

Version # 2

ORDINANCE NO. 2025-22 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 4 OF ARTICLE II OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE AMENDED TO PROVIDE THAT CITY-OWNED PROPERTY WEST OF THE A1A ROADWAY TO THE LAGOON, DOWNTOWN, AND PUBLIC PARKS WITHIN THE CITY MAY BE LEASED FOR UP TO 99 YEARS; 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 II, Section 4 of the City's Charter currently provides that City-owned property West of the A1A roadway to the Lake Worth Lagoon, City-owned property including parking lots within downtown, and public parks within the City may not be leased, except for a lease of less than 20 years, without the affirmative vote of a majority of the electors of the City of Lake Worth at a properly noticed and scheduled referendum; and

WHEREAS, Article II, Section 4 of the City's Charter provides that "downtown" includes land bounded on the north by the south side of Second Avenue North, on the south by the north side of First Avenue South, on the East by the Lake Worth Lagoon, and on the west by the east side of Dixie Highway; and

WHEREAS, Article II, Section 4 of the City's Charter provides that "public parks" includes public land designated as Parks, Recreation and Open Space (PROS) and Public (P) future land use districts, City-owned land designated for public purposes, and City-owned land used by the public as parks; and

WHEREAS, the Commission desires to encourage private investment in and redevelopment of City-property; and

WHEREAS, if the City were authorized to enter into a lease for up to 99 years, the proceeds from such lease would be utilized to reduce the City's maintenance costs for City-owned properties and potentially be used to enhance and expand City facilities; 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 II, Section 4 of the Charter of the City of Lake Worth Beach be amended to provide that City-owned property West of the A1A roadway to the Lagoon, downtown, and public parks within the City may be leased for up to 99 years.

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 10th 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 parks and City-property downtown and West of A1A to the Lagoon."

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 order to encourage private investment in and redevelopment of City-owned property and reduce the City's maintenance costs of City facilities, shall Article II, Section 4 of the City of Lake Worth Beach Charter be amended to allow City-property West of A1A that is restricted in the Charter to be leased for up to 99 years?

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

ARTICLE II. TERRITORIAL BOUNDARIES; ELECTION PRECINCTS

* * *

Sec. 4. Sale of parks, city-owned waterfront property, and city-owned downtown property only by referendum.

City-owned property west of the A-1-A roadway to the Lake Worth Lagoon, city-owned property including parking lots within downtown Lake Worth Beach, and public parks within the City of Lake Worth Beach shall not be declared surplus property and shall not be sold, hypothecated, conveyed or leased, except for a lease of ~~less than 20~~ up to 99 years, without an affirmative vote of the qualified electors of the City of Lake Worth Beach. When such matters are submitted to a referendum, the commission shall pass a resolution calling for a referendum election or shall place the matter on the next scheduled ballot, provided the next ballot date is less than one year. This amendment shall become effective immediately upon approval by the electors of the City of Lake Worth Beach. Ordinance or parts of ordinances in conflict shall be repealed.

1. *Definitions.*

- a. *West of A-1-A Roadway* shall mean lands bounded on the east by State Road A-1-A, and on the west by the Lake Worth Lagoon estuary, including city-owned submerged coastal lands.
- b. *Downtown Lake Worth Beach* shall mean land bounded on the north by Second Avenue North (south side), on the south by First Avenue South (north side), on the East by Lake Worth Lagoon, and on the west by Dixie Highway (east side).
- c. *Public parks* shall mean public land designated as PROS District and P District in the Lake Worth Beach Comprehensive Plan, city-owned land designated for public purposes, and city-owned land used by the public as parks.

2. *Changes or amendments.* Changes or amendments to this publicly-voted charter amendment must be approved by a majority of the qualified electors of the City of Lake Worth Beach, voting at regular city, general or special elections.

3. *Interference in elective process.* The events described previously are considered matters of election and should be treated with the same respect. No officer, employee, board member, developer, realtor or citizen of the City of Lake Worth Beach shall interfere in a coercive manner with this ordinance or the election process described above or advise any potential recipient of public land to interfere in a coercive manner with the election process described above without facing the legal consequences described in the Election Code of the State of Florida as recited in Chapter 104 of the Florida Statutes, sections 104.011 through 104.46.

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 May, seconded by Commissioner Segrich, 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