

ORDINANCE NO. 2021-20 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 8, 2022, AS TO WHETHER SECTION 2 OF ARTICLE III OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE AMENDED TO PROVIDE TERM LIMITS FOR THE POSITIONS OF MAYOR AND COMMISSIONER; 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, currently the City's elected officials (i.e., mayor and commissioners) may serve an unlimited number of terms; and

WHEREAS, the City desires to provide for term limits for its elected officials which includes a limit of two (2) consecutive terms for the position of mayor and commissioner; and

WHEREAS, the offices of mayor and commissioner would be considered separate offices for the purpose of such consecutive term limits so that, for instance, an individual could serve two (2) consecutive terms as mayor and then two (2) consecutive terms as commissioner with an overall limit of serving twelve (12) consecutive years as an elected official; 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 Article III, Section 2 of the Charter of the City of Lake Worth Beach be amended to provide that no person may serve more than two (2) consecutive terms as mayor or commissioner wherein the offices of mayor and commissioners will be considered separate offices for the purpose of such consecutive term limits and with an overall limit of serving twelve (12) consecutive years as an elected official.

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 8th day of March, 2022, 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 “**Term Limits for Mayor and Commissioners.**”

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 ARTICLE III, SECTION 2 TO PROVIDE THAT NO PERSON MAY SERVE MORE THAN A MAXIMUM OF TWELVE CONSECUTIVE YEARS AS A CITY ELECTED OFFICIAL AND THAT NO PERSON MAY SERVE MORE THAN TWO CONSECUTIVE FULL TERMS AS MAYOR OR COMMISSIONER WHEREIN THE OFFICES OF MAYOR AND COMMISSIONER WILL BE CONSIDERED SEPARATE OFFICES FOR THE PURPOSE OF SUCH CONSECUTIVE TERM LIMITS?

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 III, Section 2 of the City Charter, then said Article and Section shall be amended to read as follows:

ARTICLE III. LEGISLATIVE

* * *

Sec. 2. – Election and terms.

On the second Tuesday in March a general election shall be held to elect members of the city commission every three years for Mayor and Commissioners from Districts 1 and 3 beginning in March 2018 and every three years for Commissioners from Districts 2 and 4 beginning in March 2019. The election of members of the city commission, except the mayor, shall be by districts to be known as Districts 1, 2, 3 and 4. The commissioners from Districts 2 and 4 shall be elected to three-year terms. Commissioners from Districts 1 and 3 shall be elected to three-year terms. The mayor shall be elected to a three-year term. No person may serve as mayor for more than two consecutive full terms, and no person may serve as commissioner for more than two consecutive full terms. The offices of mayor and commissioner will be considered separate offices for the purpose of such consecutive term limits. If a person serves two consecutive full terms in the same office, he or she may become eligible to serve in the same office again only after not serving as an elected (or an appointed) official in the city for twenty-three (23) months. Further, no person shall serve more than twelve (12) consecutive years as a city elected official. If a person serves twelve (12) consecutive years as a city elected official, he or she may become eligible to serve again only after not serving as an elected (or an appointed) official in the city for twenty-three (23) months. The term limits and twelve year maximum limit will be applicable to any individual elected to a full term of office on or after the March 2022 election. As used in this section, the term "appointed" means appointed to serve as a commissioner or mayor. The mayor and each commissioner shall serve until a successor has been duly qualified, elected and the election results certified by resolution of the city commission, or upon appointment, by resolution of the city commission. Such resolution shall be considered at the special meeting called to canvass the ballots, and shall be the order of business next following the canvass of ballots. Such special meeting shall be held no later than forty-eight hours after election results are furnished in writing to the city clerk by the supervisor of elections. No meeting shall be called, or business conducted by the city commission, except for emergency matters, after the polls close, until such time as the results of such election are canvassed.

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 11. 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 _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Herman Robinson
- Commissioner Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Kim Stokes

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2021.

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 Herman Robinson
- Commissioner Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Kim Stokes

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk