

ORDINANCE NO. 2025-19 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TO BE HELD ON MARCH 10, 2026, AS TO WHETHER SECTION 10 OF ARTICLE IV OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE REPEALED; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE VOTERS; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, CODIFICATION SHOULD THE REFERENDUM PASS; REPEAL OF 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, Article IV, Section 10 of the City's Charter currently provides for police and fire departments of the City; and

WHEREAS, the City ceased operation of its police and fire departments in 2008 and transitioned to contracted services through Palm Beach County Sheriff's Office and Palm Beach County Fire Rescue; 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(the "Referendum") on the question of whether Article IV, Section 10 of the Charter of the City of Lake Worth Beach be repealed.

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

Section 1. Findings adopted. That 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 10<sup>th</sup> day of March 2026, 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 3, 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 "City Police and Fire Departments."

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 on the county's website as provided in Section 50.0311, Florida Statutes, and the City's website, 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:

**In recognizing that the City no longer has a City Police or Fire Department and to eliminate any confusion, shall Article IV, Section 10 of the City of Lake Worth Beach Charter (Police and Fire Departments) be repealed?**

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

#### **ARTICLE IV. ADMINISTRATIVE**

\* \* \*

##### **Sec. 10. Reserved. ~~Police and fire departments.~~**

~~(a) System ratified. The civil service system, as adopted pursuant to Chapter 17166, Laws of Florida, is hereby ratified and adopted and by reference made a part hereof.~~

~~(b) Certain appointive officers. The eligible lists for police chief and fire chief shall be open to all qualified persons, regardless of whether they are employed in the police department or fire department, as the case may be. Appointments to the positions of police chief and fire chief shall be made by the city manager and shall not be subject to final approval by the civil service board.~~

~~(c) The police and fire chief residency shall be established by ordinance.~~

~~(d) All persons regularly employed by a municipality as police officers or fire officers, excluding those holding the rank of police chief, deputy police chief, major and captain in the police department and fire chief, deputy fire chief and assistant fire chief and those persons who are members of the police and fire departments engaged in clerical work solely for said police and fire departments, shall be construed to come within the provisions of this act, but this act shall not include any officer or person employed for temporary duty only. Notwithstanding the preceding sentence, all persons holding the rank of police chief, deputy police chief, major and captain in the police department and fire chief, deputy fire chief, and assistant fire chief on the effective date of the exclusion of such ranks from the provisions of this act shall continue to come within the provisions of this act, unless and until they are promoted to a higher rank within the department. Employees of the municipality, coming within the provisions of this act, shall be employed and retained in employment and advanced to any higher grade on merit and fitness only, and the merit and fitness of any applicant for said departments, or for advancement therein, shall be determined by competitive examination, as hereinafter provided.~~

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. Upon the passage of the Referendum, as set out in this ordinance, the Charter amendment 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 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 \_\_\_\_\_ 2025.

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 and enacted on the \_\_\_\_ day of \_\_\_\_\_ 2025.

LAKE WORTH BEACH CITY COMMISSION

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

ATTEST:

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