

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, PURSUANT TO SECTION 8.01 OF THE
KEY WEST CHARTER PROPOSING THAT SECTION
8.01 OF THE KEY WEST CHARTER BE AMENDED
TO ELIMINATE GENDER SPECIFIC REFERENCES
REGARDING THE METHOD OF AMENDING THE CITY
CHARTER; 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 8.01 of the City Charter for the City of Key West is a provision providing for the method in which the city charter is amended, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 8.01 of the city charter be amended to eliminate any references regarding gender, 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 8.01 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 - Amendment to Sec. 8.01 of the city charter to eliminate any gender references regarding the methods of amending the city charter." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to
eliminate any gender specific references
regarding amending the city charter?"

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 8.01 of the Key West Charter shall be amended as follows:

Sec. 8.01 Methods of amending Charter

This Charter may be amended in two (2) ways:

(a) The commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the commission and shall not be subject to a vote of the electors except as provided by general law.

(b) The electors of the city may propose amendments to this Charter for a regular election by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last regular city election. Charter amendment petitions scheduled for a special election must be signed by qualified voters of the city equal in number to at

least twenty percent (20%) of the total number of qualified voters registered to vote in the last regular city election.

(1) All papers of a petition shall be uniform in size and style and shall be assembled in one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full ~~extend~~ extent of the proposed charter amendment.

(2) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating ~~that he~~ they personally circulated the paper, the number of signatures thereon~~+, +~~ that all the signatures were affixed in ~~his~~ their presence, that ~~he believes~~ they believe them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing, to read the full text of the proposed charter amendment.

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

(3) Upon certification of the petition by the city clerk, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose. If the petition for Charter amendment seeks a special municipal election, it shall be titled "Proposed Special Municipal Election." Immediately after the title, the petition shall state the following: "By signing this petition, I am requesting that a special election be held for this question, instead of the scheduling of this question for the next general municipal or statewide election. I understand that the additional cost to the City of Key West to hold such a special election is anticipated to be \$ [insert amount], as determined by the city clerk."

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

