

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, December 1, 2022 – 10:05 A.M or at the Conclusion of the Public Hearing
Temporary City Hall & Virtually via Zoom Conferencing
<https://us02web.zoom.us/j/86584597011> - Meeting ID: 865 8459 7011

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call

2. Agenda Additions, Changes & Deletions

3. Special Request: Request from Havana Jacks for Extended Music Hours on 12/31/2022

4. Citizen Comments and Correspondence

(Members of the public may speak for three minutes and may only speak once unless waived by a majority vote of the commission)

5. Approval of Minutes

- a. 11-17-2022 Public Hearing Minutes – **Pg. 1**
- b. 11-17-2022 Regular Meeting Minutes – **Pgs. 2-7**

6. Committee and Department Reports

(Only Department/Committees/Boards with submitted reports are listed.)

- a. Marathon Fire/EMS – Marathon Fire Chief Cameron Bucek
- b. Police Department – Chief DiGiovanni
- c. Building Department – Building Official Leggett
- d. Public Works – Public Works Department Head Guarino
- e. City Clerk – City Clerk Gransee
- f. Code Enforcement Officer – Code Officer Goldman
- g. Utility Board Report – Chair Toni Appell – **Pg. 8**
- h. Beautification Committee Report – Chair Greg Burke – **Pg. 9**

7. Items for Discussion/Approval

- a. Discussion/Approval City Attorney's Contract **Pgs. 10-13**
- b. Discussion/Approval of DRAFT Resolution 2022-15 Rules and Procedures for Volunteer Boards & Committees - **Pgs. 14-16**

8. City Administrator Items for Discussion

- a. City Hall Update

9. City Attorney's Report

10. Ordinances & Resolutions

11. Commissioner's Reports & Comments

12. Adjournment

“Members of the public may speak for three minutes and may only speak once unless waived by a majority vote of the commission.”

Letters submitted to the city clerk to be read at the Commission Meeting will be made part of the record but not read into record. Persons who need accommodations in order to attend or participate in this meeting should contact the city clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

MINUTES

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, November 17, 2022 – 9:30 a.m.

Temporary City Hall & Virtually Via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Public Hearing of the City Commission of Key Colony Beach was called to order by Mayor Trefry at 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Patricia Trefry, Vice-Mayor Tom Harding, Commissioner Beth Ramsay-Vickrey, Commissioner John DeNeale. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, City Attorney Janette Smith (virtual), Police Chief Kris DiGiovanni, Public Works Department Head Mike Guarino, Building Official Gerald Leggett, Building Assistant Trish McLeod, Code Enforcement Officer Barry Goldman, Administrative Assistant Christine McLeod, Accountant Jen Johnson, Marathon Fire Marshall Mike Card.*

Public: *13 Marble Hall*

City Attorney Dirk Smits confirmed to Mayor Trefry that no recommendation from the Special Master was received yet. Mayor Trefry asked for a motion to table the matter.

MOTION: *Motion made by Commissioner DeNeale, seconded by Commissioner Ramsay-Vickrey, to table the matter until the next Public Commission Hearing on December 1st, 2022.*

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

Agenda Items 2-8. – *Tabled until December 1, 2022, at 9:30 a.m.*

9. Adjournment: *The meeting adjourned at 9:32 a.m.*

Respectfully submitted,

Silvia Gransee

City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, November 17, 2022 – 9:33 a.m.

Temporary City Hall & Virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Regular Meeting and Public Hearing of the City Commission of Key Colony Beach was called to order by Mayor Trefry at 9:33 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Patricia Trefry, Vice-Mayor Tom Harding, Commissioner Beth Ramsay-Vickrey, Commissioner John DeNeale. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, City Attorney Janette Smith (virtual), Police Chief Kris DiGiovanni, Public Works Department Head Mike Guarino, Building Official Gerald Leggett, Building Assistant Trish McLeod, Code Enforcement Officer Barry Goldman, Administrative Assistant Christine McLeod, Accountant Jen Johnson, Marathon Fire Marshall Mike Card.*

Public: *13 Marble Hall*

2. Agenda Additions, Changes & Deletions: *City Administrator Turner asked for the agenda additions of an appointment to the Utility Board as well as a support letter to be added to the agenda under his report. The Commission had no objection.*

3. Special Request: *Mayor Trefry read the proclamation in remembrance of Commissioner Ronald A. Sutton.*

MOTION: *Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner DeNeale, to adopt the proclamation in remembrance of Ronald A. Sutton.*

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

Mayor Trefry spoke words of remembrance for Commissioner Sutton and also reminded of the Celebration of Life to be held on Sunday at Sunset Park.

Vice-Mayor Tom Harding suggested naming a city park after Commissioner Sutton. City Attorney Dirk Smits confirmed no legal concerns with the suggestion. Mayor Trefry suggested remaining Marble Hall after Commissioner Sutton. The Commission expressed support for both suggestions and agreed to add it as an agenda item to the next commission meeting.

Commissioner John DeNeale recalled his memories of Commissioner Sutton and stated that he will be truly missed and that Commissioner Sutton's service was legendary to the City.

4. Citizen Comments and Correspondence:

City Clerk Gransee reported receiving correspondence and phone calls from citizens extending their condolences to Commissioner Sutton's family and the city.

Kimmeron Lisle, Beautification Committee Member, spoke to the Commission requesting guidance on purchasing request for the Beautification Committee.

Tom DiFransico, 171 8th Street, spoke to the Commission regarding the City Hall project and stated his thoughts on available information on the city's website, updated finance plans, and construction schedule. Mr. DiFransico further asked on the progress on the construction project on 501 E. Ocean drive. Mayor Trefry asked Building Official Leggett to give an update under his staff report.

5. Approval of Minutes: The 10-20-2022 Public Hearing Minutes and 10-20-2022 Regular & Public Meeting Minutes were accepted as written.

6. Committee and Department Reports: Mayor Trefry asked if the Commission had questions on the staff reports.

Vice-Mayor Harding asked on an estimated time of arrival of the playground equipment. City Administrator Turner gave an update on what work will be done on the playground and gave an estimate of two to three month for arrival of equipment.

a. Marathon Fire/EMS – Marathon Fire Marshall Mike Card reported for Fire Deputy Chief Bucek. The Fire Marshall reported on the new state report format and further reported 10 EMS calls with no additional calls reported. Mr. Card extended the Fire Departments condolences for Commissioner Suttons' passing.

b. Police Department – Chief DiGiovanni (no additional question from the Commission)

c. Building Department – Building Official Leggett gave an update on 501 E. Ocean Drive and stated that a service release inspection was given and the building is expected to be powered up soon. The Building Official stated that a Certificate of Occupancy is expected in January or February.

d. Public Works – Public Works Department Head Guarino (no additional question from the Commission)

e. City Clerk – City Clerk Gransee (no additional question from the Commission)

f. Code Enforcement Officer – Code Officer Goldman (no additional question from the Commission)

g. City Secretary/Treasurer – Secretary-Treasurer DeNeale yielded the floor to Jen Johnson from Bishop, Rosasco & Co.: Jen Johnson gave an overview on the October financial report with updates on expenditures and revenues on capital infrastructure, impact fees, building fund, wastewater, and storm water funds. Jen Johnson further explained reserves for City Hall construction in capital infrastructure funds.

7. Items for Discussion/Approval

a. Approval of Warrant No. 1022 in the amount of \$387,772.17: Mayor Trefry asked fo a motion.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Ramsay-Vickrey, to approve Warrant No. 1022 in the amount of 387,772.17.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion/Approval of KCBCA Schedule of Winter Events: City Administrator Turner reported on the proposed schedule of events for the KCBCA. The City Administrator asked for the approval of the schedule as well as parking for the event for KCB day and location, as well as the approval of beer and wine in parking lot. Further discussion followed on needed volunteers for the St. Patrick's Day Parade.

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Vice-Mayor Harding, to approve the KCBCA schedule of winter events as well as parking and alcohol consumption.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Discussion/Approval of Installation of a new 40,000 lb. Elevator Boat Lift - 840 12th Street:

Building Official Leggett reported on the application and stated that all required documents were submitted. Mayor Trefry asked for a motion to approve or deny.

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Vice-Mayor Harding, to approve the installation of the new boat lift at 840 12th Street.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. City Administrator Items for Discussion

a. Appointment of Dan Gleason to the Utility Board: Mayor Trefry asked for a motion.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Ramsay-Vickrey, to appoint Dan Gleason to the Utility Board.

DISCUSSION: Mr. Dan Gleason was confirmed as a resident of Key Colony Beach.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Support Letter for Monroe County for SMART Grant Application: City Administrator Turner reported on the requested support letter and gave background information on the newly formed transportation authority for Monroe County. Vice-Mayor Tom Harding stated this letter represents

consistency with the Monroe County Transportation Committee. City Attorney Smits stated a head nod to be sufficient for agreement and to sign the letter of support by all Commissioners.

c. City Hall Update: *City Administrator Turner reported on available grant monies through the*

Hardening Grant and that no final answer from FEMA has been received at this point. The City Administrator updated on meeting with the lobbyist on the issue and further reported that the Stewardship funds have been depleted.

City Administrator Turner updated that the drawings are at the State and waiting for approval. The City Administrator further commented on available buildings for comparison quotes and anticipated costs, as well as the impact of the Post Office and Marble Hall on construction costs. City Administrator Turner described what steps were taken for downsizing and the challenges represented with obtaining a new post office lease.

The City Administrator further explained the process of receiving the drawings back from the State and looking at numbers after bids have been received. City Administrator Turner remarked on the height of the tower and stated the reasons why the height was lowered. City Administrator Dave Turner continued saying what other cost cutting measures were taken. The City Administrator confirmed to Mayor Trefry that tentative new drawings can be uploaded to the website after they have been converted to PDF. Building Official Leggett stated he will reach out to the State for an update.

Further discussion followed at what timeframe grant monies have to be used for different projects, as well as the importance of asbestos removal having to be completed prior to demolition of the old City Hall. Discussion continued on the question of having a Post Office in Key Colony Beach and staffing shortages.

9. City Attorney's Report

a. Explanation of procedures for filling the vacant commission seat and invitation to submit request for consideration to City Clerk: *City Attorney Dirk Smits explained the qualifications needed to be considered for Commissioner and the appointment process. City Attorney Smits further explained the special election process in case of a tie vote and the procedures of the Organizational Meeting on December 1st.*

b. Recommendation for establishing "Rules and Procedures for Volunteer Boards/Committees":

City Attorney Janette Smith offered her condolences for the loss of Commissioner Sutton. City Attorney Smith asked for consensus from the Commission to bring back a Resolution for boards and committees at the next Commission meeting. The Commission agreed. The City Attorney explained the current codes and ordinances on purchasing requirements. Discussion followed on what changes could be implemented and the role of the City Administrator as Chief Financial Officer. Further discussion followed on purchasing protocols and limits. Jen Johnson explained good practices for checks and balances and that the City Administrator establishes rules for department heads. Additional conversation followed and explanation by City Attorney Dirk Smits on reasoning for control purposes and audits.

The Commission further discussed the question on obtaining three quotes versus one, finding practical solutions for purchasing regulations for maintenance needs, and minimum petty

cash spending. City Administrator Turner explained his responsibilities for purchasing and being fiscally responsible in his job. The Mayor agreed for the topic to be discussed with legal and to report back on the first of December.

Mayor Trefry recognized Kimmeron Lisle to speak before the Commission. Kimmeron Lisle asked for clarification on quotes and verbiage in the code. Mayor Trefry explained that this will be addressed in the new rules and procedures for committees and boards.

Mayor Trefry recognized Sandy Bachman to speak before the Commission.

Sandy Bachman 171 8th Street, Beautification Committee. Sandy Bachman asked for clarification on purchasing Christmas items which City Administrator Turner confirmed.

Commissioner DeNeale confirmed that Committees can come before the Commission and present their report.

10. Ordinances & Resolutions

a. Resolution No. 2022-15 FY21/22 Budget Amendment: A Resolution Of The City Commission Of The City Of Key Colony Beach, Florida, Amending The City's Fiscal Year 2021-2022 Budget; And Providing For An Effective Date.

Jen Johnson explained the Resolution and budget amendment.

Mayor Trefry read the Resolution No. 2022-14 FY21/22 Budget Amendment and asked for a motion.

MOTION: *Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner DeNeale, to approve Resolution No. 2022-15 FY21/22.*

DISCUSSION: *Commissioner DeNeale thanked Jen Johnson for her work.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

11. Commissioner's Reports & Comments

Commissioner Beth Ramsay-Vickrey spoke on the loss of Commissioner Ron Sutton and extended her condolences to his family. Commissioner Ramsay -Vickrey further reported on the elections and thanked everyone for voting. Commissioner Ramsay-Vickrey congratulated Mr. Foster on his election and offered her respect and appreciation to Commissioner John DeNeale. The Commissioner further reported on attending the EOC Zoom meetings during Hurricane Ian, attending the Havana Jacks Halloween costume party, helping with the FKSPC fundraiser, attending the Marathon Council meeting, and Utility board meeting.

Vice-Mayor Tom Harding thanked the staff for his birthday card and reported on updates from FDOT. The Vice-Mayor reported on working on Grant approval for 2025 and receiving a draft report for running of the red-light analysis. Vice-Mayor Harding reported on recommendations that were made as well as attending the FDOT 5-year plan meeting and updated on different projects that were approved.

Commissioner John DeNeale gave his thanks to residents, staff, and the Commission. Commissioner DeNeale recalled memories of coming together during Hurricane Irma and the Pandemic and stated it was a pleasure serving on the team.

Mayor Trefry stated that volunteer committees have a place on the agenda and public comment is not the time to address committee issues. Mayor Trefry reported attending a medical lecture at Fisherman's Hospital on treatment for Tremors and Alzheimer's. Mayor Trefry continued saying that Commissioner Sutton was a friend and mentor who always listened and will be missed.

City Administrator Turner reported that the interest rates at Centennial Bank have been raised which represents a benefit for the city.

12. Adjournment: The meeting adjourned at 11:00 a.m.

*Respectfully submitted,
Silvia Gransee
City Clerk*

COMMITTEE REPORT FOR KEY COLONY BEACH UTILITY BOARD

I had the honor and pleasure of being appointed by the Commission to the Utility Board on June 23,2022 and took the Oath of Office on July 19,2022 in Marble Hall.

At our monthly meetings we are given updates on the ensuing remaining stormwater projects that are tied to \$2.6 million dollar Grant Fundings.

We are also provided monthly Utility Clerk Reports that include land transfers, sewer connection fees, and unpaid accounts.

Plant Operator's Reports that detail the operations of the sludge removal, replacement of worn materials for safe operation of the machinery.

The Utility Board is considering an option of having a Consulting Firm for a proposal for waste water rate study.

Mr. Evans ,Plant Manager, submitted a list of capital improvement items ,which be discussed and prioritized at future board meeting and brought before the City Commissioners for consideration .

Proposal for bid for Static Screen Replacement will be reviewed within the next month and bring back to the Commissioners for final motion.

Our monthly Financial reports remain stable

Our Utility Clerk introduced Mr. Dan Gleason, who expressed interest in becoming a member of the Utility Board, and by motion by board member was recommended to become a Board member.Mr. Gleason will officially be sworn in and take oath of office on Dec.1, 2022

Respectfully submitted,
Antoinette "Toni" Appell
Antoinette "Toni" Appell
KCB UTILITY Board Chairperson
11-21-2022

KCB BEAUTIFICATION COMMITTEE REPORT TO COMMISSION 12/01/22

1. The committee worked to support PW installation of holiday decorations the week before Thanksgiving. Decorations in Sunset Park were delayed until after Ron Sutton's celebration of life. Beauts will install decorations at front entrance and What's Your Hurry when staff returns from Tday vacation (need supplies). City Hall decorations are awaiting City Administrator's input and approval.
2. The committee will discuss a plan for the upkeep of US1 entrance gardens at our December meeting. We will identify the specific plants that are missing and request the City purchase from our budgeted funds
3. The committee will re-vote on Patriotic Banners to include three quotes. We will specify the funding and request to appear before the commission at their January meeting.
4. Beauts will resume monthly Beautification Award this month with 9th Street recipient previously chosen by committee.
5. December meeting to include election of Secretary.
6. December meeting to include support of keeping St. Patrick's Day parade as an important annual event.
7. December meeting to include developing plan for further education to our residents in support of the Florida Friendly Landscaping program.
8. Beauts will work with Utility Board in selection of new plantings at 7th/8th street pond.
9. Beauts will work with FLL staff to support design of new City Hall landscaping



**CITY OF KEY COLONY BEACH
Contract for Legal Services**

This Contract entered into this _____ day of _____ **2022**, with an *effective date of December 1, 2022* between **DIRK M. SMITS, ESQUIRE**, Individually, and on behalf of **VERNIS & BOWLING OF THE FLORIDA KEYS, P.A.**, a law firm operating under the laws of the State of Florida, whose principal place of business is located at 81990 Overseas Hwy., 3rd Floor, Islamorada, FL 33036 (herein called "The Firm"), and the **CITY OF KEY COLONY BEACH, FLORIDA** (herein called "City").

In consideration of the mutual covenants and benefits hereinafter set forth, the parties herein covenant and agree as follows:

1. TERM

The City will exercise ONE (1) of THREE (3) renewal options remaining in accordance with the terms of the original contract dated June 24, 2021. The term of this Contract shall remain in force for the period of ONE (1) year, beginning **December 1, 2022** to **December 1, 2023** after which, two (2) additional one year options are available with the mutual consent of both parties. Section three (3) may be renegotiated after ONE (1) year and is subject to budget review.

2. THE FIRM'S SERVICES

The Firm agrees to provide the following services:

- A. Furnish to the City of Key Colony Beach legal services, providing the City Commission with legal advice and opinions, representation of City and City personnel in legal matters concerning the City, making recommendations to the City Commission regarding legal issues, and performing all other legal services the City may require.
- B. Maintain accessibility and availability to all City Commissioners and the director and executive staff on an "on call" basis.

- C. Attendance at all City meetings, special meetings, budget meetings and any other public meetings as necessary for conducting City business or as required by law. These meetings will be attended by Dirk M. Smits, or other members of The Firm as may be requested or approved by the City.
- D. The Firm will be responsible for paying the salaries, wages, health insurance and other benefits of its employees and representatives.

3. LEGAL SERVICES

The Firm's hourly rate for services shall be **\$195.00** per hour for attorneys with five (5) plus years of experience and **\$185.00** for attorneys with less than five (5) years of experience. Paralegals shall be paid at **\$125.00** per hour. These hourly charges are to be made without regard to any overtime charges that must be paid by The Firm to its employees. The Firm will provide billing statements to the City on a monthly basis. No payment shall be due until City verifies that all services for which payment has been requested have been fully and satisfactorily performed.

The aforementioned hourly rates will apply for travel to and from and attendance at Regular City meetings, Planning and Zoning Meetings, Code Board Meetings, Utility Board Meetings, workshops, Emergency meetings, Budget meetings, Audit meetings and any other meetings of the City Commission. The Firm will provide unlimited phone calls with City Commissioners at no cost.

4. COMPLIANCE WITH LAWS AND POLICIES

- A. The Firm shall comply with all current City policies, Florida Bar Rules, and all applicable local, state and federal laws, including laws pertaining to the confidentiality.
- B. It is anticipated that a future need for the law firm's services will or may be required. Therefore, pursuant to Florida Statute § 112.313(16) entitled *Local Government Attorneys*, this is a specific provision of this Agreement authorizing the use of The Firm to complete legal services for the City in addition to the services pursuant to this contract.

5. TERMINATION

Both parties reserve the right to terminate this contract at any time and for any reason, upon giving sixty (60) days' notice to the other party during which time services will be maintained.

6. ASSIGNMENT

Neither the Firm nor City may assign or transfer any interest in this Agreement without the prior written consent of both parties.

7. AMENDMENT

This Agreement may be amended only with the mutual consent of the parties. All amendments must be in writing and must be approved by the City Commission.

8. INDEMNIFICATION, GOVERNING LAW AND VENUE

The Firm shall indemnify and hold harmless City from and against any and all claims, liabilities, damages, and expenses, including, without limitation, reasonable attorneys' fees, incurred by City in defending or compromising actions brought against it arising out of or related to the acts or omissions of The Firm, its agents, employees or officers in the provision of services or performance of duties by The Firm pursuant to this Agreement.

This Agreement shall be construed in accordance with the laws of the State of Florida. Any dispute arising hereunder is subject to the laws of Florida, venue being in Monroe County, Florida. The prevailing party shall be entitled to reasonable attorney's fees and costs incurred as a result of any action or proceeding under this Agreement.

9. REPRESENTATIONS AND WARRANTIES

The Firm represents and warrants to City, upon execution and throughout the term of this Agreement that:

- 1) The Firm is not bound by any agreement or arrangement which would preclude it from entering, or from fully performing the services required under the Agreement;
- 2) None of The Firm's agents, employees or officers has ever had his or her professional license or certification in the State of Florida, or any other jurisdiction, denied, suspended, revoked, terminated and/or voluntarily relinquished under threat of disciplinary action, or restricted in any way.
- 3) The Firm and The Firm's agents, employees and officers have, and shall maintain throughout the term of this Agreement, all appropriate federal and state licenses and certifications which are required in order for The Firm to perform the functions, assigned to him or her in connection with the provisions of the Agreement.

10. CONFIDENTIALITY

The Firm recognizes and acknowledges that by virtue of entering into this Agreement and providing services hereunder, The Firm, its agents, employees and officers may have access to certain confidential information. The Firm agrees that neither it nor any of The Firm's agents,

employees or officers will at any time, either during or after the term of this Agreement, disclose to any third party, except where permitted or required by law or where such disclosure is expressly approved by City in writing, any confidential information, personal health information or other confidential information, and The Firm, its agents, employees and officers shall comply with all Federal and State laws and regulation and all City policies regarding the confidentiality of such information.

11. INSURANCE

The Firm agrees to secure and maintain at all times during the term of this Agreement, at The Firm's expense, professional liability insurance covering The Firm for all acts or omissions which may give rise to liability for services under this Agreement. All of The Firm's staff are to be insured in minimum amounts acceptable to City and with a reputable and financially viable insurance carrier. Such insurance shall not be cancelled except upon thirty (30) days written notice to City. The Firm shall provide City with a certificate evidencing such insurance coverage within five (5) days after obtaining such coverage. The Firm agrees to notify City immediately of any material change in any insurance policy required to be maintained by The Firm.

12. This agreement supersedes all prior agreements of the parties.

IN WITNESS WHEREOF, the parties have executed this Contract on this ____ day of _____ 2022.

CITY OF KEY COLONY BEACH

By: _____

Print Name

Date

Title

Dirk M. Smits, B.C.S.

Date

Title

RESOLUTION NO. 2022-16

**A RESOLUTION BY THE CITY OF KEY COLONY BEACH,
FLORIDA, ADOPTING RULES OF PROCEDURE FOR
VOLUNTEER/ADVISORY BOARDS.**

WHEREAS, the City of Key Colony Beach, Florida (hereinafter "City") desires uniform procedures to provide guidance and structure to City volunteer/advisory boards (hereinafter "Boards"); and

WHEREAS, the City Commission of the City of Key Colony Beach (the "City Commission") finds rules of procedure to promote efficiency with regard to conducting official business of the City; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitations are hereby adopted and incorporated herein.

Section 2. This Resolution creates new Rules of Procedure to provide as follows:

- A. **Meetings**: All meetings of the Boards shall be held in accordance with the provisions of Florida Statutes. The public shall at all times be afforded access to all meetings. All business of the Boards shall take place at noticed Board meetings. Board meeting dates for the following year shall be placed on the agenda at the next scheduled meeting immediately following the City Commission organizational meeting (or the following meeting if said meeting is cancelled). Board meeting schedule may only be modified by a majority vote of the Board. Workshops, special meetings, or ad hoc meetings shall not be available to Boards unless required by law.
- B. **Commencement of Board Meetings**: Meetings of the Boards shall commence as noticed by the city clerk pursuant to the schedule submitted by each Board, except if a meeting date shall fall on a legal holiday or during a state of emergency, then the meeting date shall be canceled.
- C. **Attendance**: Pursuant to City Code, if any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. In the event of a vacancy created other than by the expiration of a term, the city commission shall appoint a person to serve for the remainder of the unexpired term.
- D. **Agenda Item Submission and Deadline**: The city clerk with the advice of the Chair shall prepare an agenda of subjects to be discussed for each meeting. Agenda items must be submitted at least seven (7) business days. Agenda items may also be added to the agenda by majority vote of the Board during a public meeting.

- E. **Removal of Items from the Agenda:** Minutes must be approved before they can be considered as an official record of the City. A copy of the minutes from the previous meeting shall be distributed to the board members at least one (1) business day before the following meeting. The minutes of the previous meeting shall be corrected and approved by the board members at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by majority vote.
- F. **Quorum:** A quorum must be present for conducting Board meetings. A quorum is a majority of all of the board members then in office. It is the duty of the Chair to enforce this rule. If, during the course of a meeting, a board member leaves and a quorum no longer exists, the meeting cannot continue.
- G. **Voting (Majority):** Passage of a motion shall require the affirmative vote of a majority of board members present and voting at a meeting at which a quorum is present.
- H. **Abstentions:** A board member shall vote on all motions unless there exists a conflict of interest which would prevent that commissioner from making a decision in a fair and legal manner in accordance with applicable law. If a conflict of interest does exist, the board member shall explain for the record the decision to abstain on any vote and file a statement with the city clerk per Florida Statutes.
- I. **Chair:** The chair is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the chair must enforce the rules of procedure that are adopted by the city commission. The chair shall be impartial and conduct the meetings in a fair manner. The chair may introduce motions and second any motion.
- J. **Vice-Chair:** The vice-chair shall fulfill the duties of the chair if the chair is not in attendance.
- K. **Decorum:** All board members must conduct themselves in a professional and respectful manner. All remarks should be directed to the chair and not to individual board members, staff, or citizens in attendance. Personal remarks are inappropriate. A board member is not allowed to speak at a meeting until being recognized by the chair. All comments made by a chair shall address the agenda item that is being discussed. The chair shall enforce these rules of decorum. If a board member believes that a rule has been broken, a point of order can be raised. A second is not required. The chair can rule on the question or allow the board members to debate the issue and decide the issue by a majority vote.
- L. **Reports to the City Commission:** Boards may submit reports to the city clerk for inclusion on the City Commission agenda. Reports shall be submitted at least seven (7) business days prior to the City Commission meeting. All reports to be submitted to the City Commission shall be approved by a majority vote of the board members prior to submission.
- M. **Budget:** Boards provided with a budget by the City shall submit their budget, including backup information and material, to the City Administrator by June 1st each year.
- N. **Purchasing:** Boards, provided with a budget, shall discuss required items during the organizational meeting and provide the City Administrator with a list of items requested for purchase. In accordance with City Code, purchasing items in the amount of \$500.00 - \$5,000 requires three quotes to be submitted to the City Administrator for review and approval determination. Purchasing items under \$500.00 are to be submitted to the City Administrator for review and approval determination.
- O. **Rules of Procedure:** This Rules of Procedure for Voluntary/Advisory Boards Resolution shall supersede Robert' s Rules of Order on any subject specifically addressed herein; however, on any matters not specifically addressed by this Resolution, Robert' s Rules of Order shall prevail to the extent possible.

Section 3. The city clerk is authorized to record this Resolution in the appropriate record book upon its adoption.

Section 4. If any clause, section or other part of this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. All Resolutions or parts of Resolutions in conflict herewith are hereby 9 repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Key Colony Beach City Commission, at its regular meeting of the City held on _____, 2022.

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

(City Seal)

Approved as to form and legal sufficiency:

Dirk Smits, City Attorney