

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, PURSUANT TO SECTION 8.01 OF THE
KEY WEST CHARTER PROPOSING THAT SECTION
3.09 OF THE KEY WEST CHARTER BE AMENDED
TO ELIMINATE GENDER SPECIFIC REFERENCES
REGARDING THE DUTIES OF THE MAYOR;
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 3.09 of the City Charter for the City of Key West is a provision providing for the duties of the Mayor, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 3.09 of the city charter be amended to eliminate any references regarding gender, 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 3.09 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. 3.09 of the city charter to eliminate any gender references regarding the Duties of the Mayor." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to
eliminate any references to gender
regarding the duties of the Mayor?"

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 3.09 of the Key West Charter shall be amended as follows:

Sec. 3.09 Duties of the Mayor

The mayor shall preside at all meetings of the commission and perform such other duties consistent with ~~his or her~~ the office as may be imposed by it, and ~~he or she~~ they shall have a voice and a vote in the proceedings of the commission, but no veto power. ~~He or she~~ They may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring upon ~~him or her~~ them the administrative or judicial functions of a mayor under the general laws of the state. ~~He or she~~ The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the governor in the exercise of military laws; and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon ~~him or her~~ them by the city commission in pursuance of the provisions of this Charter and no others.

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

Assuming responsibility as the strategic leader of the city: (1) in assuring that a vision and long-range goals established by the Commission for the City are established and reviewed annually; (2) in presenting an annual State of the City address which must include an analysis of progress on city vision and goals before the City Commission; (3) in educating the public on citywide issues; (4) in setting the tone for city government; and (5) in assuring that the Commission looks beyond the legal and geographical jurisdiction of the municipality and coordinates Key West leadership with that of regional jurisdictions.

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