



## MEMORANDUM

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Date: June 6, 2024 City Commission Meeting

To: Honorable Mayor and Commissioners

From: Ronald Ramsingh, City Attorney

Subject: An Ordinance to Approve a Ballot Question for the November 2024 General Election to Permit Acquisition of Any Real Property by Super Majority

Sponsors: Commissioners:

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### **Background:**

Section 1.08 of the city charter mandates that the acquisition of any real property by any means requires approval by the voters. For years, this has created significant financial and logistical obstacles to acquiring property through criminal forfeiture actions, donations, or even by another governmental agency. Specifically, the undersigned advised the KWPD several years ago that they could not pursue a criminal forfeiture action regarding a home in Key West that was free of any mortgages and believed to be a known center for drug sales because the time limitations in filing a forfeiture action was far shorter than the time it takes for a special election to approve such an acquisition. Additionally, on the same June 6<sup>th</sup> 2024 Commission agenda, there is an ordinance to approve a ballot question to accept 2 recreational parcels adjacent to the MLK pool from the Monroe County Land Authority to be used in Willie Ward Park. That requires a vote of the electorate. A similar measure was recommended by the Charter Review Committee in 2022 that was broader in scope. That effort failed at the polls. I believe that measure failed because the purpose for the acquired land was for “any governmental purpose”. This proposal narrows down the governmental purpose to affordable housing, parks, and recreational areas.

This proposal does not change in any way the current requirement for voter approval to annex any land into the City of Key West.

### **Options:**

1. Approve the proposed change, thereby including a ballot question in the November general election for the voters to consider allowing the City Commission to acquire real property by super majority vote for properties to be used for affordable housing, parks or recreational purposes.

2. Deny the proposed change. Acquisitions of real property will continue to only be permitted by the voters; thereby eliminating time sensitive opportunities to acquire real property for affordable housing, parks or recreational purposes

**Procurement:**

This measure would have a positive impact on the city's finances. A special election to have a time-sensitive ballot question to acquire real property for affordable housing, parks or recreational purposes currently costs approximately \$60,000.00. If this measure is approved by the City Commission and the voters, such special elections would not be required.

**Recommendation:**

To approve the proposed change to place this question on the November General Election ballot.