

**ORDINANCE NO. 2024-1038**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, SUBMITTING TO REFERENDUM A PROPOSAL 4, WHICH AMENDS THE CITY CHARTER BY AMENDING ARTICLE II, ENTITLED “FORM OF MUNICIPAL GOVERNMENT,” SECTION 1, ENTITLED “THE MAYOR,” TO UPDATE TITLES FOR DEPARTMENT HEADS AND REMOVE REFERENCE TO THE CITY ATTORNEY; AMENDING ARTICLE III, ENTITLED “FINANCE,” TO UPDATE THE TITLE OF THE DEPARTMENT HEAD; AND AMENDING ARTICLE VI, ENTITLED “POLICE, FIRE AND BUILDING DEPARTMENT[S], MUNICIPAL JUDGE, MUNICIPAL COURT; [RECREATION DEPARTMENT]” TO RENAME THE ARTICLE TO “DEPARTMENTS,” AND TO AMEND REFERENCES TO DEPARTMENT HEADS TO CURRENT TITLES BEING UTILIZED IN THE CITY; 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**, 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 to rename the titles of the departments heads within the City to provide for the current titles being utilized in the City, and to remove the city attorney from the executive branch; and,

**WHEREAS**, the City Commission reviewed the proposal and 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;" Article III, entitled "Finance;" and Article VI, currently entitled "Police, Fire and Building Department[s]; Municipal Judge, Municipal Court; [Recreation Department], shall be amended as follows:

## **ARTICLE II. – FORM OF MUNICIPAL GOVERNMENT**

### **Section 1. The mayor.**

...

(f) *Organization to the executive branch:* The executive branch shall be comprised of the office of mayor, city administrator, and the following department heads: ~~community development services director~~, finance director, fire chief, city clerk, chief of police, ~~city attorney~~, parks and recreation director, public works director, and librarian library director.

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(h) ~~City treasurer~~ *Finance director*: The ~~city treasurer~~ *finance director* shall be appointed by the mayor, subject to confirmation of appointment by a majority vote of the city commission and ~~he~~ shall serve until ~~his~~ successor is appointed.

### ARTICLE III. – FINANCE

#### Section 1. – Finance department.

The head of the finance department shall be the ~~city treasurer~~ *finance director*, who shall be appointed by the mayor subject to the approval of the city commission.

### ARTICLE VI. – ~~POLICE, FIRE AND BUILDING DEPARTMENT[S]; MUNICIPAL JUDGE, MUNICIPAL COURT; [RECREATION DEPARTMENT]~~ DEPARTMENTS

...

#### ~~Section 3.— Building and zoning department.~~

~~There is hereby established the building and zoning department of the City of Lighthouse Point.~~

#### ~~Section 4.— Municipal judge.~~

#### ~~Section 5.— Municipal court.~~

#### Section 3. Library.

The head of the library shall be the library director who shall be appointed by the mayor subject to the approval of the city commission.

#### Section 46. – Recreation department. Parks and Recreation

The head of ~~the recreation department~~ *parks and recreation* shall be the *parks and* recreation director, who shall be appointed by the mayor subject to the approval of the city commission, ~~of the appointment as well as the compensation.~~

#### Section 5. – Public Works Department

The head of the public works department shall be the public works director, who shall be appointed by the mayor subject to the approval of the city commission.

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Section 3. The Ballot Title shall be as follows:

CITY OF LIGHTHOUSE POINT CHARTER AMENDMENT PROPOSAL NO. 4 –  
REPLACEMENT OF TITLES OF THE DEPARTMENT HEADS AND REMOVAL OF CITY  
ATTORNEY FROM EXECUTIVE BRANCH

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 rename the titles of the department heads within the City to provide for the current titles being utilized in the City and remove the city attorney from the executive branch?

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 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.

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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.

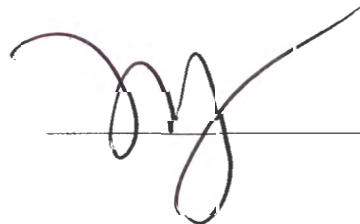
That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

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.

**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.**

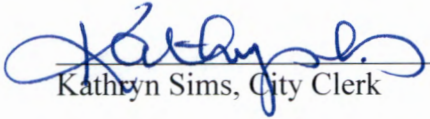
  
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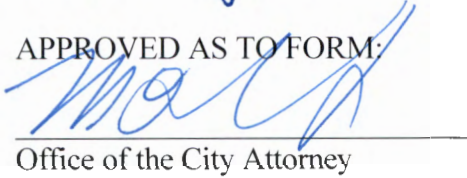
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Michael S. Long, Commission President

ATTEST:

  
Kathryn Sims, City Clerk

APPROVED AS TO FORM:

  
Office of the City Attorney

Commission President Michael S. Long  
Commission Vice President Patty Petrone  
Commissioner Jason D. Joffe  
Commissioner Everett Marshall  
Commissioner Abby J. Stafford

Yes	No	Absent
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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 4, WHICH AMENDS THE CITY CHARTER BY AMENDING ARTICLE II, ENTITLED "FORM OF MUNICIPAL GOVERNMENT," SECTION 1, ENTITLED "THE MAYOR," TO UPDATE TITLES FOR DEPARTMENT HEADS AND REMOVE REFERENCE TO THE CITY ATTORNEY; AMENDING ARTICLE III, ENTITLED "FINANCE," TO UPDATE THE TITLE OF THE DEPARTMENT HEAD; AND AMENDING ARTICLE VI, ENTITLED "POLICE, FIRE AND BUILDING DEPARTMENT[S], MUNICIPAL JUDGE, MUNICIPAL COURT; +

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. - 7**

**PREPARED BY – Michael D Cirullo, Jr., City Attorney**

**DIRECTOR APPROVAL - \_\_\_\_\_**  
**ADMINISTRATOR APPROVAL - PC**

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**SUBJECT:** Second Reading and Public Hearing of Ordinance 2024-1038 on referendum for Charter Amendment Proposal 4 – Replacement of Titles of the Department Heads and Removal of City Attorney from Executive Branch

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**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 4 relates to the replacement of titles of the Department Heads and removal of City Attorney from Executive Branch

If the proposal is approved by the electorate, the City Attorney will be removed from the executive branch, obsolete and unused department head titles will be removed, titles of department heads will be revised to current terms, Article VI will be renamed to "Departments," and the Library and Public Works Department will be added as departments of the City.

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 2024-1038  
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 2024-1038 on second reading for Proposal 4, proposing amendments to the City's Charter relating to replacement of titles of the Department Heads and removal of City Attorney from Executive Branch, and providing for a Special Election to be conducted on November 5, 2024, for the referendum on the proposal.