

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, PURSUANT TO SECTION 8.01 OF THE
KEY WEST CHARTER PROPOSING THAT SECTION
3.02 OF THE KEY WEST CHARTER BE AMENDED
TO ADD A ONE YEAR RESIDENCY REQUIREMENT
TO QUALIFY AS A CANDIDATE FOR MAYOR OR
CITY COMMISSIONER; 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 3.02 of the City Charter for the City of Key West is a provision setting forth the qualifications for a candidate to be Mayor or a City Commissioner, and;

WHEREAS, The City Commission for the City of Key West finds that having a one year residency requirement to be Mayor or a City Commissioner is in the best interest of the citizens of the City of Key West to ensure that qualified candidates are invested in the City and have established sufficient

community ties to the City to make for better governance, 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 3.02 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. 3.02 of the city charter to require a one year continuous residency requirement to be eligible for the office of Mayor or City Commissioner." The question appearing on the ballot shall be worded as follows:

"Should city charter Sec. 3.02 be amended to require candidates for Mayor or City Commissioner have a one year continuous residency in the City of Key West?

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 3.02 of the Key West Charter shall be amended as follows:

Sec. 3.02 Qualifications For Mayor and Commissioners

Any elector of the city shall be eligible to hold the office of mayor. Any candidate for mayor shall reside in the City of Key West at the time of qualification continuously for at least one year. Any elector of the city who, as of the date of qualification, resides in the district which he or she is seeking to represent continuously for at least one year shall be eligible to hold the office of city commissioner. Any person elected to represent a district shall maintain residency in that district for the term of office. The city commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of this office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of

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

general circulation in the city at least one (1) week in advance of the hearing.

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