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1 A bill to be entitled
2 An act relating to the City of Key West, Monroe County;
3 amending chapter 69-1191, Laws of Florida; changing the
4 name of the City Electric System to "Keys Energy
5 Services"; revising the term for the board member
6 representing group I; providing for selection of the
7 chairperson; revising requirements and the time allowed
8 for the filling of a vacancy; providing that the board
9 does not need certain approval for the issuing of bonds;
10 removing certain residency requirements for senior citizen
11 and disabled veteran discounts; removing a surety
12 requirement for contractors improving or repairing the
13 electric system; providing that the board may accept the
14 lowest cost or best bid for construction projects;
15 providing that terms of a renewed or extended contract
16 must be satisfactory to the board; providing that a
17 contract or extended or renewed contract must be executed
18 within 24 months prior to the proposed purchase of
19 commodities or services by the board; providing for
20 surplus property; providing for disposition of assets of
21 the utility; providing that the board shall adopt
22 resolutions setting certain reimbursements; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Sections 1, 2, 3, 6, 11, 13, 15, 16, 19, and 20
28 of chapter 69-1191, Laws of Florida, as amended, are amended to

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29 read:

30 Section 1. There is hereby created the Utility Board of
31 the City of Key West, Florida, to be composed of five (5)
32 members as particularly hereinafter set forth. Such Utility
33 Board created by this act shall be and is hereby made the
34 successor to the Utility board of the City of Key West, Florida,
35 heretofore created and existing by and under the provisions of
36 chapter 65-1770, Laws of Florida, Acts of the Legislature Year
37 1965, and acts amendatory thereto. The full, complete and
38 exclusive power and right to manage, operate, maintain, control,
39 extend, and extend beyond the limits of the City of Key West,
40 Florida, ~~in~~ improve, finance and re-finance the electric public
41 utility now owned by the City of Key West, Florida, and the
42 nonexclusive right to build, construct, operate and acquire
43 other public utilities, by purchase, gift, grant, lease, rental
44 or otherwise, from time to time, from the United States
45 Government, its departments, agencies, bureaus and commissions,
46 and from the State of Florida and any of its political
47 subdivisions, and corporations which are publicly or privately
48 owned or operated, and by the right of eminent domain, shall be
49 carried on by such Utility Board composed of five (5) members,
50 all of whom shall be elected by the qualified electors of the
51 City of Key West, Florida, at large, as hereinafter set forth.
52 Furthermore, said Utility Board shall have the power and right
53 to sell at retail or wholesale certain tangible personal
54 property related to its utility services, including, but not
55 limited to, generators, protection and conservation equipment,
56 and appliances. The term "public utility," as used herein, shall

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57 include, but not be limited to, cable and telecommunication
58 facilities. Nothing herein shall grant the right of eminent
59 domain as to cable or telecommunication facilities. The name of
60 the Utility Board shall be "Utility Board of the City of Key
61 West, Florida," and said Board shall function and operate as
62 hereinafter provided. Said Utility Board shall have the right to
63 sue and be sued, may adopt and use a seal and change it at
64 pleasure, and may use in the conduct of its business the trade
65 name of "Keys Energy Services," ~~"City Electric System,"~~ the use
66 of which heretofore by its predecessor board is approved,
67 confirmed and validated; further, said Utility Board may change
68 such trade name and from time to time adopt such trade names as
69 it deems expedient and proper in the conduct of its business,
70 operations and activities.

71 Section 2. The first election for the nomination or
72 election of candidates for members of the Utility Board of said
73 city shall be held no earlier than forty-five (45) days and no
74 later than sixty (60) days from the date this act shall become
75 law and on the first Tuesday in November biannually thereafter,
76 commencing with the election of 1971 and shall be held
77 concurrent with the election for the office of City Commission
78 of the City of Key West, Florida. Such elections shall be non-
79 partisan elections and every person voting in said election
80 shall be entitled to vote for as many candidates for the utility
81 board as there are members to be elected to said board. The name
82 of any qualified elector of the City of Key West who meets the
83 qualifications for ~~chairman and~~ member of said utility board, as
84 set forth in this act, may appear upon the election ballot as a

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85 candidate for the office of ~~chairman/member or~~ member of the
86 utility board, upon said elector paying to the City of Key West,
87 Florida, the sum of one hundred dollars (\$100.00) and said sum
88 shall be deposited with the City Clerk of said city at his
89 office not later than 5:00 p.m. on the date set for the closing
90 of qualification by the election officials, for the first
91 election under the provisions of this act, and thereafter the
92 second Tuesday in October of the year in which subsequent
93 elections under this act are to be held. A qualifying fee for
94 such candidate for such office, and said elector shall submit to
95 the said city clerk concurrently therewith the sworn statement
96 of his or her name, address, occupation, willingness to serve if
97 elected and shall indicate on such sworn statement his or her
98 desire for his or her name to appear on the ballot as a
99 candidate for such office. Provided, however, that any person
100 who holds an elective office in the government of the City of
101 Key West, Florida, County of Monroe, the State of Florida, or
102 any political agency, board or commission is compensated by
103 wages, salaries or otherwise shall not be eligible to serve
104 concurrently as a member of the board created by this act. Only
105 the name or names of candidates complying with this section
106 shall appear on the ballot as a candidate for nomination or
107 election. No candidate having qualified and thereafter
108 withdrawing or becoming disqualified under the provisions of
109 this act shall be entitled to a refund of the aforesaid
110 qualifying fee paid.

111 Section 3. The utility board shall consist of five (5)
112 members who shall be elected from the city at large in groups

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113 numbered I, II, III, IV, and V. ~~One (1) of said members shall be~~
114 ~~the chairman and shall be elected by the people from the group~~
115 ~~to be numbered I. And all persons desiring to qualify as~~
116 ~~candidates for chairman shall file in group numbered I. All~~
117 persons desiring to qualify for members shall file in groups
118 numbered I, II, III, IV or V. The member in group number I shall
119 be elected in the regular municipal general election commencing
120 in 2007 and at each general election every four (4) years
121 thereafter. Members in groups numbered II and III shall be
122 elected in the special general election in 1969 as provided for
123 herein at each regular municipal general election each four (4)
124 years thereafter, commencing in 1973 and at each general
125 election each (4) years thereafter. Members in groups numbered
126 IV and V shall be elected at the special general election
127 provided for herein in 1969 and at the regular municipal general
128 election to be held in 1971 for a term of four (4) years and at
129 each general election thereafter for a term of four (4) years.
130 ~~The member elected as chairman shall be elected at the special~~
131 ~~general election in 1969, as provided for herein, and shall hold~~
132 ~~office until the regular general municipal election in 1971 to~~
133 ~~hold office for two (2) years and shall be elected at the~~
134 ~~general election in 1971 and every general municipal election~~
135 ~~thereafter. The member elected as chairman and~~ All members shall
136 ~~to~~ hold office until their successors are elected and qualified
137 from 12:00 noon of the day after the canvas of the vote and the
138 declaration of the results of the election. ~~The chairman and~~ All
139 members shall be subject to removal for good and sufficient
140 cause by a four-fifths (4/5) vote of the city commission. If a

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141 candidate for ~~chairman or~~ member receives a majority of votes in
 142 the primary election in the candidate's ~~his~~ group, the candidate
 143 ~~he~~ shall be considered elected upon and after the canvas of the
 144 vote and the declaration of the result of the election as
 145 hereinafter provided. If there is ~~be~~ no majority, two (2)
 146 candidates for nomination to the office of ~~chairman or~~ member
 147 who receives ~~the~~ greatest vote in the primary election each
 148 group shall be placed on the ballot at the next regular or
 149 special municipal general election following the primary as
 150 provided in the city charter of the City of Key West, Florida.
 151 The candidate for nomination receiving the greater vote in the
 152 regular or special municipal general election following the
 153 primary election if otherwise qualified shall be elected to
 154 office from the group in which candidate ~~he~~ is qualified. One
 155 (1) of said members shall serve as Chairperson of the Utility
 156 Board. The Chairperson shall be selected from the five (5)
 157 members by the five (5) members during an organizational meeting
 158 in December immediately following an election and serve as such
 159 until the next organizational meeting following an election. A
 160 member may serve as Chairperson for consecutive terms.

161 Section 6. (1) The office of members of the Utility Board
 162 shall become vacant upon his or her death, resignation, removal
 163 from office in any manner authorized by law, or forfeiture of
 164 his office, or as otherwise provided herein.

165 (2) A member of the Utility Board shall forfeit his office
 166 if he (1) lacks at any time during his term of office any
 167 qualification for the office prescribed by law; (2) violates any
 168 express prohibition of this law; (3) is convicted of a crime

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169 involving moral turpitude; or (4) fails to attend three (3)
170 consecutive regular meeting of the Utility Board without being
171 excused by the board.

172 (3) A vacancy in the board shall be filled for the
173 remainder of the unexpired term, if any, at the next regular
174 election, but a quorum of the remaining members of said board
175 shall by majority vote appoint a qualified person to fill the
176 vacancy until the person elected to serve the remainder of the
177 unexpired term takes office. If the board fails to do so within
178 sixty ~~thirty~~ days following the occurrence of the vacancy, the
179 City Commission of the City of Key West, Florida shall appoint a
180 member to fill the said vacancy for the unexpired term.

181 Notwithstanding the requirement that a quorum of the board
182 consists of three (3) members, if at any time the membership of
183 the board is reduced to less than three (3), the City Commission
184 of said city shall fill the vacancies for the unexpired term.

185 (4) The City Commission of the City of Key West, Florida
186 shall be the judge of the election and qualification of the
187 members of the Utility Board and of the grounds for forfeiture
188 of their office and for that purpose shall have power to
189 subpoena witnesses, take testimony and require the production of
190 records. A member charged with conduct constituting grounds for
191 forfeiture of his office shall be entitled to a public hearing
192 on demand; and notice of such hearing shall be published in one
193 (1) or more newspapers of general circulation in said city at
194 least one (1) week in advance of the hearing. Removal from said
195 office should be by a four-fifths (4/5) vote of the City
196 Commission. Decisions made by the City Commission of the City of

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197 Key West, Florida under this section shall be subject to review
198 by the courts.

199 Section 11. (1) POWERS OF THE BOARD.--The Utility Board
200 of the City of Key West, Florida shall have the full, complete
201 and exclusive power and right to manage, operate, maintain,
202 control, extend, extend beyond the limits of the City of Key
203 West, Florida, in Monroe County, Florida, the electric public
204 utility owned by said city, including the maintenance,
205 operation, extension and improvement thereof, and including all
206 lines, poles, wires, pipes, mains and all additions to and
207 extensions of the same, and all buildings, stations, sub-
208 stations, machinery, appliances, land and property, real,
209 personal and mixed, used or intended for use in or in connection
210 with said electric public utility, and the Utility Board shall
211 have all of the powers in connection with such other public
212 utilities hereafter constructed or acquired by said board that
213 are granted by this act to said board with respect to the
214 electric public utility now owned by said city. The Board shall
215 have the power and right to extend its utilities services beyond
216 the limits of Monroe County, Florida. As it relates to the
217 extension of services of the electric public utility, the power
218 to extend services beyond the limits of Monroe County, Florida,
219 shall become effective only if the Legislature enacts
220 legislation permitting any person other than the Utility Board
221 to sell electric energy to customers of the Utility Board. The
222 said Utility Board shall have exclusive power and authority to
223 determine what improvements shall be made to all such public
224 utilities.

225 (2) BUDGETS.--The said Utility Board shall adopt annual
 226 budgets and amend the same from time to time, but in so doing
 227 shall conform to the requirements, if any, of any existing
 228 ordinance or resolution authorizing the issuance of revenue
 229 bonds now outstanding or hereafter issued against the income of
 230 the said Utility Board.

231 (3) REVENUE BONDS AND OTHER FINANCING MATTERS.--Revenue
 232 bonds may be issued by said Utility Board for the purpose of
 233 refunding outstanding revenue bonds as well as for any other
 234 purposes which the Utility Board of said city deems proper in
 235 the management, operation, maintenance, control, improvement,
 236 extension, betterment, financing and refinancing of the electric
 237 public utility owned by The City of Key West, Florida as well as
 238 for purposes of acquisition, purchase, building and construction
 239 and operation of additional public utilities which are deemed
 240 proper by said Utility Board, and revenue bonds may also be
 241 issued by said board against the income of any additional public
 242 utilities so acquired , and the granting of such authority to
 243 the Utility Board of the City of Key West, Florida, to issue
 244 revenue bonds against income of the electric public utility
 245 owned by said city, or against the income of any additional
 246 public utilities hereafter acquired by said Utility Board, is
 247 exclusive to said board, and the governing body of said city
 248 shall not have the right to issue any such bonds or otherwise
 249 incur any indebtedness or obligations whereby the income of said
 250 public utilities owned by the Utility Board of the City of Key
 251 West, or the income of any additional public utilities,
 252 hereafter acquired by said Utility Board, becomes charged for

253 the payment thereof. The maturity dates and rate of interest of
 254 any bonds issued hereunder shall be determined and fixed by the
 255 Utility Board of the City of Key West, Florida and said board
 256 shall have the exclusive right to sell said bonds at prices to
 257 be determined by said board. The Utility Board of the City of
 258 Key West, Florida is authorized and empowered to adopt such
 259 resolutions as may be necessary or advisable in connection with
 260 the authorization, execution, sale, and delivery of the revenue
 261 bonds authorized hereunder. ~~Prior to the validation and issuance~~
 262 ~~of any bonds authorized hereunder, said board shall obtain the~~
 263 ~~approval of the City Commission of the City of Key West,~~
 264 ~~Florida, by appropriate ordinance.~~ The Utility Board shall
 265 further have the power to issue commercial paper notes and
 266 variable rate bonds to enter into interest rate swap
 267 transactions as determined from time to time to be in the best
 268 interests of the ratepayers of the electric public utility of
 269 the City. Bonds and refunding bonds issued pursuant to this act
 270 may be sold at competitive or negotiated sale, provided any
 271 negotiated sale shall comply with section 218.385, Florida
 272 Statutes.

273 (4) CONTRACTUAL RIGHTS.--Said Utility Board shall have the
 274 exclusive right and power to buy, purchase, contract for
 275 exchange, lease and convey by deed or such other lawful means as
 276 permitted by the laws of Florida, whether special, local or
 277 general, without the consent or approval of the City Commission
 278 or other governing body of the City of Key West, Florida, or its
 279 municipal successor, from time to time, any of the property,
 280 real, personal or mixed, specified or referred to herein before

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281 in this act, for such price or prices and on such terms,
282 provisions and under such conditions as herein set forth at the
283 time or times it determines that such property, real, personal
284 or mixed, is excess to the needs of the electric public utility,
285 or such other public utilities the Utility Board acquires. Said
286 board shall have the full and complete power and exclusive
287 authority to accept gifts, contributions, contributions in aid
288 of construction, properties, whether real, personal or mixed,
289 from the United States Government or any of its departments,
290 bureaus, commissions or agencies, and the said full and complete
291 power and exclusive authority herein before provided shall also
292 apply to the acceptance of gifts, contributions, contributions
293 in aid from the State of Florida, or any of its political
294 subdivisions, departments bureaus, commissions, or agencies,
295 corporations, publicly or privately owned or operated, private
296 persons and individuals. The Utility Board created by this act
297 shall have the full and complete power and exclusive authority
298 to contract with the United States Government, or any of its
299 departments, bureaus, commissions or agencies, other public
300 utilities, the State of Florida, or any of its political
301 subdivisions, departments, bureaus commissions or agencies,
302 corporations, either publicly or privately owned and operated,
303 private persons or individuals, for the acquisition, purchase
304 and operation of other public utilities and said Utility Board
305 may determine in its judgment, and to purchase, contract for the
306 sale, lease or exchange of any products and services, material,
307 and commodities, by-products and water, steam or heat from all
308 or any of its activities or operations. The said Utility Board

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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309 shall have full and complete power and exclusive authority to
310 fix rates and charges for electricity and charges or prices for
311 any other real and personal property, products and services,
312 materials and commodities, by-products of and from all or any of
313 its activities or operations, furnished or sold by said Utility
314 Board, and to provide for the collection of the same.

315 (5) SENIOR CITIZEN AND DISABLED VETERAN DISCOUNT.--The
316 Utility Board shall grant a special lower rate and charge for
317 electricity on the residential account of any personal who meets
318 low income standards adopted by the Utility Board, who ~~has been~~
319 is a permanent resident of the geographical service area covered
320 by the Utility Board in furnishing electricity in Monroe County,
321 Florida ~~for three (3) consecutive years prior to requesting such~~
322 ~~special lower rate or charge~~ and who is sixty-two (62) years of
323 age or older or a totally and permanently disabled American
324 veteran. As used in this section "residential account" means an
325 account for a person residing in a house, mobile home,
326 condominium, apartment, or other housing unit. Submission of an
327 affidavit that the applicant claiming the special lower rate and
328 charge under this section is ~~has been~~ a permanent resident of
329 the geographical service area heretofore mentioned ~~for three (3)~~
330 ~~years immediately preceding the date of application~~, and who is
331 sixty-two (62) years of age or older or a totally and
332 permanently disabled American veteran, shall be prima facie
333 proof of such residence, disability, and age. The affidavit
334 shall include the annual income of the applicant.

335 (6) ACCOUNTING MATTERS.--All bills for electricity and
336 electric service and for the furnishing and sale of the products

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337 | and services, materials and commodities, by-products and water,
 338 | steam or heat and by-products of and from all or any activities
 339 | or operations shall be collected and accounted for by said
 340 | Utility Board, and all disbursements in connection with the
 341 | foregoing, shall be ordered paid out only upon approval of said
 342 | board; or pursuant to policies adopted by said board or pursuant
 343 | to policies established by resolution adopted by the Utility
 344 | board. ~~and~~

345 | (7) EMINENT DOMAIN.--Said board acting by, for, and in the
 346 | name of the City of Key West, Florida, a municipal corporation,
 347 | and any municipal successor thereto, existing under the laws of
 348 | Florida, shall have the vested right which are herein conferred
 349 | of eminent domain, for the purpose of acquiring lands and
 350 | rights-of-way necessary and expedient for the location,
 351 | establishment, construction, maintenance and operation of the
 352 | works and projects authorized in this act, and for the
 353 | acquisition and construction of any and all kinds and classes of
 354 | real, personal or mixed property, tangible or intangible,
 355 | whatsoever, which shall be deemed necessary, convenient or
 356 | appropriate to accomplish the purposes and objects authorized by
 357 | this act, provided, however said Utility Board shall at all
 358 | times be governed by and conform to the provisions of any
 359 | proceeding authorizing and providing for the issuance of bonds,
 360 | or other obligations of said city, which by their terms are
 361 | secured by or payable from the revenues of the electric public
 362 | utility, or the revenues of any of the additional public
 363 | utilities acquired by said Utility Board.

364 | (8) ADVERTISING.--The Utility Board is hereby authorized

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365 to purchase advertising including, but not limited to,
366 advertising from recognized, established advertising media, such
367 as newspapers, radio and television, as a proper expenditure of
368 the system. The Utility Board may make expenditures that are
369 reasonable and necessary for advertising the Board's utility
370 systems including advertising events and programs which are
371 sponsored by the Utility Board or in which the Utility Board
372 participates. Furthermore, nothing in this paragraph shall be
373 construed to prevent the Utility Board from sponsoring
374 charitable events or events which would benefit the Utility
375 Board or its utility system or systems.

376 Section 13. (1) CONSTRUCTION PROJECTS.--All construction,
377 reconstruction, repairs or work of any nature made by the
378 Utility Board, where the entire costs, value, or amount of such
379 construction, reconstruction, repairs or work, including the
380 labor and materials, shall exceed the amount as established by
381 resolution adopted by the Utility Board, except construction,
382 reconstruction, repairs, or work done by employees of the
383 Utility Board or by labor supplied under agreement with the
384 federal government or state government, with supplies and
385 materials purchased hereinafter provided, shall be done only
386 under contract or contracts to be entered into by the Utility
387 Board with the lowest cost or best responsible bidder upon
388 proper terms, after due public notice has been given asking for
389 competitive bids as hereinafter provided. ~~No contract shall be~~
390 ~~entered into for construction or improvement or repair of the~~
391 ~~electric system, or any part thereof, unless the contractor~~
392 ~~shall have given an undertaking with a sufficient surety or~~

393 ~~sureties, approved by the Utility Board, and in an amount fixed~~
 394 ~~by said board, for the faithful performance of the contract. All~~
 395 ~~such contracts shall provide among other things that the person~~
 396 ~~or corporation entering into such contract with the Utility~~
 397 ~~Board will pay for all materials furnished and services rendered~~
 398 ~~for the performance of the contract, and that any person or~~
 399 ~~corporation furnishing such materials or rendering such services~~
 400 ~~may maintain an action to recover for the same against the~~
 401 ~~obligor in the undertaking, as though such person or corporation~~
 402 ~~were named therein, provided the action is brought within one (1)~~
 403 ~~year after the time the cause of action accrues.~~

404 (2) POWER OF AUTHORITY.--Nothing in this section shall be
 405 construed to limit the power of authority to construct, repair
 406 or improve the utility electric system, or any part thereof, or
 407 any addition, betterment or extension thereto, directly by the
 408 officers, agents an employees of the Utility Board, or otherwise
 409 than by contract.

410 (3) ALL OTHER PURCHASES, EXCLUDING CONSTRUCTION
 411 PROJECTS.--All supplies, equipment, machinery and materials
 412 costing more than the amount as established by resolution
 413 adopted by the Utility Board shall be purchased only after
 414 advertisement as provided hereinafter. The Utility Board shall
 415 accept the lowest cost or best bid or bids, kind, quality and
 416 material being equal, but said Board shall have the right to
 417 reject any or all bid or select a single item from any bid. The
 418 provision as to bidding shall not apply to the purchase of
 419 patented and manufactured products offered for sale in a
 420 noncompetitive market or solely by a manufacturer's authorized

421 dealer.

422 (4) ADVERTISING.--The term "advertisement" or "due public
 423 notice" wherever used in this section shall mean a notice
 424 published at least once a week for two (2) consecutive weeks
 425 before the opening award of any sealed bid ~~contract~~, in a daily
 426 newspaper published and having a general circulation in the City
 427 of Key West, Florida, and in such other newspapers or
 428 publications as the Utility Board shall deem advisable.

429 (5) CONFLICT OF INTEREST.--No member of the Utility Board
 430 or officer or employee thereof shall either directly or
 431 indirectly be a party to, or be in any manner interested in, any
 432 contract or agreement with the Utility Board for any matter,
 433 cause or thing whatsoever in which such member shall have a
 434 financial interest or by reason whereof any liability or
 435 indebtedness shall in any way be created against such board. If
 436 any contract or agreement shall be made in violation of the
 437 provisions of this section, the same shall be null and void, and
 438 no action shall be maintained thereon against the Utility Board.

439 (6) OTHER PROVISIONS.--Subject to the aforesaid
 440 provisions, the Utility Board may (but without intending by this
 441 provision to limit any powers of said board enter into and carry
 442 out such contract, or establish or comply with such rules and
 443 regulations concerning labor and materials and other related
 444 matters in connection with any construction project, or portion
 445 thereof, as the Utility Board may deem desirable; provided that
 446 the provisions of this section shall not apply to any contract
 447 or agreement between the Utility Board and any engineers,
 448 architects, attorneys, or for other professional services, or to

449 any contract or agreement relating to fiscal advisors, fiscal
450 agents, or investment bankers, relating to the financing of
451 project herein authorized.

452 (7) EMERGENCY PURCHASES.--Notwithstanding the aforesaid
453 provisions, the Utility board may, in its reasonable discretion,
454 authorize and permit such expenditures of funds as necessary for
455 making emergency purchases or may delegate such authority to
456 such employees and offers of the utility system or systems.

457 (8) FUEL AND POWER PURCHASES.--Nothing in this section
458 shall apply to the purchase of fuel products or produced power
459 on a single-lot basis when such fuel or power is offered for
460 sale to the Utility Board at a below advertised price basis.

461 (9) LOCAL, STATE, AND FEDERAL CONTRACTS.--All purchases of
462 commodities or contractual services under the provisions of
463 local, state, and federal purchasing contracts shall be exempt
464 from the competitive procurement requirements, provided that the
465 following criteria are all satisfied:

466 (a)~~(1)~~ The terms and conditions of the original contract
467 or approved renewal or extension by the federal, state or local
468 government or electric cooperative are satisfactory to the
469 Utility Board ~~and such terms and conditions are expressly~~
470 ~~extended to other municipalities pursuant to the bid documents.~~

471 (b)~~(2)~~ The original contract or approved renewal or
472 extension by the federal, state, or local government or electric
473 cooperative are executed within twenty-four (24) ~~twelve (12)~~
474 months prior to the proposed purchase of commodities or services
475 by the Utility Board.

476 (c)~~(3)~~ The purchasing agent has performed an informal
 477 solicitation to determine if the prices of the original contract
 478 are fair and reasonable, and to assure local vendors have an
 479 opportunity to compete.

480 (d)~~(4)~~ The Utility Board authorizes such procurement when
 481 the cost of the commodities (materials) or contractual services
 482 (labor and materials) exceeds the amounts as established by
 483 resolution adopted by the Utility Board.

484 Section 15. (1) The Utility Board created by this act is
 485 hereby authorized and empowered to create, establish, provide
 486 for and adopt, maintain, operate and regulate a civil service
 487 system and plan for the security of the employees of said board,
 488 and may amend and change such system and plan from time to time.
 489 Further, said Utility Board is empowered to adopt rules and
 490 regulations for the government and operation of said civil
 491 service system and plan, and to delegate authority for the
 492 handling and management of said system and plan to designated
 493 officials or employees of said board, or a special committee or
 494 a civil service board created by said Utility Board for such
 495 purposes. Further, said Utility Board is authorized and
 496 empowered to appropriate out of its available funds any money
 497 necessary or expedient to carry out the provisions and purposes
 498 of this act that maybe be lawfully used for such purposes.

499 (2) The employees ~~of the City Electric System~~ of the City
 500 of Key West, Florida may require the Utility Board to establish
 501 a civil service board for them by an affirmative vote of the
 502 majority of the employees cast in a secret election to be held
 503 under the rules prescribed by the board. Said election shall be

504 held within (30) days of the presentation of a petition
 505 containing the signatures of no less than ten per centum (10%)
 506 of the employees of al classes of said system requesting such an
 507 election.

508 Section 16. The Utility Board of the City of Key West,
 509 Florida shall have discretion to classify as surplus any of its
 510 property that ~~is~~ obsolete or that which is uneconomical or
 511 inefficient, or which serves no useful function. All such items
 512 valued more than the amount as established by resolution adopted
 513 by the Utility Board shall be offered as ~~Within a reasonable~~
 514 ~~exercise of its discretion and having consideration for the best~~
 515 ~~interest of the Utility Board, the value and condition of such~~
 516 ~~properties classified surplus, and the probability of such~~
 517 ~~properties being desired by the prescribed bidder to whom~~
 518 ~~offered, the Utility Board first shall offer such surplus~~
 519 ~~property to other governmental units~~ within, first in the City
 520 ~~of Key West, Florida, then in the County of Monroe~~ and to the
 521 general public with an effective means of notification. The
 522 notification. ~~If no accepted bid is received within a reasonable~~
 523 ~~time, they shall then offer such properties for sale by~~
 524 ~~advertising for bids in a newspaper of general circulation once~~
 525 ~~each week for no less than two (2) weeks. Such call for bids~~
 526 ~~shall disclose the value and condition of the properties~~ when
 527 known. ~~The cost of transferring such properties offered for sale~~
 528 ~~shall be made by the bidder making the successful bid should~~
 529 ~~make the cost of transferring such properties offered for sale.~~
 530 ~~Provided, however, that~~ Any such properties as would serve no
 531 useful function and for which no bids have been received, may be

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532 disposed of by donation, destruction or abandonment. ~~All actions~~
 533 ~~taken in regard to the disposal of such properties shall be~~
 534 ~~recorded in the minutes of the Utility Board of the City of Key~~
 535 ~~West, Florida.~~

536 Section 19. Members of said Utility Board, and agents and
 537 employees of said board traveling on official business should be
 538 reimbursed for travel and expenses in accordance with
 539 resolutions adopted by the Utility Board Chapter 112, Florida
 540 Statutes 1967 and any amendments thereto.

541 Section 20. Purchase of all lands deemed necessary by the
 542 Utility Board of the City of Key West, Florida shall be made
 543 subject to the following conditions:

544 (1) Such purchases shall be made only upon recommendation
 545 of the engineers of record of said board who shall advise the
 546 board that the acquisition of such lands is necessary for the
 547 expansion of the system.

548 ~~(2)~~ The Utility Board shall obtain appraisals from at
 549 least three (3) licensed and certified appraisers in the State
 550 of Florida ~~request the board of realtors of Monroe County,~~
 551 ~~Florida to provide them with the names of three (3) licensed~~
 552 ~~appraisers.~~

553 ~~(3)~~ ~~Said appraisers shall be retained by said Utility~~
 554 ~~Board under approval of the consulting engineers.~~

555 (2) ~~(4)~~ Said Utility Board shall pay no more than the
 556 highest agreed upon appraisal furnished by the aforesaid
 557 appraisers.

558 Section 2. This act shall take effect upon becoming a law.