

RESOLUTION NO. 26-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CHARTER REVIEW COMMITTEE TO PROVIDE FOR COMMISSION SELECTION AND APPROVAL OF ALL APPOINTMENTS TO THE COMMITTEE AND FOR OTHER PURPOSES; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS AND FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Lake Worth Beach recognizes the necessity of amending sections of the City Charter from time to time to take into account changes in technology, law, financial matters, and other factors which may necessitate or facilitate the need for amendments to the City Charter; and

WHEREAS, on January 19, 2021, the City Commission adopted Resolution No. 02-2021, which established a Charter Review Committee ("Committee") and set forth the composition and duties of the Committee; and

WHEREAS, the City Commission at its May 6, 2021 work session expressed its desire to have the Committee members appointed by the City Commission as a body and not by individual Commission members; and

WHEREAS, the City Commission also expressed its desire to receive applications for Committee membership by no later than May 21, 2021, 12:00 p.m. (noon) and hold a special meeting on May 25, 2021 to interview and appoint the Committee members; and

WHEREAS, two members of the City Commission have made appointments to the Committee, which City Commission members agreed to request that those Committee appointees withdraw their applications and re-submit for consideration as a Committee member to be appointed by the City Commission as a body; and

WHEREAS, the City Commission desires to amend Resolution No. 02-2021 to address the City Commission's above stated desires and agreements; and

WHEREAS, the City Commission has determined that amending Resolution No. 02-2021 as set forth herein is in the best interests of the City and serves a valid public purpose.

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

Section 1. The above recitals are incorporated into this resolution as true and correct findings of the City Commission.

Section 2. The following amendments are made to Resolution No. 02-2021, which established the City's Charter Review Committee (underlined language is added and struck-through language is deleted):

Section 3. Composition of Charter Review Committee. The Charter Review Committee shall consist of five (5) City resident and/or City business owner members appointed by the City Commission as a body. Applications for membership on the Committee shall be submitted to the City Clerk's Office via e-mail to mcoyne@lakeworthbeachfl.gov by no later than 12:00 p.m. (noon) on May 21, 2021. The City Commission will interview and select the Committee members at a special meeting on May 25, 2021 at 4:00 p.m. at City Hall, 7 N. Dixie Highway, Lake Worth Beach, FL 33460. Persons interested in being selected for membership to the Committee are highly encouraged to timely submit their applications and attend the special meeting in person; however, appearance via electronic means is authorized. The Mayor and each Commissioner will recommend a member to be ratified by the entire Commission no later than _____, 202__. Appointed members shall serve without compensation. The appointed members shall serve until the Charter Review Committee submits its recommendation to the City Commission for consideration unless earlier removed by the City Commission. Thereafter, the Charter Review Committee will be automatically dissolved without further action. All Charter Review Committee members shall serve at the pleasure of the City Commission and may be removed at any time by the City Commission. Any vacancy created by the incapacity or resignation of a member shall be promptly filled by the City Commission in writing by the original maker of the appointment without the need for ratification.

Section 4. Objective of Charter Review Committee. The Charter Review Committee shall review the City Charter and provide a recommendation to the City Commission regarding proposed amendments to the City Charter. The Charter Review Committee shall consider proposed amendments which include, but are not limited to, term limits, resign to run restrictions, declarations of emergency, and more detailed procedures on vacancy appointments. The Charter Review Committee's recommendation shall be delivered to the City Clerk within 180 days of its first meeting unless an extension is granted by the City Manager in writing. The City Clerk will place the Charter Review Committee's recommendation on an upcoming City Commission regular meeting agenda. The City Commission shall review the recommendation of the Charter Review Committee and determine if any proposed amendments to the City Charter should be pursued by the City. Ultimately, the timing of any proposed amendment(s) to the Charter will be finalized by ordinance no later than early December 2021 in order to be placed on the March 2022 municipal election ballot by the Palm Beach County Supervisor of Elections.

Section 5. Meetings. The Charter Review Committee shall meet for the purpose organization within thirty (30) days of all members being appointed. The City Clerk shall organize the first meeting of the Charter Review Committee. At the initial meeting, the Charter Review Committee shall elect a Chair from its membership to lead the meetings and elect a Vice-Chair to act in the event the Chair is absent. The Charter Review Committee shall also elect a Secretary from its membership to take and maintain minutes of the Charter Review Committee meetings. The City Attorney will provide Sunshine Law and Public Records training to the Charter Review Committee at its first meeting.

Further meetings of the Charter Review Committee shall be held on the call of the Chair or a majority of the appointed members. All meetings of the Charter Review Committee shall be open to the public with reasonable notice of the date and time of the meetings. All meetings shall be held at City Hall in the Commission Chambers. The Charter Review Committee shall allow public comment at its meetings. Minutes of each meeting shall be taken and maintained by the Secretary. The Secretary shall send a copy of the minutes to the City Clerk for maintaining after the Charter Review Committee is dissolved.

A majority of the appointed members of the Charter Review Committee shall constitute a quorum. No City Charter amendment shall be submitted to the City Commission unless recommended by an affirmative vote of a majority of the appointed members.

The Charter Review Committee will be subject to Florida's Public Records Act, Chapter 119, Florida Statutes, and Florida's Sunshine Law, Section 286.011, Florida Statutes. Unless prohibited by law, the Charter Review Committee may adopt such other rules and procedures for its meetings as it deems desirable.

Section 6. Extraordinary Circumstances. If due to extraordinary circumstances (e.g., continuation of COVID-19 pandemic), the Charter Review Committee may use assistive technology to conduct its meeting without being physically present at City Hall (e.g., conduct the meetings via Zoom). Public comment may also be received via such technology or other format. Notice of such meetings shall identify how the meetings will be conducted and how public comment may be submitted or provided.

Section 7. Assistance. The City Manager, City Clerk, and City Attorney shall assist the Charter Review Committee as needed. Further staff or other professionals may be provided to assist the Charter Review Committee as needed.

Section 8. All members appointed to the Charter Review Committee before the adoption of this resolution are deemed withdrawn and such members are highly encouraged to re-apply for membership pursuant to the terms of this resolution.

Section 9. All resolutions in conflict herewith are hereby repealed.

Section 10. This resolution shall become effective upon its adoption.

The passage of this resolution was moved by Commissioner _____
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 resolution duly passed and adopted on this 18th day of May 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk