

## **ORDINANCE NO. 2025-506**

### **AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CODE OF ORDINANCE, CHAPTER 14 SEWERS AND SEWER DISPOSAL, ARTICLE III UTILITY BOARD, SECTION 14-47 MEMBERSHIP AND 14-49 MEETINGS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Utility Board serves as an advisory body to the City Commission, providing recommendations on matters related to the City’s utility services, including water, electric, communications, drainage, and waste collection or disposal; and

**WHEREAS**, the City Commission of Key Colony Beach has determined that it is necessary to amend Chapter 14, “Sewers and Sewage Disposal,” Article III “Utility Board,” Section 14-47 “Membership” and Section 14-49 “Meetings,” to modify the resident requirements and meeting procedures for the Utility Board and its members; and

**WHEREAS**, the City Commission recognizes that periodic review and refinement of committee structures, duties, and procedures help eliminate redundancies and align advisory efforts with the City’s strategic utility and infrastructure goals; and

**WHEREAS**, the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.

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

#### **Section 1: Recitals**

The above recitals are true and correct.

#### **Section 2: Effective Date**

This Ordinance shall become effective upon approval by the City Commission.

#### **Section 3: Amendment**

Chapter 14 “Sewers and Sewage Disposal,” Article III “Utility Board” of the City of Key Colony Beach, Florida Code of Ordinances shall be amended to read as follows:

~~Strikethrough~~ = deletion

**Bold underline** = addition

## ARTICLE III. - UTILITY BOARD

### Sec. 14-47. - Membership.

The utility board shall consist of five (5) persons appointed by the city commission. It is preferred that each member be a resident of the City of Key Colony Beach and a registered voter within the City of Key Colony Beach. No member shall be a city commissioner or an employee of the city. Any member may be relieved of his duties at any time by a majority vote of the city commission. 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. Vacancies occur on the utility board for any reason shall be filled by appointment by the city commission within sixty (60) days from the time the vacancy officially occurs. The term of office for each member of the utility board shall end no later than the second regular meeting of the city commission in the month of April. Utility board members will serve until their successors are appointed. Terms of members appointed to fill any vacancies occurring during the year will expire at the same time as all other members of the board.

The city commission shall also appoint not more than two (2) alternate members to the utility board and such members shall require the same qualifications and serve the same terms as regular members. Alternate members shall be designated at the time of their appointment as "alternate one" and "alternate two." Alternate one shall have full voting power in the absence of one (1) member of the board. Alternates one and two shall have full voting power in the absence of any two (2) regular members. Alternate members shall be considered as regular members for the purpose of constituting a quorum. All members may participate in discussions but no more than five (5) votes shall be counted in the manner described above on any matter. Alternate members shall be permitted voting privileges only at official meetings conducted by a regularly elected officer of the board.

Potential and eligible utility board members will be recommended to the city commission by the utility board for its approval and appointment.

The city commission may waive the residency requirements for membership of the board in the case of unforeseen and unusual circumstances that are in the best interest of the city.

### Sec. 14-49. - Meetings.

A regular monthly meeting date and time for the utility board meetings shall be established by the board and all meetings shall be held at City Hall and be open to the public. Special meetings may be called by the chairman or any three (3) members of the utility board and due notice of such meetings and their purpose shall be posted in accordance with law. A quorum shall consist of three (3) members of the utility board. Minutes of all meetings shall be recorded and filed with the city clerk. Regular meetings need not be held if there is no business to conduct. **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board.**

**Section 4: Severability and Conflict**

If any portion of this ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5: Inclusion in the Code of Ordinances**

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code:

**Section 6: Effective Date**

This ordinance shall become effective upon its adoption by the City of Key Colony Beach Commission.

**FIRST READING** by the City of Key Colony Beach City Commission this 21st day of August, 2025.

Mayor Freddie Foster	NO_____	YES___x___
Vice-Mayor Doug Colonell	NO_____	YES___x___
Commissioner Tom Harding	NO_____	YES___x___
Commissioner Tom DiFransico	NO_____	YES___x___
Commissioner Kirk Diehl	NO_____	YES___x___

**SECOND READING AND DULY ADOPTED** by the City of Key Colony Beach City Commission on this 18th day of September, 2025.

Mayor Freddie Foster	NO_____	YES_____
Vice-Mayor Doug Colonell	NO_____	YES_____
Commissioner Tom Harding	NO_____	YES_____
Commissioner Tom DiFransico	NO_____	YES_____
Commissioner Kirk Diehl	NO_____	YES_____

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, this 18th day of September, 2025.

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Freddie Foster, Mayor

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Silvia Roussin, City Clerk

*Approved as to form and legal sufficiency:*

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Dirk M. Smits, Esq. B.C.S., City Attorney