ORDINANCE NO. _____ 20-05 _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER PROPOSING THAT SECTION 8.03 OF THE KEY WEST CHARTER BE AMENDED TO PERMIT NON AD VALOREM BONDING IN THE EVENT OF A PUBLIC EMERGENCY UPON A SUPERMAJORITY VOTE OF THE CITY COMMISSION; SETTING THE ELECTION OF AUGUST 18, 2020, AS THE DATE OF REFERENDUM; 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, the City Commission desires to obtain electorate approval to permit non ad-valorem bonding in the event of a public emergency upon a supermajority vote of the City Commission; and

WHEREAS, the City Commission desires that the proposed referendum appear on the Primary Election ballot of August 18, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1:   That an amendment to Key West Charter section 8.03 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 -- Exception to bonding requirements as a result of a public emergency." The question appearing on the ballot shall be worded as follows:

> In the event of a public emergency, shall the City Commission be authorized to issue bonds payable from revenues other than ad valorem taxation upon a super majority vote of the Commission?

YES _____   NO _____

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 8.03 of the Key West Charter shall be amended as follows:

Sec. 8.03 - Approval by electorate required for bond issuance; exception for public emergency.

Except in the event or result of a public emergency affecting life, health, property or the public peace, Bbonds pledging the full faith and credit of the city or the revenues of the city may be issued only upon approval by a vote of the electors of the city. In the event of such an emergency, the City Commission by super majority vote may issue bonds payable from revenues other than ad valorem taxation in accordance with Florida law.

---

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

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 18, 2020, 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 _____21st_____ day of _____April____, 2020.

Read and passed on final reading at a regular meeting held this _____5th_____ day of _____May____, 2020.

Authenticated by the presiding officer and Clerk of the Commission on ____the 6th____ day of _____May____, 2020.

Filed with the Clerk ___May 6th_____, 2020.

Mayor Teri Johnston	_Yes____
Vice Mayor Sam Kaufman	_Yes____
Commissioner Gregory Davila	_Yes____
Commissioner Mary Lou Hoover	_Yes____
Commissioner Clayton Lopez	_Yes____
Commissioner Billy Wardlow	_Yes____
Commissioner Jimmy Weekley	_Yes____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK