

ORDINANCE NO. 2017-5

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE,
FLORIDA, CREATING AN UNDERGROUND UTILITY TASK
FORCE; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village Council of the Village of Key Biscayne (the “Village”) is investigating the possibilities of undergrounding utilities at various locations through the Village; and

WHEREAS, the Village Council wishes to use the expertise and advice of a committee of Village residents in regard to the undergrounding of utilities; and

WHEREAS, the Village Council desires to create an Underground Utility Task Force (the “Committee”) to identify and address concerns and issues related to undergrounding utilities; and

WHEREAS, the Village Council finds that adoption of this Ordinance, creating the Committee, as an Advisory Board of the Village, is in the best interest and welfare of the Village and its residents.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** That the above recitals are true and correct and incorporated herein by this reference.

Section 2. **Creation of Committee.** The Village Council hereby establishes the Underground Utility Task Force as follows:

- 1. Creation, Composition, and Qualifications.**
 - a. In accordance with Village Code Section 2-10, there is hereby created and established the Underground Utility Task Force (the “Committee”). The

Committee shall be composed of seven (7) members appointed by the Mayor, with the approval of the Council.

- b. Each member of the Committee shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.
- c. Each member of the Committee shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.
- e. Each member of the Committee shall be a full time resident of the Village who has continuously resided within the Village for the 12-month period immediately prior to the appointment, and shall not be an employee of the Village. Any member who ceases to reside within the Village limits during his or her term of office shall be deemed to have resigned as of the date of his or her change of residence from the Village.
- c. In the event of the resignation or removal of any member of the Committee, the Mayor shall appoint a person to fill the vacancy on the Committee for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

2. Term of Office.

- a. Members shall be appointed for a term of up to two (2) years. Members may be reappointed.

3. Advisory Capacity; Standards of Conduct.

- a. The powers and duties of the Committee shall be solely of an advisory nature to the Village Council and Village Manager. Accordingly, Committee

members shall comply with the applicable requirements of the Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112, Florida Statutes, and any other standards of conduct set by federal, state, county, Village or other applicable law.

4. Rules of Procedure; Other Requirements.

- a. The Committee may adopt rules of procedure as authorized by Village Code Section 2-10(k). In the absence of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply, subject to the provisions of Village Code Section 2-10.
- b. During the first meeting of the Committee, the members shall elect one of their members to act as Chair, Vice-Chair and Secretary.
- c. The Committee shall be subject to and shall comply with the applicable provisions of Village Code Section 2-10.

5. Jurisdiction; Dissolution.

- a. The jurisdiction of the Committee shall be solely advisory and shall include:
 - I. identifying issues relating to undergrounding utilities and recommend solutions;
 - ii. investigating and reviewing possibilities of undergrounding utilities throughout the Village; and
 - iii. studying and recommending solutions to other issues referred to the Committee from time-to-time by the Village Council or Village Manager.

- b. The Committee shall complete its work and shall dissolve upon the expiration of two (2) years from its creation or upon delivery of a final report to the Village Council, whichever occurs first, unless extended by resolution of the Council.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Effective Date. That this Ordinance shall become effective immediately upon adoption at second reading.

PASSED on first reading this 9th day of May, 2017.

PASSED AND ADOPTED on second reading this 13th day of June, 2017.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


VILLAGE ATTORNEY