

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, PURSUANT TO SECTION 8.01 OF THE
KEY WEST CHARTER PROPOSING THAT ALL
PROVISIONS OF THE CITY CHARTER MAKING
GENDER SPECIFIC REFERENCES BE AMENDED TO
REFLECT GENDER NEUTRAL REFERENCES;
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, sections 1.07, 3.09, 3.10, 4.01, 4.03, 4.04,
and 8.01 of the City Charter for the City of Key West makes
gender specific references regarding: the Citizens Review
Board, The Duties of the Mayor, Power of the Voters to
Propose Ordinances; Initiative and Referendum, City
Manager, Designation of Administrative Officer During
Temporary Absence of Manager, Duties of the City Manager,
and Methods of Amending Charter, and;

WHEREAS, The City Commission for the City of Key West

finds that utilizing gender neutral references is more appropriate and harmonious with the Official Motto of the City of Key West being "One Human Family", 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 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 - Replacement of gender specific references in the City Charter to reflect gender neutrality." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to remove gender specific language wherever made (such as "he" and "his") and replace with gender neutral references (such as "they" and theirs")?"

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, all references to specific genders will be amended to reflect gender neutral references:

Sec. 1.07 Citizen Review Board

I. Duties and powers of the board.

- (a) The Citizen Review Board (CRB) is an independent board with authority to review and/or investigate complaints involving Key West police officers and forward findings and/or recommendations to City management, the chief of police, State Attorney, other state and federal law enforcement agencies and/or grand juries. The chief of police must respond to CRB recommendations in writing within thirty (30) days.
- (b) The CRB may make written recommendations to the city commission, city manager and chief of police concerning police department policies and procedures. The chief of police must respond to CRB recommendations in writing within thirty (30) days.
- (c) The CRB may retain the services of an attorney and professional investigators and may conduct investigations, inquiries and hearings, working as appropriate with the State Attorney and chief of police.

The existence of ongoing investigations does not preclude the CRB from acting, but the board should exercise its powers so as not to interfere with ongoing investigations and conduct its activities consistent with applicable law, including the Florida Government in the Sunshine Law and applicable labor laws.

(d) The CRB may subpoena witnesses and documents when conducting an investigation as follows:

- (1) A request for a subpoena must be reviewed by the CRB attorney;
- (2) The CRB attorney may or may not approve the request after consulting with the State Attorney's Office; and
- (3) The CRB does not have the authority to offer immunity from prosecution.

II. Board membership.

(a) The CRB shall consist of seven (7) volunteer members, to be appointed as follows:

- (1) The city commission shall appoint four (4) members from nominations from community-based civic and social service organizations, including, but not limited to: the League of Women Voters, the Key West

Business Guild, the Bahama Village Business Association, the NAACP, the Key West Chamber of Commerce, the local chapter of the Florida Bar and local organizations of clergymen. Each nomination must be accompanied by an application from the prospective member, outlining why he or she wishes to serve, detailing qualifications and agreeing to the time demands of the job. The Committee for a Citizens Review Board shall, on an ad hoc basis, coordinate the nomination process, including publicly noticing organizations, soliciting nominations, and ensuring that nominations are complete and that the qualifications of prospective members meet the membership criteria specified in this ordinance before they are submitted to the city commission.

(2) The original four (4) members will then meet to select three (3) additional members from applications from the general public. The Committee for a Citizen Review Board shall coordinate the nomination process, including the placement of public notices soliciting applications and ensuring that nominations are complete and that the qualifications of prospective members meet the membership criteria specified in this ordinance before they are

submitted to the first four appointees of the Board for consideration.

(2 3) All appointments to the CRB should be made with sensitivity to the racial, gender, ethnic, religious, linguistic and cultural diversity of the City of Key West.

III. Vacancies.

(a) If a vacancy occurs among the four members of the CRB appointed by the city commission, that vacancy shall be filled by the city commission from nominations submitted by community-based organizations within ninety (90) days from the time the vacancy is announced. Every nomination must be accompanied by an application from the potential member. The executive director of the CRB will coordinate the nominating process, including noticing the organizations, soliciting nominations, and ensuring that nominations are complete and the qualifications of prospective members meet membership criteria specified in this ordinance before they are submitted to the city commission.

(b) If a vacancy occurs among the three members appointed by the CRB, the CRB, by majority vote, shall fill that vacancy from nominations from the general public. The

executive director of the CRB will coordinate the nominating process.

IV. Qualifications for members of the CRB; training and education.

(a) All members of the CRB shall be residents of the City of Key West and shall have good reputations for integrity and community service.

(b) No appointee to the CRB, nor any member of his or her immediate family, shall be currently employed by the City of Key West.

(c) No appointee may be currently a party in litigation against the City of Key West.

(1) The filing of a complaint against the City of Key West alleging liability of the City through actions of any law enforcement officer shall immediately disqualify any appointee from serving on the CRB.

(2) Any appointee who has been a legal representative of any party in litigation against the City of Key West is prohibited from serving on the CRB for two years from the conclusion of such litigation.

(d) Training and education. In applying to become a member of the CRB, applicants must agree to participate in at

least 30 hours of structured training, as recommended by the National Association for Civilian Oversight of Law Enforcement, before participating in Board activities, plus extensive continuing education throughout their term of office. In addition, the city manager and city attorney shall coordinate training for the Board concerning applicable City laws and procedures. The CRB must undergo up to six (6) months of training and organization before it accepts the first complaint for action.

V. Terms of office.

(a) The terms of office for all members are four (4) years, except for the initial terms as follows: two (2) members shall serve for four (4) years; three (3) members shall serve for three (3) years; and two (2) members shall serve for two (2) years. All initial terms shall be determined by lot after all appointments have been made. This formula will result in the terms of either two or three members expiring every year.

(b) CRB members will continue to serve until their successors have been appointed; but no member shall serve more than nine consecutive years on the Board.

VI. Meetings, quorum and voting; officers.

- (a) Meetings, quorum and voting. All meetings of the CRB will be open to the public and advertised in advance as per the Florida Government in the Sunshine Law. Exceptions shall be to discuss confidential matters before the Board. Meetings shall be conducted at Old City Hall.
- (1) The chairperson and three members may call a meeting.
- (2) A quorum shall consist of four members of the CRB.
- (3) An affirmative vote of not less than 51 percent of the members present and voting at any meeting is required for any action to be taken by the CRB unless otherwise set forth herein.
- (b) Parliamentary authority and rules of procedure. The parliamentary authority of the CRB shall be Robert's Rules of Order (current legislation) unless the CRB adopts its own order of business and rules of procedure governing its meetings.
- (c) The CRB meetings shall be open to the public as per the Florida Government in the Sunshine Law. Notice of the meetings shall be posted by the city clerk at City Hall and other appropriate locations after being advised by the CRB of an upcoming meeting. Advertisements of

meetings shall be placed in newspapers of general circulation no less than seven (7) days prior to the meeting. The CRB executive director shall coordinate with the city clerk concerning noticing of CRB meetings.

- (d) Recordation. The CRB shall be responsible for the recordation and transmittal of its minutes as per the Florida Government in the Sunshine Law. Copies of minutes of all CRB meetings shall be furnished to the mayor, city commissioners, city manager, city clerk and chief of police, and shall be available for public inspection as per provisions in the Sunshine Law.
- (e) Officers. The CRB shall select, from its members, by majority vote, a chairperson, a vice-chairperson, and such other officers as deemed necessary. The chairperson shall have the authority to appoint all members serving on the various committees that the CRB may establish from time to time.

VII. Procedures.

The following procedures shall be followed:

- (a) Complaints concerning allegations of police officer misconduct may be submitted to the CRB. All complaints shall be in writing using a form approved by the CRB for

that purpose. The Chief of police shall be notified of complaints received by the CRB within two (2) working days;

(b) The review or investigation of complaints shall proceed as follows:

- (1) Consulting with the Key West police department and the State Attorney's Office, the CRB Executive Director or attorney will determine if an investigation related to the complaint is already underway.
- (2) The existence of an ongoing investigation does not preclude the CRB from opening its own investigation when, for example, an internal affairs investigation seems to be taking an inordinately long time to complete. If the CRB votes to take such action, however, it should be based on advice of counsel that such action will not interfere with any ongoing criminal investigation.
- (3) A decision of the CRB to proceed with an investigation may be challenged by any agency engaged in such investigation or prosecution by seeking a judicial order. Written notification of such challenge to the CRB shall stay the investigation for

48 hours to permit the agency to obtain such an order.

(3 4) If it is determined that there is already an ongoing investigation into the complaint submitted to the CRB, the CRB may opt to take no immediate action or delay the investigation and consideration of the complaint, except to monitor the progress and outcome of the current investigation.

(4 5) If the complaint received by the CRB is already being investigated by police internal affairs, the final internal affairs report prepared for the chief of police shall be transmitted to the CRB for review within three (3) working days after it is sent to the chief.

(5 6) When a decision is made to launch an independent investigation of a complaint or after review of an internal affairs report, the CRB may:

(i) request that the chief of police conduct further investigation; or

(ii) obtain further case-specific information from the chief of police, including written

materials, audio or video tapes and related documents; or

(iii) conduct an independent investigation, such investigation to be concluded within 180 days or within a time period set by the CRB; or

(iv) notice and hold a hearing to gather evidence; or

(v) report its written findings and conclusions to the chief of police, with copies to the mayor, city commissioners, and city manager.

(6 7) The CRB chairperson may assign a member or committee to review internal affairs reports and make a recommendation that the CRB take one of the actions enumerated in subsection (5 6) above.

(7 8) Affected officers and complainants, to the extent permitted by law, shall receive copies of CRB reports to the police department and of the CRB's requests for information.

(c) The review or investigation process shall be concluded within 180 days or within a time period set by the CRB.

(d) At the conclusion of each review or investigation, the CRB shall render one of the following findings based on the preponderance of the evidence:

- (1) Unfounded - where the review or investigation shows that the act or acts complained of did not occur or were misconstrued;
- (2) Exonerated - where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper;
- (3) Not sustained - where, for example, the review or investigation fails to disclose sufficient facts to prove or disprove the allegation made in the complaint;
- (4) Sustained - where, for example, the review or investigation discloses sufficient facts to prove the allegations made in the complaint;
- (5) No finding - where, for example, the complainant failed to produce information to further the investigation, the review or investigation revealed that another agency was responsible and the complaint has been referred to that agency, the complainant

withdrew the complaint, or the CRB did not reach a conclusion.

- (e) At the conclusion of the review or investigation, the CRB shall forward its written findings and conclusions to the chief of police and to affected officers and, to the extent permitted by law, to the complainants. The chief of police shall respond in writing within 30 days.

VIII. Procedures related to city employees and witnesses.

- (a) When a City of Key West employee, including police officers, appears before the CRB in response to a request or subpoena, such employee shall be formally advised prior to the commencement of testimony that if the employee has a good-faith belief that the testimony would tend to be self-incriminating, and if, in reliance upon that good-faith belief, the employee declines to answer any question, that employee's decision not to provide testimony will not subject him or her to any adverse employment consequences. Any employee who, after receiving such advice, decides to testify or provide evidence, must sign a statement acknowledging that the employee understands the advice and is testifying or providing evidence voluntarily and knowingly.

- (b) A police officer who is the subject of an investigation shall be informed of the nature of the investigation and provided with a copy of the complaint prior to being interrogated.
- (c) A person who appears before the CRB in response to a request or subpoena may be represented by counsel or any other representative of his or her choice, which representative may be present at all times during the subject's appearance before the CRB. Rules of procedure shall be established by the CRB.
- (d) Policies and procedures shall be established to ensure compliance with Chapters 112 and 119 of the Florida Statutes and other applicable laws.

IX. Review and approval of annual budget.

- (a) The City shall adequately fund the CRB to allow it to carry out its function effectively of citizen oversight of the Key West police department.
- (b) The CRB will adopt a fiscal year that coincides with that of the City. The city manager shall assign appropriate personnel to assist the CRB in the preparation of an annual budget and that budget shall be

submitted to the city commission as part of ~~his~~ the
annual budget proposal.

- (c) While the members of the CRB are volunteers, there shall be a full-time paid Executive Director with clerical assistance. The CRB shall also retain an attorney to advise the Board. The CRB may also engage the services of professional investigators, as needed. The cost of appropriate office space, equipment and reasonable office expenses shall also be included in the budget. The cost of necessary training of the CRB members and staff may be a significant budget item the first year.
- (d) No expenditure shall be made in any given year without approval by the city commission of the CRB budget for that year and all expenditures shall comply with City procedures for acquisition of goods and services. The city manager shall assign personnel to brief the CRB and staff concerning these procedures and to assist as appropriate.

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

(d e) Nothing contained herein shall be construed to prohibit the CRB from submitting a supplemental budget and appearing before the City Commission to request approval.

X. Annual reports.

The CRB shall, at least annually, provide a report in writing to the mayor, the city commission, the city manager, the chief of police and the city attorney. Such reports should include, but are not restricted to, statistics and summaries of citizen complaints, a comparison of the CRB's findings and conclusions with the actions taken by the chief of police, recommendations related to changes in police policies and procedures, and any recommended changes concerning this ordinance.

XI. Severability.

If any section, part of a section, paragraph, clause, phrase or word of this charter section is declared invalid, the remaining provisions of this charter section shall not be affected.

Section 3: In the event of the passage of the proposed Charter amendment set forth in section 1, above, all references to specific genders will be amended to reflect gender neutral references:

Sec. 3.09 Duties of the Mayor

The mayor shall preside at all meetings of the commission and perform such other duties consistent with ~~his or her~~ the office as may be imposed by it, and ~~he or she~~ they shall have a voice and a vote in the proceedings of the commission, but no veto power. ~~He or she~~ They may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring upon ~~him or her~~ them the administrative or judicial functions of a mayor under the general laws of the state. ~~He or she~~ The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the governor in the exercise of military laws; and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon ~~him or her~~ them by the city

commission in pursuance of the provisions of this Charter and no others.

Assuming responsibility as the strategic leader of the city: (1) in assuring that a vision and long-range goals established by the Commission for the City are established and reviewed annually; (2) in presenting an annual State of the City address which must include an analysis of progress on city vision and goals before the City Commission; (3) in educating the public on citywide issues; (4) in setting the tone for city government; and (5) in assuring that the Commission looks beyond the legal and geographical jurisdiction of the municipality and coordinates Key West leadership with that of regional jurisdictions.

Section 4: In the event of the passage of the proposed Charter amendment set forth in section 1, above, all references to specific genders will be amended to reflect gender neutral references:

Sec. 3.10 Power of The Voters to Propose Ordinances;
Initiative and Referendum

(1) (a) *Initiative*. The qualified voters of the city shall have power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum*. The qualified voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(2) Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full

the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(3) (a) Initiative and referendum petitions scheduled for a regular election must be signed by qualified voters of the city equal in number to at least ten (10) percent of the total number of qualified voters registered to vote at the last regular city election. Initiative and referendum 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.

(b) All papers of a petition shall be uniform in size and style and shall be assembled as 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 text of the ordinance proposed or sought to be reconsidered.

- (c) 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 signature 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 ordinance proposed or sought to be reconsidered.
- (d) Referendum petitions must be filed within thirty (30) days after adoption by the commission of the ordinance sought to be reconsidered.
- (e) Referendum and initiative petitions seeking a special municipal election under subsection (3)(a) 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."

(4) (a) Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (3) of section 3.10, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the

petitioners committee does not elect to amend or request commission review under subsection (b) of this section within the time required, ~~the clerk shall promptly present his~~ their certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition~~).~~.

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee, may within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

(5) When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(a) There is final determination of insufficiency of the petition, or;

(b) The petitioners' committee withdraws the petition, or;

(c) The commission repeals the ordinance; or;

- (d) After a vote of the city on the ordinance has been certified.
- (6) (a) When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.
- (b) The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the commission shall provide for a special election, except that the commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(7) (a) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(b) If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 5: In the event of the passage of the proposed Charter amendment set forth in section 1, above, all references to specific genders will be amended to reflect gender neutral references:

Sec. 4.01 City Manager

There shall be a city manager who shall be the chief executive and the administrative officer of the city. The manager shall be responsible to the commission for the administration of all city functions and affairs placed in ~~his~~ their charge by or under this Charter.

Section 6: In the event of the passage of the proposed Charter amendment set forth in section 1, above, all references to specific genders will be amended to reflect gender neutral references:

Sec. 4.03 Designation of Administrative Officer During
Temporary Absence of Manager

By letter filed with the clerk, the manager shall designate, subject to approval of the commission, a qualified city administrative officer to exercise the powers and perform the duties of manager during his

temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or ~~his~~ their disability shall cease.

Section 7: In the event of the passage of the proposed Charter amendment set forth in section 1, above, all references to specific genders will be amended to reflect gender neutral references:

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;
- (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 8: In the event of the passage of the proposed Charter amendment set forth in section 1, above, all references to specific genders will be amended to reflect gender neutral references:

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.

(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 9: 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 10: 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 11: 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 12: 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