

ORDINANCE NO. 2023-13 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF LAKE WORTH BEACH TO BE HELD ON MARCH 19, 2024, AS TO WHETHER SECTION 2 OF ARTICLE II OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE AMENDED TO AUTHORIZE ELECTION DISTRICTS TO BE AMENDED BY ORDINANCE AFTER EACH DECENNIAL CENSUS TO ENSURE THAT THE DISTRICTS COMPLY WITH APPLICABLE LAW; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEAL OF ALL CONFLICTING LAWS, AND AN EFFECTIVE DATE

WHEREAS, a Charter for the City of Lake Worth Beach, Florida (the "City") was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, pursuant to section 166.021, Florida Statutes, the City has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to section 166.021(4), Florida Statutes, the City Charter may be amended through the City's exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, section 166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, on March 8, 2022, the qualified voters of the City approved by referendum an amendment to the City's Charter changing the at-large voting system to a single-member district voting system (Ordinance No. 2021-22); and

WHEREAS, to implement the single-member districts and to comply with the Voting Rights Act of 1965 and the Equal Protection Clause of the United States Constitution (14th Amendment), the City Commission contracted with Florida Atlantic University to evaluate the City's four (4) at-large election districts based on apportionment data from the US Census Bureau to present redistricting map alternatives; and

WHEREAS, after multiple public meetings and City Commission meetings, the Commission adopted one of the FAU redistricting maps in Ordinance No. 05-2023; and

WHEREAS, the City Commission deems it to be in the best interests of the City and serving a valid public purpose to conduct a referendum (the "Referendum") on the question of whether Section 2 of Article II of the Charter of the City of Lake Worth Beach be amended to provide for the routine review and analysis of the geographical boundaries of the election districts after each decennial census and to amend the districts, by ordinance, to comply with applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF LAKE WORTH BEACH, FLORIDA:

Section 1. Findings adopted. The findings of the Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this ordinance.

Section 2. Referendum declared. A referendum is hereby called for and shall be held in the City on the 19th day of March, 2024, to determine whether or not a majority of the electors voting in the Referendum support the proposed amendment to the City Charter, as shown in Sections 6 and 7 of this ordinance.

Section 3. Ballot title. The ballot title which is the subject of this Referendum, and by which the proposed Charter Amendment is to be commonly referred to or spoken of, shall be captioned as "**Redistricting of Election Districts to Comply with Applicable Law.**"

Section 4. Conduct of Referendum. The City shall determine the polling locations or places in coordination with the Palm Beach County Supervisor of Elections, and all qualified electors of the City of Lake Worth Beach, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed City of Lake Worth Beach, Florida, Charter Amendment from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the City of Lake Worth Beach, Florida shall be permitted to vote on this Referendum question.

Section 5. Notice and advertising of the Referendum. The City Clerk shall prepare and give notice of the proposed Charter Amendment by causing appropriate notice to be published in accordance with the provisions of Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in a newspaper of general circulation in the City. The City Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the City Commission.

Section 6. Ballot summary. The ballot summary of the proposed Charter amendment shall be:

SHALL THE CITY OF LAKE WORTH BEACH AMEND ITS CHARTER AT SECTION 2 OF ARTICLE II TO AUTHORIZE ELECTION DISTRICTS TO

BE AMENDED, BY ORDINANCE, AFTER EACH DECENNIAL CENSUS TO ENSURE THAT THE DISTRICTS COMPLY WITH APPLICABLE LAW?

YES _____

NO _____

Section 7. Charter amendment. In the event that the majority of electors of the City voting in the Referendum vote affirmatively to amend Article II, Section 2 of the City Charter, then said Article and Section shall be amended to read as follows:

ARTICLE II. TERRITORIAL BOUNDARIES; ELECTION PRECINCTS

* * *

Sec. 2. – ~~Single-member e~~lection districts.

(a) Single-member election districts. The city is divided into four (4) single-member election districts as set forth in Ordinance No. 05-2023, which four (4) single-member election districts shall continue until amended by ordinance as provided in Section (2)(b) of this Article. Ordinance No. 05-2023 and any amending ordinance(s) shall remain on file in the office of the city clerk.

(b) Redistricting. After the decennial census in 2030, and every ten (10) years thereafter, the city commission shall obtain a study of the existing four (4) single-member election districts. If the study establishes that a redistricting plan is required by law, the city commission shall amend the districts by ordinance to be in compliance with existing law. In the event an elected commission member no longer resides in the district from which he or she was elected as a direct result of redistricting, that commission member shall complete his or her current term.

~~To implement single-member district voting set forth in Article III, Section 1 of the Charter, the boundaries for each of the four (4) single-member election districts of the City of Lake Worth Beach are hereby established as follows:~~

~~(1) District No. 1. COMMENCING at the centerline intersection of Lake Worth Road and the centerline of I-95; thence run westerly along the centerline of Lake Worth Road to the city's western corporate limits and the POINT OF BEGINNING; thence run easterly along the centerline of Lake Worth Road to the centerline intersection of South A Street; thence run southerly along the centerline of South A Street to the centerline intersection of 4th Avenue South; thence run easterly along the centerline of said 4th Avenue South to centerline intersection of the FEC Railway; thence run southerly and easterly along the centerline of said FEC Railway to the city's southern corporate limits; thence~~

~~run westerly and northerly along the city's southern and western corporate limits to the POINT OF BEGINNING.~~

~~(2) *District No. 2.* COMMENCING at the centerline intersection of Lake Worth Road and the centerline of I-95; thence run westerly along the centerline of Lake Worth Road to the city's western corporate limits and the POINT OF BEGINNING; thence run easterly along the centerline of Lake Worth Road to the centerline intersection of North A Street; thence run northerly along the centerline of North A Street to the centerline intersection of 10th Avenue North; thence run easterly along the centerline of 10th Avenue North to the centerline intersection of Dixie Highway; thence run northerly along the centerline of Dixie Highway to the city's northern corporate limits; thence run westerly, southerly and easterly along the city's northern and western corporate limits to the POINT OF BEGINNING.~~

~~(3) *District No. 3.* BEGINNING at the centerline intersection of Lake Worth Road and North A Street; thence run northerly along the centerline of North A Street to the centerline intersection of 10th Avenue North; thence run easterly along the centerline of 10th Avenue North to the centerline intersection of Dixie Highway; thence run northerly along the centerline of Dixie Highway to the city's northern corporate limits; thence run easterly and southerly along the city's northern and eastern corporate limits to the centerline intersection of the city's eastern corporate limits and the easterly extension of 7th Avenue North; thence run westerly along the centerline of 7th Avenue North to the centerline intersection of North Federal Highway; thence run southerly along the centerline of North Federal Highway to the centerline intersection of Lucerne Avenue; thence run westerly along the centerline of Lucerne Avenue to the POINT OF BEGINNING.~~

~~(4) *District No. 4.* BEGINNING at the centerline intersection of Lake Worth Road and South A Street; thence run southerly along the centerline of South A Street to the centerline intersection of 4th Avenue South; thence run easterly along the centerline of said 4th Avenue South to centerline intersection of the FEC Railway; thence run southerly and easterly along the centerline of said FEC Railway to the city's southern corporate limits; thence run easterly and northerly along the city's southern and eastern corporate limits to the centerline intersection of the city's eastern corporate limits and the easterly extension of 7th Avenue North; thence run westerly along the centerline of 7th Avenue North to the centerline intersection of North Federal Highway; thence run southerly along the centerline of North Federal Highway to the centerline intersection of Lucerne Avenue; thence run westerly along the centerline of Lucerne Avenue to the POINT OF BEGINNING.~~

The City of Lake Worth Beach's single member election districts, as described above, are depicted in Alternative Districts Option 5 map adopted in Ordinance No. 05-2023. Said ordinance shall remain on file in the Office of the City Clerk and shall be available for inspection by the public upon request.

Section 8. Canvassing. The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the City Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the Referendum shall be recorded in the minutes of the City Commission in the manner prescribed by law.

Section 9. Severability. If any section or portion of this ordinance, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 10. Codification. The provision of this ordinance, as set out in Section 7 of this ordinance, shall become and be made part of the Charter of the City of Lake Worth Beach, Florida.

Section 13. Repeal of laws in conflict. All ordinances or parts of ordinances and resolutions or parts of resolutions of the City of Lake Worth Beach, Florida, that are in conflict with any provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 12. Effective date. This ordinance shall become effective ten (10) days after passage.

The passage of this ordinance on first reading was moved by Commissioner Stokes, seconded by Commissioner Diaz, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Christopher McVoy	ABSENT
Commissioner Sarah Malega	AYE
Commissioner Kim Stokes	AYE
Commissioner Reinaldo Diaz	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 6th day of June, 2023.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega

Commissioner Kim Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, CMC, City Clerk