

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 1.08 TO REPEAL THE CURRENT REQUIREMENT FOR ELECTOR APPROVAL OF ANNEXATION OR ACQUISITION OF REAL PROPERTY AND REPLACE IT WITH A REQUIREMENT FOR THE AFFIRMATIVE VOTE OF A MINIMUM OF FIVE CITY COMMISSIONERS FOR ACQUISITION OF REAL PROPERTY; 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, Charter Section 1.08 currently provides that "Annexation or acquisition by any means, of any and all real property may only be by a vote of the electors of the City"; and

WHEREAS, the City Commission desires to amend City Charter section 1.08 to allow acquisition of real property upon the affirmative vote of a minimum of five members of the City Commission; 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 1.08, shall be presented as a referendum to the voters of Key West. The question appearing on the ballot shall be titled: "Referendum - Amending Charter Section 1.08 - To Require City Commission Approval for Acquisition of Real Property."

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

"Shall Key West City Charter Section 1.08, which currently requires approval by the electorate for annexation and acquisition of any real property, be repealed and replaced with a provision to require the affirmative vote of five members of the City Commission for the acquisition of any real property?"

_____ Yes

_____ No

Section 3: In the event of the passage of the proposed Charter amendment set forth in section 2, above, section 1.08 of the Key West Charter shall be repealed and replaced as follows*:

Sec. 1.08 - ~~Approval by electorate required for annexation of any real property.~~ Minimal approval required for acquisition of any real property.

~~Annexation or acquisition by any means, of any and all real property may only be by a vote of the electors of the City.~~
Acquisition of any and all real property shall only occur upon the affirmative vote of a minimum of five members of the City Commission.

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.

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

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