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3 **ORDINANCE 2023-05 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, ADOPTING A SINGLE-MEMBER**
5 **ELECTION REDISTRICTING MAP; REPEALING ARTICLE II**
6 **“TERRITORIAL BOUNDARIES; ELECTION PRECINCTS,” SECTION 2**
7 **“ELECTION DISTRICTS” OF THE CHARTER AND ADOPTING A NEW**
8 **ARTICLE II “TERRITORIAL BOUNDARIES; ELECTION PRECINCTS,”**
9 **SECTION 2 “SINGLE-MEMBER ELECTION DISTRICTS” TO REFLECT**
10 **THE REDISTRICTING MAP AND ITS BOUNDARIES AND FOR OTHER**
11 **PURPOSES; AND PROVIDING FOR SEVERABILITY, CONFLICTS,**
12 **CODIFICATION AND AN EFFECTIVE DATE**

13
14 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
15 municipality having such power and authority conferred upon it by the Florida Constitution
16 and Chapter 166, Florida Statutes; and

17
18 **WHEREAS**, on March 8, 2022, the qualified voters of the City approved, by
19 referendum, an amendment to the City’s Charter changing the at-large voting system to
20 a single-member district voting system (Ordinance No. 2021-22); and

21
22 **WHEREAS**, to implement the single-member districts and to comply with the
23 Voting Rights Act of 1965 and the Equal Protection Clause of the United States
24 Constitution (14th Amendment), the City Commission began the process of evaluating the
25 City’s four (4) at-large election districts based on apportionment data from the US Census
26 Bureau; and

27
28 **WHEREAS**, the City contracted with Florida Atlantic University (FAU) to conduct
29 an analysis of the current at-large election districts to determine if the City needed to
30 amend the district boundaries due to changes in population; and

31
32 **WHEREAS**, the Equal Protection Clause requires “an honest and good faith effort
33 to construct districts...as nearly of equal population as is practicable” *See Reynolds v.*
34 *Sims*, 377 U.S. 533 (1964); and

35
36 **WHEREAS**, based on data from the 2020 US Census, FAU conducted a
37 population analysis and presented a total of five (5) map alternatives for the purposes of
38 redistricting to the City Commission; and

39
40 **WHEREAS**, according to FAU’s “Final Consultant Report: Redistricting
41 Alternatives for the City of Lake Worth Beach” dated December 19, 2022 (“Final
42 Consultant Report”), “Based on 2020 data, the election districts have a total deviation of
43 133.31% and a spread between the largest and smallest districts of 72.10%. Based on
44 the 2020 Census Block data, the current districts are well above the 10% deviation
45 (spread) threshold used to evaluate election districts for population equity”; and

46
47 **WHEREAS**, the City Commission considered and discussed FAU’s initial “District
48 Analysis” that was presented at the September 12, 2022, work session; and
49

50 **WHEREAS**, alternative maps were considered by the City Commission at the City
51 Commission meetings on October 6, 2022, November 1, 2022, January 3, 2023, and
52 February 7, 2023; and the maps were also presented at separate public meetings held
53 on October 13, 2022, October 15, 2022, and February 4, 2023; and

54
55 **WHEREAS**, to increase public access to the redistricting process, the City also
56 created a webpage to disseminate the redistricting map alternatives, reports, and public
57 comments; and

58
59 **WHEREAS**, the City Commission voted to adopt “City of Lake Worth Beach
60 Alternative Districts: Option 5” at its February 7, 2023, meeting; and

61
62 **WHEREAS**, the City Commission finds and declares that the adoption of this
63 ordinance is appropriate; the establishment of single-member districts is made necessary
64 based upon (1) the City’s electors’ approval of single-member district voting in Ordinance
65 No. 2021-22 (referendum) and (2) FAU’s findings that the current at-large election districts
66 are well above the 10% deviation allowed under the Voting Rights Act (and the Equal
67 Protection Clause of the Fourteenth Amendment of the United States Constitution); the
68 adoption serves a public purpose and is in the best interest of the health, safety and
69 welfare of the City, its residents and visitors.

70
71 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
72 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

73
74 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
75 being true and correct and are made a specific part of this ordinance as if set forth herein.

76
77 **Section 2:** The City Commission hereby adopts the findings, conclusions, and
78 recommendations prepared by FAU in its Final Consultant Report, and the same is
79 incorporated herein by this reference and made a part hereof. The City Commission
80 hereby adopts FAU’s “City of Lake Worth Beach Alternative Districts: Option 5” (“Map 5”),
81 as recommended, for the establishment of its single-member election districts. Map 5 is
82 attached hereto as **Exhibit A** and is incorporated herein, and such map is hereby
83 established as the current single-member election district boundaries within the limits of
84 the City and shall continue until redistricting occurs. All candidates for the March 2024
85 municipal election are hereby required to comply with Map 5’s single-member districts.

86
87 **Section 3:** Article II “Territorial Boundaries; Election Precincts,” Section 2
88 “Election districts” of the City of Lake Worth Beach Charter is hereby repealed in full.

89
90 **Section 4:** Article II “Territorial Boundaries; Election Precincts,” Section 2
91 “Single-member election districts” of the City of Lake Worth Beach Charter is hereby
92 adopted to read as follows:

93
94 Sec. 2. – Single-member election districts.
95 To implement single-member district voting set forth in Article III, Section 1 of the
96 Charter, the boundaries for each of the four (4) single-member election districts of the
97 City of Lake Worth Beach are hereby established as follows:

98 (1) District No. 1. COMMENCING at the centerline intersection of Lake Worth
99 Road and the centerline of I-95; thence run westerly along the centerline of
100 Lake Worth Road to the city's western corporate limits and the POINT OF
101 BEGINNING; thence run easterly along the centerline of Lake Worth Road to
102 the centerline intersection of South A Street; thence run southerly along the
103 centerline of South A Street to the centerline intersection of 4th Avenue South;
104 thence run easterly along the centerline of said 4th Avenue South to centerline
105 intersection of the FEC Railway; thence run southerly and easterly along the
106 centerline of said FEC Railway to the city's southern corporate limits; thence
107 run westerly and northerly along the city's southern and western corporate
108 limits to the POINT OF BEGINNING.

109 (2) District No. 2. COMMENCING at the centerline intersection of Lake Worth
110 Road and the centerline of I-95; thence run westerly along the centerline of
111 Lake Worth Road to the city's western corporate limits and the POINT OF
112 BEGINNING; thence run easterly along the centerline of Lake Worth Road to
113 the centerline intersection of North A Street; thence run northerly along the
114 centerline of North A Street to the centerline intersection of 10th Avenue North;
115 thence run easterly along the centerline of 10th Avenue North to the centerline
116 intersection of Dixie Highway; thence run northerly along the centerline of
117 Dixie Highway to the city's northern corporate limits; thence run westerly,
118 southerly and easterly along the city's northern and western corporate limits
119 to the POINT OF BEGINNING.

120 (3) District No. 3. BEGINNING at the centerline intersection of Lake Worth Road
121 and North A Street; thence run northerly along the centerline of North A Street
122 to the centerline intersection of 10th Avenue North; thence run easterly along
123 the centerline of 10th Avenue North to the centerline intersection of Dixie
124 Highway; thence run northerly along the centerline of Dixie Highway to the
125 city's northern corporate limits; thence run easterly and southerly along the
126 city's northern and eastern corporate limits to the centerline intersection of the
127 city's eastern corporate limits and the easterly extension of 7th Avenue North;
128 thence run westerly along the centerline of 7th Avenue North to the centerline
129 intersection of North Federal Highway; thence run southerly along the
130 centerline of North Federal Highway to the centerline intersection of Lucerne
131 Avenue; thence run westerly along the centerline of Lucerne Avenue to the
132 POINT OF BEGINNING.

133 (4) District No. 4. BEGINNING at the centerline intersection of Lake Worth Road
134 and South A Street; thence run southerly along the centerline of South A
135 Street to the centerline intersection of 4th Avenue South; thence run easterly
136 along the centerline of said 4th Avenue South to centerline intersection of the
137 FEC Railway; thence run southerly and easterly along the centerline of said
138 FEC Railway to the city's southern corporate limits; thence run easterly and
139 northerly along the city's southern and eastern corporate limits to the
140 centerline intersection of the city's eastern corporate limits and the easterly
141 extension of 7th Avenue North; thence run westerly along the centerline of 7th
142 Avenue North to the centerline intersection of North Federal Highway; thence
143 run southerly along the centerline of North Federal Highway to the centerline

144 intersection of Lucerne Avenue; thence run westerly along the centerline of
145 Lucerne Avenue to the POINT OF BEGINNING.

146 The City of Lake Worth Beach's single-member election districts, as described
147 above, are depicted in the Alternative Districts Option 5 map adopted in Ordinance No.
148 2023-05. Said ordinance shall remain on file in the Office of the City Clerk and shall be
149 available for inspection by the public upon request.

150
151 **Section 5:** The City Manager or designee, with the assistance of the City Clerk,
152 is hereby authorized and directed to transmit the following to the Palm Beach County
153 Supervisor of Elections (the "Supervisor") upon adoption: (1) a certified copy of this
154 Ordinance along with **Exhibit A**; (2) a paper copy and shapefile of the redistricting map;
155 and (3) and any other document required by the Supervisor.

156
157 **Section 6:** Severability. If any section, subsection, sentence, clause, phrase or
158 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
159 competent jurisdiction, such portion shall be deemed a separate, distinct, and
160 independent provision, and such holding shall not affect the validity of the remaining
161 portions thereof.

162
163 **Section 7:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
164 conflict herewith are hereby repealed to the extent of such conflict.

165
166 **Section 8:** Codification. The sections of the ordinance may be made a part of
167 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
168 accomplish such, and the word "ordinance" may be changed to "section", "division", or
169 any other appropriate word.

170
171 **Section 9:** Effective Date. This ordinance shall become effective 10 days after
172 passage.

173
174 The passage of this ordinance on first reading was moved by _____, seconded by
175 _____, and upon being put to a vote, the vote was as follows:

- 176
177 Mayor Betty Resch
178 Vice Mayor Christopher McVoy
179 Commissioner Sarah Malega
180 Commissioner Kimberly Stokes
181 Commissioner Reinaldo Diaz

182
183 The Mayor thereupon declared this ordinance duly passed on first reading on the
184 ____ day of _____, 2023.

185
186
187 The passage of this ordinance on second reading was moved by
188 _____, seconded by _____, and upon being put to a vote,
189 the vote was as follows:

190
191

192 Mayor Betty Resch
193 Vice Mayor Christopher McVoy
194 Commissioner Sarah Malega
195 Commissioner Kimberly Stokes
196 Commissioner Reinaldo Diaz

197

198 The Mayor thereupon declared this ordinance duly passed on the _____ day of
199 _____, 2023.

200

LAKE WORTH BEACH CITY COMMISSION

201

202

203

By: _____
Betty Resch, Mayor

204

205

206 ATTEST:

207

208

209

210 _____
Melissa Ann Coyne, CMC, City Clerk