

ORDINANCE NO. 2024-1036

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, SUBMITTING TO REFERENDUM A PROPOSAL 2, WHICH IS AN AMENDMENT TO ARTICLE II, ENTITLED "FORM OF MUNICIPAL GOVERNMENT," SUBPARAGRAPH (F) OF SECTION 2, ENTITLED "THE COMMISSION AND LEGISLATION," OF THE CHARTER OF THE CITY OF LIGHTHOUSE POINT TO PROVIDE THAT IN THE EVENT OF A VACANCY IN THE OFFICE OF COMMISSIONER, THE VACANCY SHALL BE FILLED BY APPOINTMENT BY THE CITY COMMISSION OF AN APPOINTED COMMISSIONER AND THE REMAINING TERM SHALL BE FILLED AT EITHER THE NEXT GENERAL MUNICIPAL ELECTION OR A SPECIAL ELECTION TO BE HELD WITHIN TWO YEARS OF THE APPOINTMENT OF THE APPOINTED COMMISSIONER, PROVIDED THAT A SPECIAL ELECTION SHALL BE HELD IF THE CITY COMMISSION FAILS TO MAKE AN APPOINTMENT WITHIN SIXTY (60) DAYS OF THE VACANCY; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AT A SPECIAL ELECTION TO BE CONDUCTED ON NOVEMBER 5, 2024, IN CONJUNCTION WITH THE STATE OF FLORIDA GENERAL ELECTION, AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Lighthouse Point, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Commission of the City of Lighthouse Point, Florida, in an ordinance format; and

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WHEREAS, the City's Charter was reviewed by a Charter Review Committee, who recommended that the City Charter be amended related to filling the vacancy in the office of Commissioner; and,

WHEREAS, the City Commission reviewed the proposal and after providing direction on the text of the proposal recommends that the proposed amendment to the City's Charter be put before the registered voters of the City in a duly called referendum at a Special Election on November 5, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Charter of the City of Lighthouse Point shall be amended as follows:

Article II, entitled "Form of Municipal Government" Section 2, entitled "The commission and legislation," subparagraph (f) of the Charter of the City of Lighthouse Point, Florida, shall be amended as follows:

ARTICLE II. - FORM OF MUNICIPAL GOVERNMENT

Section 2. – The commission and legislation. . . .

(f) Filling commission vacancies: When a vacancy on the commission occurs for any reason, the commission shall within sixty (60) days, by majority vote, ~~elect~~**appoint** a person having the qualifications for the office of commissioner~~er~~, ~~hereinafter referred to for purposes of this section only as appointed commissioner. to fill the vacancy until the next regular election~~ **The appointed commissioner shall serve as a commissioner until the next General Municipal Election, at which time the election to fill the unexpired term for the vacated commissioner shall occur. Then at the next general election, the vacancy shall be filled for the unexpired term** However, if the next General Municipal Election is less than ninety (90) days from the date of the appointment of the appointed commissioner, then the appointed commissioner shall serve as commissioner until the

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following General Municipal Election or Special Election authorized by the commission, as long as the Special Election is held within two (2) years from the date of the appointment of the appointed commissioner.

Notwithstanding above, if the commission fails to ~~fill a~~ appoint an appointed commissioner ~~vacancy~~ within sixty (60) days, a ~~s~~Special ~~e~~Election shall be held to fill the vacancy to fill the unexpired term of the office of commissioner.

Section 3. The Ballot Title shall be as follows:

CITY OF LIGHTHOUSE POINT CHARTER AMENDMENT PROPOSAL NO. 2
– FILLING A COMMISSION VACANCY

Section 4. At a Special Election to be conducted with the State of Florida General Election to be conducted in Broward County on November 5, 2024, the following question shall be placed on the ballot for consideration by the qualified electors of the City of Lighthouse Point, Florida, and shall read as follows:

Shall the Charter be amended to provide that upon a vacancy in the office of commissioner, a person appointed by the commission to fill the vacancy shall serve until the next General Municipal Election as long as such election is held within 90 days of appointment, and also provide upon vacancy in the office of commissioner, authority of the commission to hold a Special Election within two years from the date of appointment of commissioner?

YES ☐ NO ☐

Section 5. Advertisement. The City Clerk of the City of Lighthouse Point is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of Lighthouse Point, Florida, as well as the State of Florida Election Code.

Section 6. Referendum Election. Pursuant to Section 166.031(1), Florida Statutes, the City Commission of the City of Lighthouse Point hereby calls a Special Election to be conducted with the State of Florida General Election on November 5, 2024, for the purpose of placing the referendum

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to a vote of the electors of the City of Lighthouse Point.

Section 7. Place of Election. The election shall be conducted within the geographical limits of the City, at polling locations determined in conjunction with the Broward County Supervisor of Elections.

Section 8. Codification.

It is the intention of the City Commission of the City of Lighthouse Point, that upon approval by the electorate of the City at the November 5, 2024, election, the provisions of Section 2 of this Ordinance shall become and be made a part of the Charter of the City of Lighthouse Point, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 9. Severability.

If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 10. Conflicts.

That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 11. Effective Date.

That this Ordinance shall take effect immediately upon adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the City at the November 5, 2024, election.

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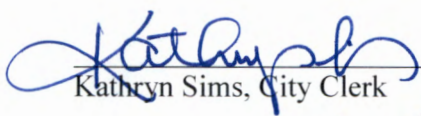
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PASSED AND ADOPTED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THIS 23 DAY OF April, 2024.

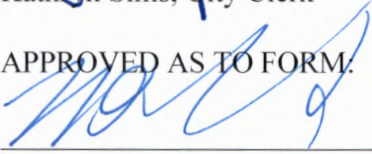
PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA THIS 14 DAY OF May, 2024.


Michael S. Long, Commission President

ATTEST:


Kathryn Sims, City Clerk

APPROVED AS TO FORM:


Office of the City Attorney

	Yes	No	Absent
Commission President Michael S. Long	<input checked="" type="checkbox"/>		
Commission Vice President Patty Petrone	<input checked="" type="checkbox"/>		
Commissioner Jason D. Joffe			<input checked="" type="checkbox"/>
Commissioner Everett Marshall	<input checked="" type="checkbox"/>		
Commissioner Abby J. Stafford	<input checked="" type="checkbox"/>		

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Business Impact Estimate

This form should be included in the agenda backup for ordinances on first reading, and must be posted on the City's website by the time notice of the proposed ordinance is published.

Ordinance title/reference:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, SUBMITTING TO REFERENDUM A PROPOSAL 2, WHICH IS AN AMENDMENT TO ARTICLE II, ENTITLED "FORM OF MUNICIPAL GOVERNMENT," SUBPARAGRAPH (F) OF SECTION 2, ENTITLED "THE COMMISSION AND LEGISLATION," OF THE CHARTER OF THE CITY OF LIGHTHOUSE POINT TO PROVIDE THAT IN THE EVENT OF A VACANCY IN THE OFFICE OF COMMISSIONER, THE VACANCY SHALL BE FILLED BY APPOINTMENT BY THE CITY COMMISSION OF AN APPOINTED COMMISSIONER AND THE REMAINING

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the City;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The public purpose is to provide for a referendum on a proposed amendment to the City's charter

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Lighthouse Point:

None

3. Estimate of direct compliance costs that businesses may reasonably incur:

None

4. Any new charge or fee imposed by the proposed ordinance:

None

5. Estimate of the City of Lighthouse Point's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

None

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

None

7. Additional information (if any):

Prepared by: Michael D. Cirullo, Jr., City Attorney
Name and Title

Date: April 23, 2024

CITY OF LIGHTHOUSE POINT, FLORIDA
CITY COMMISSION AGENDA ITEM REPORT
DATE OF COMMISSION MEETING – May 14, 2024

AGENDA ITEM NO. - 5

PREPARED BY – Michael D Cirullo, Jr., City Attorney ADMINISTRATOR APPROVAL - PC

SUBJECT: Second Reading and Public Hearing of Ordinance 2024-1036 on referendum for Charter Amendment Proposal 2 – Vacancy in the Office of Commissioner.

1. BACKGROUND/HISTORY

At its September 12, 2022, City Commission meeting, consensus of the City Commission was for the Commission to establish the framework for a Charter Review Committee.

At its October 25, 2022, meeting, the City Commission appointed the Charter Review Committee.

At its January 9, 2024, meeting, the City Commission received the Final Report of the Charter Review Committee. There are nine (9) proposals for ballot questions proposed by the Charter Review Committee.

The City Commission conducted two workshops on March 12, 2024 and April 3, 2024, to review the proposed charter amendments, including the wording of the proposed questions for the ballots and the proposed changes to the current charter. The City Commission decided to proceed with seven (7) of the proposals as Charter Amendments, and two (2) as ordinances.

All Charter Amendments were approved on First Reading at the April 24, 2024 City Commission meeting.

2. FINDINGS/CURRENT ACTIVITY

Proposal 2 relates to the process of filling a vacancy in the office of Commissioner. The City Commission came to consensus at the April 3, 2024, workshop on revised language for the ballot question and the revisions to be proposed in the charter.

If the proposal is approved by the electorate, the City's Charter will provide that in the event of a vacancy in the office of Commissioner, the City Commission shall appoint a qualified person within 60 days of the vacancy to fill the vacancy until the next General Municipal Election as long as such election is held within 90 days of appointment, and also provide upon vacancy in the office of Commissioner, for the authority of the Commission to hold a Special Election within two years from the date of appointment of Commissioner. If the City Commission is unable to make an appointment within 60 days, the City Commission is required to schedule a Special Election to fill the vacancy.

The proposed ordinance authorizes the referendum on the proposal at a Special Election to coincide with the November 5, 2024, statewide General Election. The ordinance also sets forth the language for the ballot title and the language for the referendum question.

The ballot deadline for the November 5, 2024, General Election is June 10, 2024. As a result, the ordinances authorizing the proposals to go to referendum must be adopted no later than the May 28, 2024, City Commission meeting.

3. ATTACHMENTS

Ordinance 2024-1036
Business Impact Statement

4. FINANCIAL IMPACT

The City is responsible for its incremental costs associated with ballot access for the November 5, 2024, statewide General Election. The Broward County Supervisor of Elections has provided an estimate of costs to the city, which is a minimum of \$5,520.00. However, the City will be charged an additional \$1,180.00 per additional ballot page, and the Supervisor of Elections cannot advise of the required number of pages for the City until it receives the ballot information.

5. ACTION OPTIONS/RECOMMENDATION

Recommend that the City Commission conduct a public hearing and consider Ordinance 2024-1036 on second reading for Proposal 2, proposing amendments to the City's Charter relating to vacancy in the office of Commissioner and providing for a Special Election to be conducted on November 5, 2024, for the referendum on the proposal.