



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

4           Section 1. There is hereby created the Utility Board  
5 of the City of Key West, Florida, to be composed of five (5)  
6 members as particularly hereinafter set forth. Such Utility  
7 Board created by this act shall be and is hereby made the  
8 successor to the Utility board of the City of Key West,  
9 Florida, heretofore created and existing by and under the  
10 provisions of chapter 65-1770, Laws of Florida, Acts of the  
11 Legislature Year 1965, and acts amendatory thereto. The full,  
12 complete and exclusive power and right to manage, operate,  
13 maintain, control, extend, and extend beyond the limits of the  
14 City of Key West, Florida, ~~in~~ improve, finance and re-finance  
15 the electric public utility now owned by the City of Key West,  
16 Florida, and the nonexclusive right to build, construct,  
17 operate and acquire other public utilities, by purchase, gift,  
18 grant, lease, rental or otherwise, from time to time, from the  
19 United States Government, its departments, agencies, bureaus  
20 and commissions, and from the State of Florida and any of its  
21 political subdivisions, and corporations which are publicly or  
22 privately owned or operated, and by the right of eminent  
23 domain, shall be carried on by such Utility Board composed of  
24 five (5) members, all of whom shall be elected by the  
25 qualified electors of the City of Key West, Florida, at large,  
26 as hereinafter set forth. Furthermore, said Utility Board  
27 shall have the power and right to sell at retail or wholesale  
28 certain tangible personal property related to its utility  
29 services, including, but not limited to, generators,  
30 protection and conservation equipment, and appliances. The  
31 term "public utility," as used herein, shall include, but not

1 | be limited to, cable and telecommunication facilities. Nothing  
2 | herein shall grant the right of eminent domain as to cable or  
3 | telecommunication facilities. The name of the Utility Board  
4 | shall be "Utility Board of the City of Key West, Florida," and  
5 | said Board shall function and operate as hereinafter provided.  
6 | Said Utility Board shall have the right to sue and be sued,  
7 | may adopt and use a seal and change it at pleasure, and may  
8 | use in the conduct of its business the trade name of "Keys  
9 | Energy Services," "~~City Electric System~~," the use of which  
10 | heretofore by its predecessor board is approved, confirmed and  
11 | validated; further, said Utility Board may change such trade  
12 | name and from time to time adopt such trade names as it deems  
13 | expedient and proper in the conduct of its business,  
14 | operations and activities.

15 |         Section 2. The first election for the nomination or  
16 | election of candidates for members of the Utility Board of  
17 | said city shall be held no earlier than forty-five (45) days  
18 | and no later than sixty (60) days from the date this act shall  
19 | become law and on the first Tuesday in November biannually  
20 | thereafter, commencing with the election of 1971 and shall be  
21 | held concurrent with the election for the office of City  
22 | Commission of the City of Key West, Florida. Such elections  
23 | shall be non-partisan elections and every person voting in  
24 | said election shall be entitled to vote for as many candidates  
25 | for the utility board as there are members to be elected to  
26 | said board. The name of any qualified elector of the City of  
27 | Key West who meets the qualifications for ~~chairman and~~ member  
28 | of said utility board, as set forth in this act, may appear  
29 | upon the election ballot as a candidate for the office of  
30 | ~~chairman/member or~~ member of the utility board, upon said  
31 | elector paying to the City of Key West, Florida, the sum of

1 | one hundred dollars (\$100.00) and said sum shall be deposited  
2 | with the City Clerk of said city at his office not later than  
3 | 5:00 p.m. on the date set for the closing of qualification by  
4 | the election officials, for the first election under the  
5 | provisions of this act, and thereafter the second Tuesday in  
6 | October of the year in which subsequent elections under this  
7 | act are to be held. A qualifying fee for such candidate for  
8 | such office, and said elector shall submit to the said city  
9 | clerk concurrently therewith the sworn statement of his or her  
10 | name, address, occupation, willingness to serve if elected and  
11 | shall indicate on such sworn statement his or her desire for  
12 | his or her name to appear on the ballot as a candidate for  
13 | such office. Provided, however, that any person who holds an  
14 | elective office in the government of the City of Key West,  
15 | Florida, County of Monroe, the State of Florida, or any  
16 | political agency, board or commission is compensated by wages,  
17 | salaries or otherwise shall not be eligible to serve  
18 | concurrently as a member of the board created by this act.  
19 | Only the name or names of candidates complying with this  
20 | section shall appear on the ballot as a candidate for  
21 | nomination or election. No candidate having qualified and  
22 | thereafter withdrawing or becoming disqualified under the  
23 | provisions of this act shall be entitled to a refund of the  
24 | aforesaid qualifying fee paid.

25 |       Section 3. The utility board shall consist of five (5)  
26 | members who shall be elected from the city at large in groups  
27 | numbered I, II, III, IV, and V. ~~One (1) of said members shall~~  
28 | ~~be the chairman and shall be elected by the people from the~~  
29 | ~~group to be numbered I. And all persons desiring to qualify as~~  
30 | ~~candidates for chairman shall file in group numbered I. All~~  
31 | persons desiring to qualify for members shall file in groups

1 | numbered I, II, III, IV or V. The member in group number I  
2 | shall be elected in the regular municipal general election  
3 | commencing in 2007 and at each general election every four (4)  
4 | years thereafter. Members in groups numbered II and III shall  
5 | be elected in the special general election in 1969 as provided  
6 | for herein at each regular municipal general election each  
7 | four (4) years thereafter, commencing in 1973 and at each  
8 | general election each (4) years thereafter. Members in groups  
9 | numbered IV and V shall be elected at the special general  
10 | election provided for herein in 1969 and at the regular  
11 | municipal general election to be held in 1971 for a term of  
12 | four (4) years and at each general election thereafter for a  
13 | term of four (4) years. ~~The member elected as chairman shall~~  
14 | ~~be elected at the special general election in 1969, as~~  
15 | ~~provided for herein, and shall hold office until the regular~~  
16 | ~~general municipal election in 1971 to hold office for two (2)~~  
17 | ~~years and shall be elected at the general election in 1971 and~~  
18 | ~~every general municipal election thereafter. The member~~  
19 | ~~elected as chairman and~~ All members shall ~~to~~ hold office until  
20 | their successors are elected and qualified from 12:00 noon of  
21 | the day after the canvas of the vote and the declaration of  
22 | the results of the election. ~~The chairman and~~ All members  
23 | shall be subject to removal for good and sufficient cause by a  
24 | four-fifths (4/5) vote of the city commission. If a candidate  
25 | for ~~chairman or~~ member receives a majority of votes in the  
26 | primary election in the candidate's his group, the candidate  
27 | ~~he~~ shall be considered elected upon and after the canvas of  
28 | the vote and the declaration of the result of the election as  
29 | hereinafter provided. If there is ~~be~~ no majority, two (2)  
30 | candidates for nomination to the office of ~~chairman or~~ member  
31 | who receive ~~receives~~ the greatest vote in the primary election

1 each group shall be placed on the ballot at the next regular  
2 or special municipal general election following the primary as  
3 provided in the city charter of the City of Key West, Florida.  
4 The candidate for nomination receiving the greater vote in the  
5 regular or special municipal general election following the  
6 primary election if otherwise qualified shall be elected to  
7 office from the group in which candidate ~~he~~ is qualified. One  
8 (1) of said members shall serve as Chairperson of the Utility  
9 Board. The Chairperson shall be selected from the five (5)  
10 members by the five (5) members during an organizational  
11 meeting in December immediately following an election and  
12 serve as such until the next organizational meeting following  
13 an election. A member may serve as Chairperson for consecutive  
14 terms.

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

19 (2) A member of the Utility Board shall forfeit his  
20 office if he (1) lacks at any time during his term of office  
21 any qualification for the office prescribed by law; (2)  
22 violates any express prohibition of this law; (3) is convicted  
23 of a crime involving moral turpitude; or (4) fails to attend  
24 three (3) consecutive regular meeting of the Utility Board  
25 without being excused by the board.

26 (3) A vacancy in the board shall be filled for the  
27 remainder of the unexpired term, if any, at the next regular  
28 election, but a quorum of the remaining members of said board  
29 shall by majority vote appoint a qualified person to fill the  
30 vacancy until the person elected to serve the remainder of the  
31 unexpired term takes office. If the board fails to do so

1 within ~~sixty thirty~~ days following the occurrence of the  
2 vacancy, the City Commission of the City of Key West, Florida  
3 shall appoint a member to fill the said vacancy for the  
4 unexpired term. Notwithstanding the requirement that a quorum  
5 of the board consists of three (3) members, if at any time the  
6 membership of the board is reduced to less than three (3), the  
7 City Commission of said city shall fill the vacancies for the  
8 unexpired term.

9       (4) The City Commission of the City of Key West,  
10 Florida shall be the judge of the election and qualification  
11 of the members of the Utility Board and of the grounds for  
12 forfeiture of their office and for that purpose shall have  
13 power to subpoena witnesses, take testimony and require the  
14 production of records. A member charged with conduct  
15 constituting grounds for forfeiture of his office shall be  
16 entitled to a public hearing on demand; and notice of such  
17 hearing shall be published in one (1) or more newspapers of  
18 general circulation in said city at least one (1) week in  
19 advance of the hearing. Removal from said office should be by  
20 a four-fifths (4/5) vote of the City Commission. Decisions  
21 made by the City Commission of the City of Key West, Florida  
22 under this section shall be subject to review by the courts.

23       Section 11. (1) POWERS OF THE BOARD.--The Utility  
24 Board of the City of Key West, Florida shall have the full,  
25 complete and exclusive power and right to manage, operate,  
26 maintain, control, extend, extend beyond the limits of the  
27 City of Key West, Florida, in Monroe County, Florida, the  
28 electric public utility owned by said city, including the  
29 maintenance, operation, extension and improvement thereof, and  
30 including all lines, poles, wires, pipes, mains and all  
31 additions to and extensions of the same, and all buildings,

1 stations, sub-stations, machinery, appliances, land and  
2 property, real, personal and mixed, used or intended for use  
3 in or in connection with said electric public utility, and the  
4 Utility Board shall have all of the powers in connection with  
5 such other public utilities hereafter constructed or acquired  
6 by said board that are granted by this act to said board with  
7 respect to the electric public utility now owned by said city.  
8 The Board shall have the power and right to extend its  
9 utilities services beyond the limits of Monroe County,  
10 Florida. As it relates to the extension of services of the  
11 electric public utility, the power to extend services beyond  
12 the limits of Monroe County, Florida, shall become effective  
13 only if the Legislature enacts legislation permitting any  
14 person other than the Utility Board to sell electric energy to  
15 customers of the Utility Board. The said Utility Board shall  
16 have exclusive power and authority to determine what  
17 improvements shall be made to all such public utilities.

18 (2) BUDGETS.--The said Utility Board shall adopt  
19 annual budgets and amend the same from time to time, but in so  
20 doing shall conform to the requirements, if any, of any  
21 existing ordinance or resolution authorizing the issuance of  
22 revenue bonds now outstanding or hereafter issued against the  
23 income of the said Utility Board.

24 (3) REVENUE BONDS AND OTHER FINANCING  
25 MATTERS.--Revenue bonds may be issued by said Utility Board  
26 for the purpose of refunding outstanding revenue bonds as well  
27 as for any other purposes which the Utility Board of said city  
28 deems proper in the management, operation, maintenance,  
29 control, improvement, extension, betterment, financing and  
30 refinancing of the electric public utility owned by The City  
31 of Key West, Florida as well as for purposes of acquisition,



1 purchase, building and construction and operation of  
2 additional public utilities which are deemed proper by said  
3 Utility Board, and revenue bonds may also be issued by said  
4 board against the income of any additional public utilities so  
5 acquired , and the granting of such authority to the Utility  
6 Board of the City of Key West, Florida, to issue revenue bonds  
7 against income of the electric public utility owned by said  
8 city, or against the income of any additional public utilities  
9 hereafter acquired by said Utility Board, is exclusive to said  
10 board, and the governing body of said city shall not have the  
11 right to issue any such bonds or otherwise incur any  
12 indebtedness or obligations whereby the income of said public  
13 utilities owned by the Utility Board of the City of Key West,  
14 or the income of any additional public utilities, hereafter  
15 acquired by said Utility Board, becomes charged for the  
16 payment thereof. The maturity dates and rate of interest of  
17 any bonds issued hereunder shall be determined and fixed by  
18 the Utility Board of the City of Key West, Florida and said  
19 board shall have the exclusive right to sell said bonds at  
20 prices to be determined by said board. The Utility Board of  
21 the City of Key West, Florida is authorized and empowered to  
22 adopt such resolutions as may be necessary or advisable in  
23 connection with the authorization, execution, sale, and  
24 delivery of the revenue bonds authorized hereunder. ~~Prior to~~  
25 ~~the validation and issuance of any bonds authorized hereunder,~~  
26 ~~said board shall obtain the approval of the City Commission of~~  
27 ~~the City of Key West, Florida, by appropriate ordinance.~~ The  
28 Utility Board shall further have the power to issue commercial  
29 paper notes and variable rate bonds to enter into interest  
30 rate swap transactions as determined from time to time to be  
31 in the best interests of the ratepayers of the electric public

1 utility of the City. Bonds and refunding bonds issued pursuant  
2 to this act may be sold at competitive or negotiated sale,  
3 provided any negotiated sale shall comply with section  
4 218.385, Florida Statutes.

5 (4) CONTRACTUAL RIGHTS.--Said Utility Board shall have  
6 the exclusive right and power to buy, purchase, contract for  
7 exchange, lease and convey by deed or such other lawful means  
8 as permitted by the laws of Florida, whether special, local or  
9 general, without the consent or approval of the City  
10 Commission or other governing body of the City of Key West,  
11 Florida, or its municipal successor, from time to time, any of  
12 the property, real, personal or mixed, specified or referred  
13 to herein before in this act, for such price or prices and on  
14 such terms, provisions and under such conditions as herein set  
15 forth at the time or times it determines that such property,  
16 real, personal or mixed, is excess to the needs of the  
17 electric public utility, or such other public utilities the  
18 Utility Board acquires. Said board shall have the full and  
19 complete power and exclusive authority to accept gifts,  
20 contributions, contributions in aid of construction,  
21 properties, whether real, personal or mixed, from the United  
22 States Government or any of its departments, bureaus,  
23 commissions or agencies, and the said full and complete power  
24 and exclusive authority herein before provided shall also  
25 apply to the acceptance of gifts, contributions, contributions  
26 in aid from the State of Florida, or any of its political  
27 subdivisions, departments bureaus, commissions, or agencies,  
28 corporations, publicly or privately owned or operated, private  
29 persons and individuals. The Utility Board created by this act  
30 shall have the full and complete power and exclusive authority  
31 to contract with the United States Government, or any of its

1 | departments, bureaus, commissions or agencies, other public  
2 | utilities, the State of Florida, or any of its political  
3 | subdivisions, departments, bureaus commissions or agencies,  
4 | corporations, either publicly or privately owned and operated,  
5 | private persons or individuals, for the acquisition, purchase  
6 | and operation of other public utilities and said Utility Board  
7 | may determine in its judgment, and to purchase, contract for  
8 | the sale, lease or exchange of any products and services,  
9 | material, and commodities, by-products and water, steam or  
10 | heat from all or any of its activities or operations. The said  
11 | Utility Board shall have full and complete power and exclusive  
12 | authority to fix rates and charges for electricity and charges  
13 | or prices for any other real and personal property, products  
14 | and services, materials and commodities, by-products of and  
15 | from all or any of its activities or operations, furnished or  
16 | sold by said Utility Board, and to provide for the collection  
17 | of the same.

18 |       (5) SENIOR CITIZEN AND DISABLED VETERAN DISCOUNT.--The  
19 | Utility Board shall grant a special lower rate and charge for  
20 | electricity on the residential account of any personal who  
21 | meets low income standards adopted by the Utility Board, who  
22 | ~~has been~~ is a permanent resident of the geographical service  
23 | area covered by the Utility Board in furnishing electricity in  
24 | Monroe County, Florida ~~for three (3) consecutive years prior~~  
25 | ~~to requesting such special lower rate or charge~~ and who is  
26 | sixty-two (62) years of age or older or a totally and  
27 | permanently disabled American veteran. As used in this section  
28 | "residential account" means an account for a person residing  
29 | in a house, mobile home, condominium, apartment, or other  
30 | housing unit. Submission of an affidavit that the applicant  
31 | claiming the special lower rate and charge under this section

1 ~~is has been~~ a permanent resident of the geographical service  
2 area heretofore mentioned ~~for three (3) years immediately~~  
3 ~~preceding the date of application~~, and who is sixty-two (62)  
4 years of age or older or a totally and permanently disabled  
5 American veteran, shall be prima facie proof of such  
6 residence, disability, and age. The affidavit shall include  
7 the annual income of the applicant.

8 (6) ACCOUNTING MATTERS.--All bills for electricity and  
9 electric service and for the furnishing and sale of the  
10 products and services, materials and commodities, by-products  
11 and water, steam or heat and by-products of and from all or  
12 any activities or operations shall be collected and accounted  
13 for by said Utility Board, and all disbursements in connection  
14 with the foregoing, shall be ordered paid out only upon  
15 approval of said board; or pursuant to policies adopted by  
16 said board or pursuant to policies established by resolution  
17 adopted by the Utility board. ~~;~~ ~~and~~

18 (7) EMINENT DOMAIN.--Said board acting by, for, and in  
19 the name of the City of Key West, Florida, a municipal  
20 corporation, and any municipal successor thereto, existing  
21 under the laws of Florida, shall have the vested right which  
22 are herein conferred of eminent domain, for the purpose of  
23 acquiring lands and rights-of-way necessary and expedient for  
24 the location, establishment, construction, maintenance and  
25 operation of the works and projects authorized in this act,  
26 and for the acquisition and construction of any and all kinds  
27 and classes of real, personal or mixed property, tangible or  
28 intangible, whatsoever, which shall be deemed necessary,  
29 convenient or appropriate to accomplish the purposes and  
30 objects authorized by this act, provided, however said Utility  
31 Board shall at all times be governed by and conform to the

1 | provisions of any proceeding authorizing and providing for the  
2 | issuance of bonds, or other obligations of said city, which by  
3 | their terms are secured by or payable from the revenues of the  
4 | electric public utility, or the revenues of any of the  
5 | additional public utilities acquired by said Utility Board.

6 |       (8) ADVERTISING.--The Utility Board is hereby  
7 | authorized to purchase advertising including, but not limited  
8 | to, advertising from recognized, established advertising  
9 | media, such as newspapers, radio and television, as a proper  
10 | expenditure of the system. The Utility Board may make  
11 | expenditures that are reasonable and necessary for advertising  
12 | the Board's utility systems including advertising events and  
13 | programs which are sponsored by the Utility Board or in which  
14 | the Utility Board participates. Furthermore, nothing in this  
15 | paragraph shall be construed to prevent the Utility Board from  
16 | sponsoring charitable events or events which would benefit the  
17 | Utility Board or its utility system or systems.

18 |       Section 13. (1) CONSTRUCTION PROJECTS.-- All  
19 | construction, reconstruction, repairs or work of any nature  
20 | made by the Utility Board, where the entire costs, value, or  
21 | amount of such construction, reconstruction, repairs or work,  
22 | including the labor and materials, shall exceed the amount as  
23 | established by resolution adopted by the Utility Board, except  
24 | construction, reconstruction, repairs, or work done by  
25 | employees of the Utility Board or by labor supplied under  
26 | agreement with the federal government or state government,  
27 | with supplies and materials purchased hereinafter provided,  
28 | shall be done only under contract or contracts to be entered  
29 | into by the Utility Board with the lowest cost or best  
30 | responsible bidder upon proper terms, after due public notice  
31 | has been given asking for competitive bids as hereinafter

1 provided. ~~No contract shall be entered into for construction~~  
2 ~~or improvement or repair of the electric system, or any part~~  
3 ~~thereof, unless the contractor shall have given an undertaking~~  
4 ~~with a sufficient surety or sureties, approved by the Utility~~  
5 ~~Board, and in an amount fixed by said board, for the faithful~~  
6 ~~performance of the contract. All such contracts shall provide~~  
7 ~~among other things that the person or corporation entering~~  
8 ~~into such contract with the Utility Board will pay for all~~  
9 ~~materials furnished and services rendered for the performance~~  
10 ~~of the contract, and that any person or corporation furnishing~~  
11 ~~such materials or rendering such services may maintain an~~  
12 ~~action to recover for the same against the obligor in the~~  
13 ~~undertaking, as though such person or corporation were named~~  
14 ~~therein, provided the action is brought within one (1) year~~  
15 ~~after the time the cause of action accrues.~~

16 (2) POWER OF AUTHORITY.--Nothing in this section shall  
17 be construed to limit the power of authority to construct,  
18 repair or improve the utility electric system, or any part  
19 thereof, or any addition, betterment or extension thereto,  
20 directly by the officers, agents and employees of the Utility  
21 Board, or otherwise than by contract.

22 (3) ALL OTHER PURCHASES, EXCLUDING CONSTRUCTION  
23 PROJECTS.--All supplies, equipment, machinery and materials  
24 costing more than the amount as established by resolution  
25 adopted by the Utility Board shall be purchased only after  
26 advertisement as provided hereinafter. The Utility Board shall  
27 accept the lowest cost or best bid or bids, kind, quality and  
28 material being equal, but said Board shall have the right to  
29 reject any or all bid or select a single item from any bid.  
30 The provision as to bidding shall not apply to the purchase of  
31 patented and manufactured products offered for sale in a

1 noncompetitive market or solely by a manufacturer's authorized  
2 dealer.

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

10       (5) CONFLICT OF INTEREST.--No member of the Utility  
11 Board or officer or employee thereof shall either directly or  
12 indirectly be a party to, or be in any manner interested in,  
13 any contract or agreement with the Utility Board for any  
14 matter, cause or thing whatsoever in which such member shall  
15 have a financial interest or by reason whereof any liability  
16 or indebtedness shall in any way be created against such  
17 board. If any contract or agreement shall be made in violation  
18 of the provisions of this section, the same shall be null and  
19 void, and no action shall be maintained thereon against the  
20 Utility Board.

21       (6) OTHER PROVISIONS.--Subject to the aforesaid  
22 provisions, the Utility Board may (but without intending by  
23 this provision to limit any powers of said board enter into  
24 and carry out such contract, or establish or comply with such  
25 rules and regulations concerning labor and materials and other  
26 related matters in connection with any construction project,  
27 or portion thereof, as the Utility Board may deem desirable;  
28 provided that the provisions of this section shall not apply  
29 to any contract or agreement between the Utility Board and any  
30 engineers, architects, attorneys, or for other professional  
31 services, or to any contract or agreement relating to fiscal

1 advisors, fiscal agents, or investment bankers, relating to  
2 the financing of project herein authorized.

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

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

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

18 (a)(1) The terms and conditions of the original  
19 contract or approved renewal or extension by the federal,  
20 state or local government or electric cooperative are  
21 satisfactory to the Utility Board ~~and such terms and~~  
22 ~~conditions are expressly extended to other municipalities~~  
23 ~~pursuant to the bid documents.~~

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

29 (c)(3) The purchasing agent has performed an informal  
30 solicitation to determine if the prices of the original  
31



1 contract are fair and reasonable, and to assure local vendors  
2 have an opportunity to compete.

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

7 Section 15. (1) The Utility Board created by this act  
8 is hereby authorized and empowered to create, establish,  
9 provide for and adopt, maintain, operate and regulate a civil  
10 service system and plan for the security of the employees of  
11 said board, and may amend and change such system and plan from  
12 time to time. Further, said Utility Board is empowered to  
13 adopt rules and regulations for the government and operation  
14 of said civil service system and plan, and to delegate  
15 authority for the handling and management of said system and  
16 plan to designated officials or employees of said board, or a  
17 special committee or a civil service board created by said  
18 Utility Board for such purposes. Further, said Utility Board  
19 is authorized and empowered to appropriate out of its  
20 available funds any money necessary or expedient to carry out  
21 the provisions and purposes of this act that maybe be lawfully  
22 used for such purposes.

23 (2) The employees ~~of the City Electric System~~ of the  
24 City of Key West, Florida may require the Utility Board to  
25 establish a civil service board for them by an affirmative  
26 vote of the majority of the employees cast in a secret  
27 election to be held under the rules prescribed by the board.  
28 Said election shall be held within (30) days of the  
29 presentation of a petition containing the signatures of no  
30 less than ten per centum (10%) of the employees of al classes  
31 of said system requesting such an election.

1           Section 16. The Utility Board of the City of Key West,  
2 Florida shall have discretion to classify as surplus any of  
3 its property that ~~is~~ obsolete or that which is uneconomical or  
4 inefficient, or which serves no useful function. All such  
5 items valued more than the amount as established by resolution  
6 adopted by the Utility Board shall be offered as ~~Within a~~  
7 ~~reasonable exercise of its discretion and having consideration~~  
8 ~~for the best interest of the Utility Board, the value and~~  
9 ~~condition of such properties classified surplus, and the~~  
10 ~~probability of such properties being desired by the prescribed~~  
11 ~~bidder to whom offered, the Utility Board first shall offer~~  
12 ~~such~~ surplus property to other governmental units within,  
13 ~~first in the City of Key West, Florida, then in the County of~~  
14 ~~Monroe and to the general public with an effective means of~~  
15 notification. The notification. If no accepted bid is received  
16 ~~within a reasonable time, they shall then offer such~~  
17 ~~properties for sale by advertising for bids in a newspaper of~~  
18 ~~general circulation once each week for no less than two (2)~~  
19 ~~weeks. Such call for bids shall disclose the value and~~  
20 condition of the properties when known. ~~The cost of~~  
21 ~~transferring such properties offered for sale shall be made by~~  
22 ~~the bidder making the successful bid should make the cost of~~  
23 ~~transferring such properties offered for sale. Provided,~~  
24 ~~however, that~~ Any such properties as would serve no useful  
25 function and for which no bids have been received, may be  
26 disposed of by donation, destruction or abandonment. ~~All~~  
27 ~~actions taken in regard to the disposal of such properties~~  
28 ~~shall be recorded in the minutes of the Utility Board of the~~  
29 ~~City of Key West, Florida.~~

30           Section 19. Members of said Utility Board, and agents  
31 and employees of said board traveling on official business

1 should be reimbursed for travel and expenses in accordance  
2 with resolutions adopted by the Utility Board ~~Chapter 112,~~  
3 ~~Florida Statutes 1967 and any amendments thereto.~~

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

7 (1) Such purchases shall be made only upon  
8 recommendation of the engineers of record of said board who  
9 shall advise the board that the acquisition of such lands is  
10 necessary for the expansion of the system.

11 ~~(2)~~ The Utility Board shall obtain appraisals from at  
12 least three (3) licensed and certified appraisers in the State  
13 of Florida ~~request the board of realtors of Monroe County,~~  
14 ~~Florida to provide them with the names of three (3) licensed~~  
15 ~~appraisers.~~

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

18 ~~(2)(4)~~ Said Utility Board shall pay no more than the  
19 highest agreed upon appraisal furnished by the aforesaid  
20 appraisers.

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

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