

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90, DIVISION 5 OF THE CODE OF ORDINANCES, ENTITLED "TREE COMMISSION" BY AMENDING SECTION 90-172 TITLED "COMPOSITION", TO PROVIDE FOR DIRECT APPOINTMENTS TO THE TREE COMMISSION; AMENDING SECTION 90-173 "TERMS OF OFFICE," TO PROVIDE FOR TERMS PARALLEL WITH CITY COMMISSIONERS; AMENDING SECTION 90-174 "REMOVAL OF MEMBERS" TO PROVIDE NOTICE OF VACANCIES TO CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The Planning Board for the City of Key West approved this ordinance revision at their meeting of August 16, 2018; and

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

Section 1: That Section 90-172 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 90-172. - Composition.**

(a) The tree commission shall consist of seven residents of the city ~~who shall be appointed by the mayor with the advice and~~

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

~~consent of the city commission.—The mayor and each city commissioner shall appoint one member of the tree commission which appointment shall not be subject to approval by the city commission. The seven members serving on the tree commission upon adoption of this ordinance shall be assigned to individual city commission members via a lottery system.~~

Section 2: That Section 90-173 of the Code of Ordinances is hereby amended as follows:

**Sec. 90-173. - Terms of office.**

~~Appointments to the tree commission shall be for a term of three years and shall be made on staggered basis with no more than two appointments per year, except that an appointment to replace a vacating member shall be for the unexpired term of the member.~~

The term of each tree commission member shall run parallel to that of the appointing city commission member. The tree commission member's term shall end at the conclusion of the city commission member's term; a reelected commission member may reappoint a tree commission member.

Section 3: That Section 90-174 of the Code of Ordinances is hereby amended as follows:

**Sec. 90-174. - Removal of members.**

All tree commission members shall serve at the pleasure of the city commission and may be removed by majority vote of its full membership. If a member is absent from two of three consecutive regular meetings without cause and without prior approval of the chairperson, the tree commission shall declare the member's office vacant, and the chairperson shall notify the city commission that the member's office is vacant.

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 Clerk of the Commission.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Filed with the Clerk \_\_\_\_\_, 2018.

Mayor Craig Cates	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

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

ATTEST:

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CHERYL SMITH, CITY CLERK