

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 6.01 TO SCHEDULE THE ELECTION CYCLE TO BE HELD IN EVEN-NUMBERED YEARS, IN CONJUNCTION WITH STATE ELECTIONS; 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 next City Commission elections for districts I, III, and VI, and for the Mayor are currently scheduled for 2013, and the next elections for districts II, IV, and V are scheduled for 2015; and

WHEREAS, the City desires to amend City Charter section 3.01 to schedule City Commission elections to be held in conjunction

with State elections, with a transition period to adjust terms to the new schedule commencing with the elections of 2013 and 2015; 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 6.01, 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 6.01 - City Commission Election and Runoff schedule."

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

"Shall Key West City Charter Section 6.01, which currently describes the City Commission Election and runoff schedule, be amended so that Commission elections are held in conjunction with State of Florida elections, on even-numbered years?"

_____ Yes

_____ No

Section 3: In the event of the passage of the proposed Charter amendment set forth in section 2, above, section 3.08 of the Key West Charter shall be amended as follows*:

Sec. 6.01 - City Commission Election; runoff.

~~The election for city commissioners in districts I, III, V and VI shall be held on the first Tuesday in October, 1993. The election for city commissioners districts II, IV, and V, shall be held on the first Tuesday in October, 1995. The mayor, chosen by voters city wide shall be elected the first Tuesday in October 1993. Each commissioner elected from districts I, II, III, IV and VI shall serve a four-year term. The commissioner elected from district V in 1993 shall serve a two-year term and beginning 1995 shall serve a four year term.~~

The election for city commissioners in districts I, III and VI shall be held on the State of Florida primary election date in 2013. The Commissioners elected in 2013 shall serve three-year terms, and beginning in 2016 shall serve four-year terms. The election for city commissioners in districts II, IV, and V, shall be held on the State of Florida primary election date in 2015. The Commissioners elected in 2015 shall serve three-year terms,

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

and beginning in 2018 shall serve four-year terms. The election for the Mayor, chosen by voters city-wide, shall be held on the State of Florida primary election date in 2013. The Mayor elected in 2013 shall serve a one-year term, and beginning in 2014 shall serve a two-year term. Elections shall be held biennially in accordance with the State of Florida election dates thereafter. Elections shall be held biennially on the first Tuesday in October thereafter. The name of any qualified elector of the city shall appear on the ballot as a candidate for the office of city commissioner upon said elector paying as a qualifying fee to the city a sum equal to five (5) percent of the annual salary of the office which said elector seeks, or by the elector qualifying by a petition process prescribed by State law and adopted in specific terms by city ordinance. The candidate qualifying and reporting periods shall be run in conjunction with the state schedule. A majority of votes cast in an election for a City Commissioner or the Mayor ~~a particular district~~ is required for a candidate to be elected. If no candidate receives such a majority, then a runoff election shall be held on the State of Florida General Election date ~~first Tuesday following the first Monday in November~~ following the first election between the two (2) candidates receiving the greatest number of votes. All ties in either election shall be decided by lot in the presence of the candidates concerned, under the direction 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.

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