

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, PURSUANT TO SECTION 8.01 OF THE
KEY WEST CHARTER PROPOSING THAT SECTION
1.08 OF THE KEY WEST CHARTER BE AMENDED
TO PERMIT ANNEXATION OR ACQUISITION OF
ANY REAL PROPERTY BY ANY MEANS VIA
SUPERMAJORITY VOTE OF THE CITY
COMMISSION; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEAL OF INCONSISTENT
PROVISIONS; PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, Florida Statutes Section 166.031 and Key West Charter Section 8.01 provide the City Commission with the authority to propose by ordinance a Charter amendment; and

WHEREAS, the City shall follow Florida Statutes Section 100.342 concerning notice of a referendum and Florida Statutes Section 101.161 concerning preparation of the referendum ballot; and

WHEREAS, section 1.08 of the City Charter for the City of Key West is a provision requiring a voter referendum prior to the City annexing or acquiring any real property by any means, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 1.08 of the city charter be amended to allow for the City to annex or

acquire real property by any means after supermajority vote of the City Commission; and

WHEREAS, the City Commission desires that the proposed referendum appear on the Primary Election ballot of August 23, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That an amendment to Key West Charter section 1.08 shall hereby be presented as a referendum to the voters of Key West. The question appearing on the ballot shall have the following title: "Referendum - Amendment to Sec. 1.08 of the city charter to allow annexation or acquisition by any means of any real property by supermajority vote of the City Commission." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to allow for annexation or acquisition of any real property by any means by supermajority vote of the City Commission?"

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 1.08 of the Key West Charter shall be amended as follows:

Sec. 1.08 Approval by Electorate Required for Annexation of
Any Real Property

Annexation or acquisition by any means, of any and all real property may only be by a vote of a super-majority of the City Commission. ~~the electors of the City.~~

Section 3: The City Clerk is hereby authorized and instructed to take all necessary and proper action to place the referendum question set forth in Section 1, above, on the Primary Election ballot of August 23, 2022, and to provide notice of the referendum election as provided by law.

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2022.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK