

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: September 10, 2007
Bulk Item: Yes ___ No X

Division: County Attorney
Department Contact: Suzanne Hutton

AGENDA ITEM WORDING:

Approval of an appointment of an elected official representing Key West, the most populous municipality in the County, to the Tourist Development Council.

ITEM BACKGROUND:

Key West Mayor McPherson has been informed that under the Tourist Development Council ordinance there is a provision for automatic forfeiture of TDC membership if a member has unexcused absences for three consecutive TDC meetings or 4 TDC meetings in one fiscal year. He has requested that he be re-appointed since he would like to continue to serve on the TDC, and he was not informed prior to the absence requiring automatic forfeiture of either the ordinance requirement or the TDC Operations Manual policy that only a death in the immediate family constitutes an excuse for absence from a TDC meeting. He has indicated that three of his four absences were for City business – one absence due to a City budget meeting, and two absences due to meetings with federal officials in Atlanta and Washington, DC, respectively.

The BOCC appointment is required to be of an elected official of the City of Key West.

While the TDC ordinance states that upon the forfeiture of a TDC position due to excessive absences, the BOCC shall “appoint a new member to serve the remainder of the unexpired term,” there is no specific language in the ordinance prohibiting re-appointment. If there was such language, he could not be re-appointed. Absent such specificity in its ordinance, the BOCC may interpret the language to allow or disallow a re-appointment.

PREVIOUS RELEVANT BOCC ACTION:

Resolution passed at the August 15, 2007 BOCC meeting clarifying that appointments of the elected officials to TDC are deemed BOCC nominations.

STAFF RECOMMENDATIONS:

NA

TOTAL COST: N/A

BUDGETED: Yes ___ No ___

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ___ No ___ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty X OMB/Purchasing ___ Risk Management ___

DOCUMENTATION: Included X To Follow _____ Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____