

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, PURSUANT TO SECTION 8.01 OF THE
KEY WEST CHARTER PROPOSING THAT SECTION
3.07 OF THE KEY WEST CHARTER BE AMENDED
TO ELIMINATE THE REQUIREMENT FOR PERSONAL
NOTICE OF SPECIAL CITY COMMISSION
MEETINGS TO BE PERFECTED ON INDIVIDUAL
CITY COMMISSION MEMBERS; 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 3.07 of the City Charter for the City of Key West is a provision providing for special meetings of the City Commission and requiring that members of the City Commission be personally served or have a notice left at their home of the special City Commission meeting, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 3.07 of the city charter be amended to eliminate the need for personal service of notice to City Commission members that a special

meeting has been called, or for such notice to be left at the residences of City Commission members, 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 3.07 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. 3.07 of the city charter to eliminate the requirement for members of the City Commission to be personally served a notice for special City Commission meetings or to have said notice be left at their residences." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to eliminate the requirement that City Commissioners be personally served a notice of a specially set meeting of the City Commission or have said notice be left at their residences?

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 3.07 of the Key West Charter shall be amended as follows:

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

Sec. 3.07 Special Meetings; Minutes; Rules; Journal

The mayor, any two (2) members of the city commission, consistent with the Sunshine Law, or the city manager, may call special meetings of the commission, with every effort made to contact each member, upon at least twenty-four (24) hours' notice. ~~to each member, served personally, or left at his usual place of residence with every effort made to contact the member by the city clerk.~~ All meetings of the city commission and of the committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall adopt Robert's Rules of Order, determine other of its own rules and order of business, and keep a journal of its proceedings.

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.

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