

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, PURSUANT TO SECTION 8.01 OF THE
KEY WEST CHARTER PROPOSING THAT SECTION
4.05 OF THE KEY WEST CHARTER BE AMENDED
TO ELIMINATE THE INCLUSION OF DEPARTMENT
HEADS IN THE CIVIL SERVICE SYSTEM;
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 4.05 of the City Charter for the City of Key West is a provision providing for the various department of the city and coverage under the civil service system for department heads, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 4.05 of the city charter be amended to eliminate department heads from coverage under the civil service system, 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 4.05 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. 4.05 of the city charter to eliminate department heads from coverage under the civil service system." The question appearing on the ballot shall be worded as follows:

"Should Section 4.05 of the city charter
be amended to eliminate department heads
from coverage under the civil service
system?"

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 4.05 of the Key West Charter shall be amended as follows:

Sec. 4.05 Departments of the City

All functions of municipal government shall be allotted among various departments including, but not limited to, a finance department, a department of general services, a police department and a fire department. Police and fire departments shall be headed by a police chief and a fire chief whose chiefs shall have exclusive control of the stationing and transfer of all officers and employees of the department as may be prescribed by the ordinances of the city. Department heads shall not be considered employees of the city ~~and~~ covered by the civil service system.

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