

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, PROPOSING THAT SECTION 3.01 OF THE KEY WEST CHARTER BE AMENDED TO ABOLISH TERM LIMITS FOR THE MAYORAL AND CITY COMMISSIONER POSITIONS; 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(a) 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 abolish term limits for Key West's elected officials; 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 Key West Charter section 3.01 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 - Abolish Mayoral And City Commissioner Term Limits." The question appearing on the ballot shall be worded as follows:

Shall the City of Key West Charter be amended to abolish the current term limit of a total of eight years for the Mayor and to abolish the current term limit of a total of twelve years for City Commissioners, so as to provide no term limits for the Mayor or Commissioners?

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 3.01 of the Key West Charter shall be amended as follows*:

Sec. 3.01 - City commission and mayor;
~~election, term, term limits.~~

(a) There shall be a city commission with all legislative powers of the city vested therein. The city commission shall consist of seven (7) commissioners, six (6) of whom shall be elected from single member districts numbered I, II, III, IV, V and VI. The mayor shall be elected by the people at large for a term of two (2) years. Commissioners from districts numbered I, II, III, IV, V and VI shall be elected for a term of four (4) years.

~~(b) No person shall serve more than a total of eight years in the position of mayor. No person shall serve more than a total of twelve years in the position of city commissioner. No previous term, or term in progress as of the effective date of this provision, shall be counted toward the limitations contained herein. If the term limit occurs during a term in office, the person holding the office may complete the term.~~

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

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 General Election ballot of November 6, 2012, 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 _____, 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