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FEATURED

Fresh start for KCB as settlement finalized

By RICHARD TAMBORRINO Special to The Citizen
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The old Key Colony Beach City Hall has been a point of contention between city officials and residents.

Photo by Richard Tamborrino

The Key Colony Beach City Commission agreed in principle to settle the lawsuit by the resident group Concerned in KCB at the commission's Dec. 14 regular session, which prompted an additional session on Dec. 20 to formally execute the settlement, regarding rebuilding City Hall.

The group, led by plaintiff Laurie Swanson, was seeking to halt the rebuild plans and put it out for a referendum vote. Newly installed Mayor Joey Raspe was given authorization by the city attorney at last week's meeting to extend a settlement agreement to the group, which includes withdrawing the offer to Hands on Builders (HOB) for the rebuild and for each side to pay their respective legal expenses.

On July 27, Swanson filed a lawsuit against the city — Case No. 2023-CA-000205-M — seeking a temporary restraining order and other declaratory relief pertaining to petitions for a referendum vote, to challenge the prior vote to approve the motion to “accept the HOB bid for the new City Hall project.”

The special meeting on Dec. 20, where Commissioner Beth Ramsay Vickery was absent and Commissioner Tom DiFransico attended via Zoom, was intended to present a memorandum of understanding to the commission. The vote was approved 4-0; however, the execution wouldn't be official until Swanson signs off, but she is traveling out of the country. It's expected she will sign by the start of the new year.

Arriving at consensus settlement language between the two meetings appeared disjointed, but the sides seem satisfied with the final results.

However, some of the terms needed to be smoothed out before it was finalized. One condition, which may have been an oversight, was a request to force Swanson to dismiss the petition referendum request. The agreement stated that “In the event that the Key Colony Beach City Commission approves the repeal of the City Hall vote,

Swanson would agree to voluntarily dismiss the lawsuit and that both parties stipulate and agree that her voluntary dismissal of the lawsuit shall constitute the ‘conclusion of the litigation.’”

This request runs counter to the Florida Constitution, because Swanson was representing the 264 residents who signed petitions and didn’t have the power to thwart their wishes independently.

Swanson got closure on the July City Hall rebuild vote and the hope to reopen and potentially refurbish the building. Mayor Joey Raspe plans to conduct walkthroughs of the building to assess the extent of needed repairs, to solicit bids for that work and potentially conduct city business on site.

The city, after their attorneys drafted three different settlement agreements that Swanson rejected, was able to stipulate that Swanson not take any action about this again. The group’s attorney, Matt Hutchinson, confirmed this as accurate by phone. “With the July 20 vote repealed, she (Swanson) has accomplished what she set out to do,” he said.

Swanson had sought a simple, straightforward MOU, which city attorney Dirk Smits and Hutchinson were able to carve out. But one of the group’s initial objections to the city-supplied agreements centered on the terms “rescind” and “repeal.” Hutchinson confirmed different settlement versions were exchanged but said the document title doesn’t make a difference. “A traditional settlement is more difficult when a city commission is involved,” he said.

That clause stated the city “may consider a motion to ‘repeal’ the City Hall vote.” Repeal would refer to canceling the city’s vote, specific to the HOB bid, a phrase that could potentially leave the door open for another rebuild effort in the future from another bidder/contractor. Hutchinson said he hadn’t heard whether this agreement

keeps the door open for another rebuild bid, speculating that it will depend on the extent and cost of refurbishing City Hall instead.

Hutchinson clarified the difference, saying “statutes use the term repeal but if I presented this to a judge, it would likely be called a difference without a distinction. He added that “repeal is more technically applicable to this situation,” concluding that “everyone is on the same page.”

Both sides gain a fresh start to the new year after a tumultuous 2023. There’s been a clear changing of the guard in KCB, with former Mayor Patti Trefry and former City Administrator Dave Turner gone. Raspe has pledged to the residents to conduct open discussions with the community on matters affecting its residents.

Hutchinson echoed that sentiment. “There will be more cooperation and open discussion in KCB now”, he said. “What we saw through this entire process was democracy in action, and there seems to be meaningful change on the horizon in achieving more transparency around how KCB government operates.”. He also praised Swanson, saying her efforts crystallized this effort.

Smits and his associate Scott Black, who attended the Dec. 20 session, declined to comment except for an email statement that said, “Our practice with all government clients is to only address the press when directed by the majority to do so.”

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