

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, PROPOSING THAT SECTION 8.03 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 GENERAL ELECTION DATE OF NOVEMBER 3, 2020, AS THE DATE OF REFERENDUM; RESCINDING ORDINANCE 20-05 (WHICH PROPOSED AN IDENTICAL REFERENDUM FOR THE ELECTION OF AUGUST 18, 2020); 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, in Ordinance No. 20-05, the City Commission approved and set a proposed referendum on the Primary Election ballot of August 18, 2020; and

WHEREAS, the City Commission desires to withdraw the proposed Referendum from the Primary Election Ballot of August 18, 2020, and instead place the proposed Referendum on the General Election Ballot of November 3, 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.

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 General Election ballot of November 3, 2020, and to provide notice of the referendum election as provided by law.

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

Section 4: That Ordinance 20-05 is hereby rescinded and the City Clerk is hereby authorized and instructed to take all necessary and proper action to ensure that the referendum question set forth in said ordinance is withdrawn from the Primary Election ballot of August 18, 2020, and to provide any notice of the referendum election required by 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 and necessary to achieve the lawful purposes of this Ordinance.

Section 6: 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 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 _____, 2020.

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

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2020.

Filed with the Clerk _____, 2020.

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