as a member or nominee to the board.

If no applicant is reasonably available to represent a discipline, the mayor may nominate a person from outside of the discipline.

(c) Appointments shall be made on a staggered basis, and each appointment shall be for a term of four years. However, appointments to replace a vacating member shall be for the

unexpired term of the member.

(d) Any member may be removed by the city commission for cause, which shall include but not be limited to a violation of law relating to the member's office.

(e) ~~The Key West Bight Tenants Association shall appoint two of its members to serve as liaison to the KWBMDB. The Key West Bight Neighborhood Association shall appoint one of its members to serve as a non-voting liaison to the KWBMDB. Liaison positions shall be non-voting.~~

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~. **Language added at 1<sup>st</sup> reading is underlined twice.**)

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

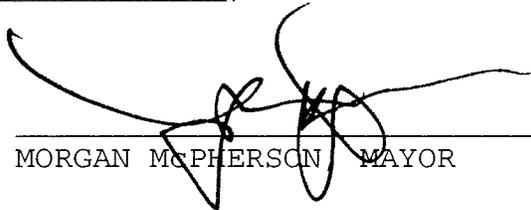
upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 7th day of October, 2008.

Read and passed on final reading at a regular meeting held this 21st day of October, 2008.

Authenticated by the presiding officer and Clerk of the Commission on 22nd day of October, 2008.

Filed with the Clerk October 22, 2008.

  
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MORGAN MCPHERSON MAYOR

ATTEST:  
  
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CHERYL SMITH CITY CLERK