

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** August 19, 2025

**DEPARTMENT:** City Attorney/City Clerk

**TITLE:**

Potential charter amendments for the March 2026 election

**SUMMARY:**

According to Florida Statute 166.031, amendments to a municipality's charter must be submitted to its electors.

**BACKGROUND AND JUSTIFICATION:**

The March 2026 election will not include any seats on the Commission. This is a good opportunity to engage the City-wide electors regarding potential charter amendments. Any ballot questions must be submitted to the Supervisor of Elections by December 5, 2025.

Potential charter amendments that have been identified are as follows:

Article II, Section 3. – City-owned property east of the A1A roadway.

This Section prohibits City-owned property east of the A1A roadway from being declared surplus, sold, hypothecated, conveyed or leased, except for a period of less than 30 years, without an affirmative vote of the City electors through referendum.

The limit on lease terms may be prohibitive of investment and redevelopment in the City. The Commission may consider putting forward a referendum question increasing the term for potential leases of such property to 50 or 75 years. The Commission may consider making the question specific to a certain property or properties, certain use or uses or related to a specific project.

Article II, Section 4. – Sale of parks, city-owned waterfront property, and city-owned downtown property only by referendum.

Similar to the language in Section 3, this Section prohibits City-owned property west of the A1A roadway to the Lake Worth Lagoon, city-property including parking lots within downtown Lake Worth, and public parks within the City of Lake Worth from being declared surplus, sold, hypothecated, conveyed or leased, except for a period of less than 20 years, without an affirmative vote of the City electors through referendum.

The limit on lease terms may be prohibitive of investment and redevelopment in the City. The Commission may consider putting forward a referendum question increasing the term for potential leases of such property to 50 or 75 years. The Commission may consider making the question specific to a certain property or properties, certain use or uses or related to a specific project.

Article III, Section 2. – Election and terms.

This Section establishes the term limits for elected officials. Currently, Commissioners and the Mayor are elected for 3-year terms and may serve no more than two (2) consecutive terms as Commissioner or Mayor, respectively, and no more than twelve (12) consecutive years as a City elected official. These term limits and twelve year maximum limit became applicable to any individual elected to a full term of office on or after the March 2022 election.

The Commission has discussed changing the term limits to three (3) consecutive terms, which would change the combined term limit to eighteen (18) years. The Commission may consider putting forward a referendum question to have the election terms amended.

#### Article III, Section 2. – Election and terms.

This Section also requires election results be certified by the City Commission.

Several years ago, the County Supervisor of Elections informed the municipalities that she would be unable to sit on each municipality's canvassing board and requested that the municipalities utilize the County Canvassing Board instead. Since the City has the County Canvassing Board canvass the City's elections, the County Supervisor of Elections certifies the results of the elections. The Commission may consider putting forward a referendum question to have election results certified by the County Supervisor of Elections.

#### Article IV, Section 10. – Police and fire departments.

This Section sets forth provisions related to the City's police and fire departments.

The City no longer has police or fire departments. The Commission may consider putting forward a referendum question to delete this Section from the Charter. These or similar provisions could be adopted by Ordinance into the City's Code at a later time if the City decides to re-constitute the police and/or fire departments.

#### Article IV, Section 11. – Building height limitation.

This Section prohibits buildings, or parts thereof, within the City from exceeding vertical height measurements as follows:

East of Dixie Highway: 65 feet above grade

West of Dixie Highway: 100 feet above grade

North of 1<sup>st</sup> Avenue S and South of Lake Avenue and East of South Lakeside Drive and West of South Golfview Road: 87 feet, matching the existing Gulfstream Hotel

The limits on building heights may be prohibitive of investment and redevelopment in the City. The Commission may consider putting forward a referendum question increasing the maximum height allowance(s). The Commission may also consider putting forward a referendum question adding a maximum height allowance for properties West of I-95 that is higher than the current allowances. The Commission may consider making the question specific to a certain property or properties, certain use or uses or related to a specific project.

Section 163.3167(8)(b), Florida Statutes, prohibits the use of an "initiative or referendum process in regard to any land development regulation". This provision was added by the Legislature in 2023. Due to this language, the City may face a challenge to any referendum that amends the existing height provisions in the Charter. The City Commission may consider putting forward a referendum question to remove the building height limitations out of the Charter and put them in the Comprehensive Plan and/or the Land Development Regulations.

#### Article V, Section 4. – General, special and run-off elections.

This Section requires receipt of a majority of the votes cast for a candidate to be declared to be duly elected and that if no candidate for a particular office receives a majority, a run-off election will be held.

Each run-off election costs the City over \$52,500. The Commission may consider putting forward a referendum question to change the vote requirement to be the greatest number of votes.

According to Wendy Link, Palm Beach County Supervisor of Elections (who will be speaking at the September 16 commission meeting), Regarding how many referendum questions to have on the ballot, there could be a significant cost involved if we are forced to go to another page. The City would have to pay for the full cost associated with a second page for the whole election. The other consideration is that voters do not like having a two page ballot. The SOE's office always tries to put everything on one page because of the confusion it causes – some voters turn in only one page if they don't care what is on the second page and it skews the numbers in terms of under votes or votes for the second page – there just are not votes, so the questions on the second page have different numbers. Additionally, there is voter fatigue (it's a real thing) so with that many amendments, the order will matter a lot in terms of how many votes each gets.

**DIRECTION:**

Direction is necessary regarding potential charter amendments for the March 2026 ballot. An Ordinance for each referendum question authorized by the Commission will be placed on a future agenda for consideration.

**ATTACHMENT(S):**

N/A