

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 ADD CITY CHARTER SECTION 2.02 TO THE CITY CHARTER TO REQUIRE THAT AMENDMENT(S) TO EXPAND OR CONTRACT THE BOUNDARIES OF THE CITY OF KEY WEST SHALL BECOME EFFECTIVE UPON APPROVAL OF A MINIMUM OF FIVE MEMBERS OF THE CITY COMMISSION; SETTING THE GENERAL ELECTION OF NOVEMBER 6, 2012, AS THE DATE OF REFERENDUM; 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, the City Commission desires to obtain electorate approval to require that changes to the territorial boundaries of the City of Key West shall become effective only upon approval of a minimum of five members of the City Commission; and

WHEREAS, the City Commission desires that the proposed referendum appear on the General Election ballot of November 6, 2012;

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

Section 1: An amendment to the Key West Charter adding section 2.02 shall be presented as a referendum to the voters of Key West. The question appearing on the ballot shall have the following title: "Referendum - Commission Voting on Changes to the City's Territorial Boundaries."

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

"Shall there be a section 2.02 added to the Key West City Charter which requires that changes to the City's territorial boundaries shall be in accordance with state law and only become effective upon approval of a minimum of five members of the City Commission?"

YES

NO

Section 3: In the event of the passage of the proposed Charter amendment set forth in section 2, above, Section 2.01 shall be added to the Key West Charter as follows:

Sec. 2.02. - Amendments to the City's Boundaries.

Except as otherwise required by law, an affirmative vote of a minimum of five members of the City Commission is required to expand or contract the boundaries of the City of Key West.

Section 4: 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 General Election ballot of November 6, 2012, and to provide notice of the referendum election as provided by 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 and necessary to achieve the lawful purposes of this Ordinance.

Section 6: 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 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 _____ day of _____, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK