

FEATURED

Judge delays injunction decision, KCB budget finalized

By RICHARD TAMBORRINO Special to The Citizen
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Key Colony Beach city officials had a very busy day Thursday, Sept. 21. But the regularly scheduled monthly city commission meeting paled in comparison to the other two meetings in terms of substance: establishing a fiscal year 2023-24 budget; and a judge's ruling on a resident petition drive injunction.

At the regular commission meeting, the most important aspect involved a sharp rebuke against the city by Concerned in KCB leader Laurie Swanson, who addressed the commission, accusing them of indifference toward its residents since the city will not further process their petitions.

“The city is disregarding 244 signed petitions ... and we have 100 more property owners who have no vote but also signed the petition,” said Swanson. In a letter signed by City Administrator Dave Turner and presented to Swanson when the petitions were delivered to City Hall, it stated “the City will not be further processing your Referendum Petition.”

She also said the same letter rejecting the petition drive was sent to her three times, once each by City Administrator Dave Turner, City Clerk Silvia Gransee and



the city. “This is a dead-end path,” she stated. ”We made sure we had 260 supporters sign two petitions in case you pulled a stunt like this.”

A resident Zoom comment reinforced Swanson’s comments. “You’re not listening to your constituents, and you could calm the fears that many in the community feel by doing the just and right thing.”

Surprisingly, more commission time was spent on tennis and pickleball courts than critical city business. In fact, the Fire and EMS increases being passed on to KCB by Marathon wasn’t broached at all until the evening’s budget meeting.

At that budget session, Turner reviewed waypoints such as the property values in KCB increasing from \$825,568,497 in 2021 to \$942,825,933 in 2022 and projected to settle at \$1,087,932,579 for 2023.

But he also referenced the recent decision at the Marathon council session where Councilman Jeff Smith proposed raising KCB’s Fire and EMS rate, from \$550,000 to \$700,000 for year one of the new three-year agreement. “We don’t have a say in their budget,” said Turner. “The bottom line is that I can find the money in the budget,” ostensibly by cutting other expenses.

The conclusion of the new budget resulted in ad valorem taxes for 2023-24 projected to be \$1 million higher than last year. Commissioner Freddie Foster, who was on vacation and absent for these meetings, said by phone the increased property values will allow the city to capitalize on increased property values to fund the City Hall rebuild.

The commission then adopted the same millage rate for fiscal year 2023-2024 at 2.8419, which is greater than the rollback rate of 2.5122 by 13.12%.

Resolution 2023-13 was adopted, establishing the final budget for fiscal year

2023-2024 at \$20,494,491. This year-over-year budget is approximately 33% higher than last year's budget of \$15,485,647.

Finally, there was a midday meeting with Judge Mark Jones to hear arguments in a case levied on the city by the resident group Concerned in KCB.

The group's attorney, Matt Hutchinson, capsulized the session, saying that while a ruling wasn't issued for either the group or the city, it was because the original injunction was predicated on halting the rebuild until petitions were gathered and submitted to the city. However, now that the petitions have been collected and submitted, the case shifts to being about the rebuild.

Hutchinson believes that even though the city dismissed the petition efforts in writing when they were delivered on Sept. 13, this was an attempt to establish the City of Key Colony Beach's legal position before this meeting.

"The judge now wants the core issue squarely in front of him," said Hutchinson. "Judge Jones is now telling us to bring the lawsuit up-to-date based on all the changes that have happened since it was first filed."

Judge Jones told the group to come back with an amended petition, which they have seven days to complete. In that amended petition, the group must challenge the city's refusal to place a referendum vote on the ballot, which was not in front of the judge at this meeting. Doing that frames it as a legislative action by the city, while KCB will argue it remains an administrative decision. After the amended petition is presented, the city will have an additional 20 days to respond.

Hutchinson doesn't feel the decision negates the efforts of the petition drive. "This amended issue is now firmly narrowed down to one specific legal issue, and that's whether the city conducted an administrative or a legislative action," he said.

Hutchinson added that Judge Jones did not find there was irreparable harm against the resident group and was very technical in how he approached the case. Legally, there are no court orders keeping the city from moving forward on the rebuild, but with 40% of registered voters signing the petition and only requiring 50% voter approval on a referendum vote, Hutchinson doesn't believe the city will initiate any movement on the rebuild while this case is ongoing.

rtamborrino123@gmail.com

rtamborrino123@gmail.com