

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION," ARTICLE VI ENTITLED "CODE ENFORCEMENT", BY AMENDING SECTION 2-636 ENTITLED "STAFF SUPPORT AND LEGAL COUNSEL TO THE SPECIAL MASTER"; BY AMENDING SECTION 2-639 ENTITLED "PRESENTATION OF CITY'S CASE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to a recent ruling by the circuit court, the City Commission recognizes that the role of the city attorney and his staff in presenting code compliance cases to the special magistrate needs clarification.

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

Section 1: That Section 2-636 of the Code of Ordinances is hereby amended as follows:

Sec. 2-636. - Staff support and legal counsel to ~~special~~  
magistrate code compliance.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~. Added language for second reading is double-underlined; deleted language is ~~double-struck through~~.)

(a) The city manager shall provide appropriate staff support to enable the special magistrate to fulfill his duties as provided in this division.

(b) The city attorney's office shall provide legal counsel to ~~the special master. An assistant city attorney shall provide legal counsel to city code compliance staff. In the event that the special magistrate requires legal assistance from the city attorney, a "Chinese wall" shall be observed between the city attorney and the assistant city attorney consistent with Florida Bar Rule of Professional Conduct 4-1.10.~~

Section 2: That Section 2-639 of the Code of Ordinances is hereby amended as follows:

**Sec. 2-639. - Presentation of city's case.**

Each case before the special magistrate may, at the option of the administrative staff, be presented by either the office of the city attorney or by a member of the city administrative staff. The attorney representing the city code compliance staff shall not serve both as legal advisor to the special magistrate and as presenter of cases before the special magistrate.

Section 3: 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 4: 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 5: 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 \_\_\_\_\_, 2016.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_, 2016.

Filed with the Clerk \_\_\_\_\_, 2016.

Mayor Craig Cates	_____
Vice Mayor Clayton Lopez	_____
Commissioner Samuel Kaufmann	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK