

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 3.09 TO AMEND THE DUTIES OF THE MAYOR; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes Section 166.03 and Key West Charter Section 8.01 provide the City Commission with the authority to propose by ordinance a Charter amendment; and

WHEREAS, Florida Statutes Section 101.161 provides procedures for a referendum and Florida Statutes Section 100.342 provides for notice for a referendum election; and

WHEREAS, the City desires to amend City Charter section 3.09 to codify additional duties of the Mayor; and

WHEREAS, the City Commission desires that the proposed referendum appear on the regularly scheduled election ballot of November 6, 2012;

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

Section 1: That an amendment to the Key West Charter, amending section 3.08, shall be presented as a referendum to the voters of Key West. The question appearing on the ballot shall be titled: "Referendum - Duties of the Mayor."

Section 2: That the ballot question shall be worded as follows:

"Shall Key West City Charter Section 3.09, which describes the Duties of the Mayor, incorporate additional requirements for the Mayor as the strategic leader of the city, including public education, regional leadership coordination, presentation of an annual state of the City address, and review of Commission-established long-range goals?"

_____ Yes

_____ No

Section 3: In the event of the passage of the proposed Charter amendment set forth in section 2, 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 office as may be imposed by it, and he or she shall have a voice and a vote in the proceedings of the commission, but no veto power. He or she 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 the administrative or judicial functions of a mayor under the general laws of the state. He or she 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 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 4: That the City Clerk is hereby authorized and directed to take all necessary and proper action to place this question on the ballot of November 6, 2012, including the providing of notice of the election in accordance with law.

Section 5: 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 as necessary to achieve the lawful purposes of this Ordinance.

Section 6: All Ordinances or parts of Ordinances of the City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7: 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 _____, 2012.

Read and passed on final reading at a regular meeting held this ____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on this ____ day of _____, 2012.

Filed with the Clerk _____, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK