

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 ACQUISITION OF REAL PROPERTY
FOR PUBLIC PARKS, RECREATION, AFFORDABLE
HOUSING, OR CIVIC BUILDINGS 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 Commission desires to make the process of accepting real property by any means including by donation, criminal forfeiture, or inter-governmental transactions

easier to accept by supermajority vote of the City Commission, provided the real property is to be used for public parks, recreation, affordable housing, or civic buildings; and

WHEREAS, the City Commission desires that the proposed referendum appear on the General Election ballot of November 5, 2024.

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 regarding acquisition of real property." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to allow for acquisition of real property for public parks, recreation, affordable housing, or civic buildings by supermajority vote of the City Commission? Annexation, and acquisition

of real property for any other purpose,
will remain only by referendum."

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 and for Certain Acquisitions
Acquisition of real property for public parks, recreation,
affordable housing, or civic buildings may be by a vote of a
supermajority of the City Commission. Annexation, or
acquisition by any means, of any and all real property for
any other purpose, may only be by a vote of the electors of
the City.

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

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 General Election ballot of November 5, 2024, 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 _____, 2024.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Lissette Carey _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK