

~~20252026-xx-xk~~

ORDINANCE NO. ~~20252026-xx-xx~~ OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REPEALING SECTION 2-9 AND ARTICLES V, IX, XI, XV, XVI, XVII, XX, XXI, AND XXIII OF CHAPTER 2 AND SECTIONS 13-1, 13-2, 13-3, AND 13-4 OF CHAPTER 13, AND ADDING A NEW ARTICLE IV OF CHAPTER 2 OF THE CODE OF ORDINANCES REGARDING AGENCIES, BOARDS AND COMMITTEES OF THE CITY, INCLUDING PROCEDURES FOR THE APPOINTMENT OF MEMBERS AND TERMS OF OFFICE, ATTENDANCE, AND RESIDENCY REQUIREMENTS OF MEMBERS AND THE POWERS AND DUTIES OF ALL AGENCIES, BOARDS AND COMMITTEES OF THE CITY; PROVIDING FOR SEVERABILITY, REPEAL, CODIFICATION; PROVIDING AND AN EFFECTIVE DATE

**WHEREAS**, the City of Lake Worth Beach, Florida (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

~~**WHEREAS**, in 2022, the City changed the City's Code of Ordinances (the "Code") regarding the appointment process of members of city boards to appointments by the entire Commission and removed the set term of office for board members; and~~

~~**WHEREAS**, the City Commission desires to encourage community involvement through participation in City boards reinstate all board members' terms of office for three; and~~

~~**WHEREAS**, the City Commission wishes to review the makeup of each board every even year beginning October 2026; and~~

**WHEREAS**, the City Commission also desires to consolidate various articles and sections of the Code that deal with agencies, boards and committees of the City into one article of the Code for clarity; and

**WHEREAS**, the Enterprise Zone Development Agency was not constituted, as the State disapproved the formation of new Enterprise Zones; and

**WHEREAS**, the City Community Relations Board was sunset in 2012; and

**WHEREAS**, the City Sister Board was sunset in 2017; and

**WHEREAS**, the City Recreation Advisory Board was sunset in 2023; and

~~**WHEREAS**, the City Commission desires to sunset the Lake Worth Public Library Board is no longer needed due to the active involvement by the Friends of the Library; and~~

**WHEREAS**, the City Commission has reviewed the amendments set forth in this ordinance regarding agencies, boards and committees of the City and has determined that the amendments are in the best interest of the public health, safety and general welfare of the City, its residents and visitors and serve a valid public purpose.

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

**Section 1:** That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct findings of the City Commission and are made a specific part of this ordinance as if set forth herein.

**Section 2:** The following are hereby repealed:

Chapter 2, Article I, Section 2-9, "City board appointment process, terms of office, and residence requirement";

Chapter 2, Article V "Community Redevelopment Agency";

Chapter 2, Article IX "Tree and Landscape Board";

Chapter 2, Article XI. "City Recreation Advisory Board";

Chapter 2, Article XV "City of Lake Worth Sister City Board";

Chapter 2, Article XVI "City Community Relations Board";

Chapter 2, Article XVII "City of Lake Worth Finance Advisory Board";

Chapter 2, Article XX "Electric Utility Advisory Board";

Chapter 2, Article XXI "Enterprise Zone Development Agency";

Chapter 2, Article XXIII "Business Advisory Board"; and

Chapter 13, Sections 13-1, 13-2, 13-3, and 13-4 regarding the Lake Worth Public Library Board.

**Section 3.** A new Article IV of Chapter 2 of the Code of Ordinances is hereby added to read as follows:

**ARTICLE IV. AGENCIES, BOARDS, AND COMMITTEES OF THE CITY**

**Division 1. - Generally**

**Sec. 2-48. Appointment of members, terms of office, residency, and attendance, and ethics requirements.**

(a) Appointment. Members of city agencies, boards, and committees (collectively, "boards") created by the city commission shall be appointed as follows:

1. Whenever there is a vacancy ~~or an expiring or expired term~~ on a board, the city clerk, or designee, will, within five (5) business days, post the open position(s) on the city's website along with an application form. Positions will remain posted until filled. ~~A vacancy shall be filled by~~ To the extent possible, the city commission shall fill any vacancy within sixty (60) days ~~or less of the vacancy.~~
2. Individuals interested in becoming a member of a board must complete and submit an application form ~~to the city clerk on the City's website.~~
3. The city commission will hold interviews to fill vacancies and ~~expiring or expired terms~~ to periodically review and refresh the membership of the boards so that each board will have a full roster of members.

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- ~~4. The board appointments will be effective upon ratification by the city commission during a public meeting according to term expirations, if applicable.~~
- ~~4. Filling vacancies: A vacancy occurring during a term shall be filled by the city commission for the unexpired term. If the unexpired term is for sixty (60) days or less, the city commission appointment will be for the unexpired term and the subsequent new term.~~
- (b) ~~Terms. The terms for members of all boards shall be appointed for an unspecified term, shall serve solely at the pleasure of the city commission, and may be removed from their appointment at any time without cause by a majority vote of the city commission. Upon the removal of any member, or upon a vacancy for any reason, a new member shall be appointed by the city commission; however, all members are eligible for reappointment. be three year except for the Community Redevelopment Agency which shall be four year terms; however, all members shall continue to serve until a successor is appointed. All terms shall be staggered to accomplish two (2) rounds of appointment that vary by only one (1) member.~~
- ~~1. Term limits: There are no limits to the number of terms a member may serve.~~
  - ~~2. Filling vacancies: A vacancy occurring during a term shall be filled by the city commission for the unexpired term. If the unexpired term is for sixty (60) days or less, the city commission appointment will be for the unexpired term and the subsequent new term.~~
- (c) ~~Residency. Each person who serves on any board created by the city commission shall either maintain a bona fide residence in the city, own a business having a permanent location in the City, or be the principal stockholder of a corporation or be a executive or manager representative of a other business entity having a permanent business location in the city. Whenever an appointment to any such board is to be made and the city commission's ranking results in a tie, if the choice is between a person who maintains a bona fide residence in the city and a person who does not maintain a bona fide residence in the city, and the person who maintains a bona fide residence in the city meets all other requirements of the position to be filled, he/she/they shall be appointed. All other city commission rankings that result in a tie shall be decided by majority vote. A bona fide residence, for the purpose of this section, is a permanent domicile which has been acquired with the intention of it being the applicant's primary residence. The principal stockholder of a corporation or other business entity, for the purpose of this section, is any person whose ownership interest in the corporation or other business entity is not exceeded by any other person. There is an exception for the Electric Utility Advisory Board which requires a member who received electric service from the city who does not reside in the municipal boundaries.~~
- (d) ~~Attendance. If any member of a board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty (20) percent of the regularly scheduled meetings of the board held within any twelve (12) month period for boards that meet monthly or within any twenty-four (24) month period for boards that meet bimonthly or less often than monthly, the city clerk shall declare the member's office vacant, and the city commission shall fill such vacancy in accordance with the procedures for appointment as set forth in this section. If any member of the Community Redevelopment Agency (CRA) shall fail to be present as provided in this paragraph, the city clerk shall no declare the member's office vacant but shall instead schedule the matter for hearing before the city commission. Any exceptions for missed meetings~~

due to extenuating circumstances shall be reviewed by the city clerk on a case by case basis.

~~(d)~~(e) Ethics. Each person who serves on any board created by the city commission shall attend ethics training annually. The ethics training shall be in compliance with the requirements of the Palm Beach County Code of Ethics. Newly appointed board members must complete their first ethics training within 30 days of their appointment and provide proof of training to the city clerk, or designee, in order to be a voting member at their first meeting and provide proof of training.

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### **Sec. 2-49. Meetings**

- (a) Meetings, including workshops, of each board shall be open to the public, properly noticed and minutes shall be kept. A public record of the board's minutes and resolutions shall be maintained and made available for inspection by the public and posted to the city's website by the staff liaison.
- (b) All city boards are authorized to convert any publicly noticed meeting into a workshop session when a quorum is not reached at said meeting. The decision to convert the meeting into a workshop session shall be determined by the chair, vice-chair or other member of the board, who is present at and performing the role of chair during the meeting. No official action shall be taken at any workshop session and the discussion should be limited to the items on the agenda for the publicly noticed meeting.
- (c) Quorum. A majority of the seats on the board make up a quorum. Up to two (2) members of an advisory board may participate and vote through electronic means at a meeting or workshop and vote in a meeting if a quorum of the Board is physically present at the meeting or workshop location. A member may only participate through electronic means due to extenuating circumstances with proper notice given to the staff liaison in advance.
- (d) Staff liaison. Each board shall have a staff liaison who attends the board meetings. The staff liaison shall serve only in an advisory capacity and have a continuing responsibility to explain the organization, responsibilities and objectives to the board. The staff liaison shall be the official medium of communication between the city commission and the board. The mayor or other member of the city commission may serve as the staff liaison.
- (e) —Officers. Each board shall elect, ~~from its members,~~ officers to fill the positions in this subsection. The term for each officer is one (1) calendar year from the date of appointment. There is no limit to the number of terms an officer may serve, ~~however no officer term shall exceed the member's appointed term.~~ If an officer resigns, that position shall be filled for the remainder of the term and not as a new term. The CRA is not required to elect a Secretary and the terms for Chair and Vice Chair of the CRA are for two (2) calendar years from the date of appointment.
  - 1. Chair. Presides at meetings of the board and makes presentations, written and oral, on behalf of the board to the city commission and the city manager. The chair must be a member of the board.
  - 2. Vice-chair. Performs the duties of the chairperson in his/her/their absence. The vice-chair must be a member of the board.

3. Secretary. Records the minutes and attendance at each meeting. The secretary may be a member of the board or the staff liaison.

(f) Public comment. Members of the public are permitted to participate upon opening of the floor for public comment by the Chair. The time shall be limited to three (3) minutes per public participant on matters not on the agenda and two (2) minutes per public participant on all issues on the agenda.

(g) All boards created by general law, special act of the legislature, or pursuant to other authority, shall follow the requirements of the enabling legislation when such legislation is in conflict with this Ordinance.

## **Division 2. – Advisory Boards.**

### **Sec. 2-50. Business Advisory Board. ~~(BAB)~~**

(a) The business advisory board shall act in an advisory capacity to the city manager and city commission. The business advisory board shall be advisory in nature only. The business advisory board shall promote business development and support and sustain existing businesses within the city by identifying business opportunities and acting as a liaison between the owners of businesses within the city and the city commission.

(b) The board shall consist of seven (7) members comprised of representatives from the following categories: retail business, professional services business, personal services business, industrial business, commercial realtor or business broker, certified property manager, community bank representative, attorney, hospitality (to include restaurants, bars and hotels) and commercial property owner.

(c) The board's duties shall consist of the following:

1. Advise the city commission as to recommended improvements to, and the establishment of, city policies and procedures impacting the business community.

2. Review and recommend appropriate communication strategies to disseminate city information to the business community.

3. Solicit and facilitate business input in matters of significance in the city.

4. Endeavor to build an expanding community of support through the education of its members, prospective members, community groups and government officials.

5. Advise the city commission and city administration on business development opportunities within the city.

6. Identify, analyze and address legislative issues that may impact the business community.

7. Any additional duties that may be assigned by the city commission.

(d) The board shall meet ~~every other~~ monthly, or more regularly as necessary to address matters as requested by the commission.

### **Sec. 2-5051. Electric Utility Advisory Board.**

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- (a) Electric Utility Advisory Board shall serve as an advisory board to the electric utility director and the city commission on policy-related matters regarding the city's electric utility. The board shall have any additional duties that may be assigned by the city commission.
- (b) The board shall be comprised of seven (7) members as follows: five (5) at-large appointments, one (1) business owner, and one (1) at-large member representing the utility service areas of or in a portion of the Village of Palm Springs and unincorporated Palm Beach County.
- (c) All members of the board must be customers of the electric utility.
- (d) Appointments shall be made by the city commission on the basis of professional career experience relevant to the electric utility industry or knowledge of the city's electric utility. Preference for membership shall be to those who are knowledgeable or possess professional expertise in the following areas: engineering, commercial and residential development, accounting and finance, traditional energy generation and distribution, renewable energy generation and/or energy conservation or related fields.
- (e) ~~The meetings of the board shall be called by the electric utility director or as directed by the city commission at a public meeting held on a monthly basis.~~

**Sec. 2-51. Education Advisory Board.**

- ~~(a) The education advisory board shall serve in an advisory capacity to the city commission regarding the needs of the schools in the city.~~
- ~~(b) The board shall be comprised of seven (7) members, each member serving as liaison to one of the following Lake Worth Beach schools: Barton Elementary, Highland Elementary, North Grade Elementary, South Grade Elementary, Lake Worth Middle, Lake Worth High and Sacred Heart.~~
- ~~(c) The meetings of the board shall called by the city manager or as directed by the city commission at a public meeting.~~

**Sec. 2-52. Finance Advisory Board.**

- (a) The finance advisory board shall serve in an advisory capacity to the city commission and the city manager. The board shall serve to promote transparency in the city's budget process and allow for additional citizen input on major financial decisions. The board shall consult with and advise the city manager and the city commission in matters affecting the annual operating budget, capital improvement program and all financial policies.
- ~~(a)~~
- (b) The board shall be comprised of five (5) members. Whenever possible, the city commission shall appoint members who have demonstrated expertise, training, education or experience in finance, accounting, business or related fields and are broadly representative of the social, racial, religious, linguistic, cultural and economic groups comprising the population of the city.
- ~~(b)~~
- (c) It shall be the duty of the board to review and make recommendations to the city commissioners regarding the city's annual budget and capital improvement program and perform such other duties and assignments as requested by the city commissioners or the city manager, including but not limited to the following:

1. Review and recommend action relating to the city's Comprehensive Annual Financial Report (CAFR), audits, investments, bonds, or other debt related instruments to be issued by the city.
  2. Review and make recommendations on the rates and fees charged for city services.
  3. Review and make recommendations on the city manager's proposed annual budget.
  4. Review and make recommendations on the city's proposed annual capital improvement program.
- 4.
- (d) ~~The meetings of the board shall called by the finance director or as directed by the city commission at a public meeting be held on a monthly basis; there shall be with the possibility of more meetings during the budget season.~~
- (e) Board members shall be required to file Financial Disclosure forms.

**Sec. 2-53. Tree and Landscape Advisory Board**

- (a) The tree and landscape advisory board shall serve in a planning and advisory capacity to the city commission on tree and landscaping related issues.
- (b) The board shall be comprised of five (5) members. The membership of the tree and landscape board shall include two (2) members to the extent available who have certifications, licenses and/or education as a landscape architect, arborist, horticulturist, master gardener or have education/training/degree in one of the following areas: landscape architecture, botany, ecology, horticulture, agriculture, sustainability or a related field. The remaining three (3) members shall be members at large, who have demonstrated an interest, appreciation, understanding and/or knowledge of South Florida friendly landscapes.
- (c) It shall be the duty of the board to perform as follows:
1. Review and provide a recommendation on the city's landscaping work plan addressing the planting and maintenance of trees and landscaping on city property;
  2. Review and provide a recommendation on amendments to the city's landscape requirements based on consistency with the University of Florida's Florida-Friendly Landscaping Program and industry best practices;
  3. Review and provide recommendations on public information and outreach related to the promotion of shade trees and the University of Florida's Florida-Friendly Landscaping Program. Public outreach may include educational materials and events on proper planting, pruning techniques, insect and disease control; planting of native species and tree preservation;
  4. Advise on public outreach events related to Arbor Day observances including festivals and tree giveaways or sales in support of maintaining the city's Tree City USA designation; and
  5. Provide recommendations to the city commission on expenditures from the tree canopy restoration fund.
  6. Any additional duties that may be assigned by the city commission.
- 5.
- (d) ~~The meetings of the board shall be called by the community sustainability director or as directed by the city commission at a public meeting held on a monthly basis.~~

**Division 3. – Agencies.**

**Sec. 2-60. Community Redevelopment Agency.**

- (a) The community redevelopment agency shall be organized and shall operate as provided in Section 163.356, Florida Statutes, as amended from time to time.
- (b) The agency shall be comprised of seven (7) members. Members must reside or be engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and otherwise be eligible to serve as a member under Section 163.356(3)(b), Florida Statutes.
- (c) The duty of the agency is to formulate and implement projects that are consistent with the City of Lake Worth Redevelopment Plan to assist in revitalization and redevelopment within the Redevelopment District.
- (d) Members of the agency shall be required to file Financial Disclosure forms.

**Sec. 2-61. Local Planning Agency.**

- (a) The local planning agency shall review rezoning and comprehensive plan amendments prior to such amendments being presented to the city commission, as provided in Section 163.3174, Florida Statutes, as amended from time to time. The agency shall also serve as the land development regulation commission and shall review proposed land development regulations, land development codes, or amendments thereto and make recommendations to the city commission as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, as provided in Section 163.3174, Florida Statutes.
- (b) The agency shall be comprised of the following:
  - 1. Historic Resources Preservation Board: The board shall be organized and shall operate in accordance with Sec. 23.2-7 of the Code.
  - 2. Planning & Zoning Board: The board shall be organized and shall operate in accordance with Sec. 23.2-8 of the Code.
- (c) Members of the agency shall be required to file Financial Disclosure forms.

**Division 4. - Decision-making Boards**

**Sec. 2-70. Construction Board of Adjustment & Appeals.**

- (a) The board shall be organized and shall operate in accordance with Section 113 of the city's local amendments to the Florida Building Code which have been adopted pursuant to Sec. 9-2.1 of this code.
- (b) The board shall serve as the local construction regulation board, as provided in Section 113 of the city's local amendments to the Florida Building Code and Section 489.113, Florida Statutes.
- (c) Members of the board shall be required to file financial disclosure forms.

- (d) The meetings of the board shall be called by the building official, as needed.
- (e) In the alternative, the city may enter into an interlocal agreement with another jurisdiction for the functions provided for in this section.

**Section 4:** Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6:** Codification. The sections of the ordinance shall be made a part of the City Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

**Section 7:** Effective Date. This ordinance shall become effective 10 days after passage.

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

Mayor Betty Resch  
 Vice Mayor Sarah Malega  
 Commissioner Christopher McVoy  
 Commissioner Mimi May  
 Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_ day of \_\_\_\_\_ 20256.

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

Mayor Betty Resch  
 Vice Mayor Sarah Malega  
 Commissioner Christopher McVoy  
 Commissioner Mimi May  
 Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_ day of \_\_\_\_\_ 20256.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
 Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, MMC, City Clerk

