

ORDINANCE NO. _____

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

WHEREAS, section 4.04 contains language that makes references to a male city manager, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 4.04 of the city charter be amended to eliminate references of specific genders to gender neutral language, 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 4.04 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. 4.04 of the city charter to replace language regarding specific genders to gender neutral references." The question appearing on the ballot shall be worded as follows:

"Should Section 4.04 of the city charter be amended to replace gender specific references gender neutral language?"

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 4.04 of the Key West Charter shall be amended as follows:

Sec. 4.04 Duties of the City Manager

The city manager shall:

- (a) Appoint, and when ~~he deems~~ they deem it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, civil service board rules and regulations or personnel rules adopted pursuant to this Charter. ~~He~~ The manager may authorize any administrative officer who is subject to ~~his~~ their direction and supervision to exercise these powers with respect to subordinates in that officer's department, ~~officer~~ office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;
- (c) Attend all commission meetings and shall have the right to take part in discussion but may not vote;

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

(d) See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by ~~him~~ the manager or by officers subject to ~~his~~ direction and supervision, are faithfully executed.

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