

ORDINANCE NO. 2024-1039

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, SUBMITTING TO REFERENDUM A PROPOSAL 5, WHICH AMENDS THE CITY CHARTER BY AMENDING ARTICLE VI, CURRENTLY ENTITLED “POLICE, FIRE AND BUILDING DEPARTMENT[S], MUNICIPAL JUDGE, MUNICIPAL COURT; [RECREATION DEPARTMENT]” RELATING TO THE POLICE DEPARTMENT; 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

WHEREAS, the City's Charter was reviewed by a Charter Review Committee, who recommended that the City Charter be amended relating to the Police Department; and.

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Words in shaded type are additions.

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 VI, currently entitled "Police, Fire and Building Department[s]; Municipal Judge, Municipal Court; [Recreation Department], shall be amended as follows:

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

...

Section 1. – Police department.

The police department of the City of Lighthouse Point, is hereby created and established. ~~The mayor, subject to approval of the city commission, may appoint additional patrolmen and officers for temporary service. No person shall act as a special patrolman, special detective or other police officer for any purpose whatever whatsoever, except on written authority of the city commission, or the written authority of the mayor at times of grave emergency.~~

The chief of police of the City of Lighthouse Point, ~~Florida~~ shall be appointed by the mayor, subject to confirmation by a majority vote of the city commission. Removal of the chief of police shall be in the same manner as prescribed in removal of department heads ~~and in accordance with §166.0494, Florida Statutes, by granting the chief of police the opportunity to appear at the next regularly scheduled public commission meeting for the chief of police to provide a full and complete response to the termination.~~

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Section 3. The Ballot Title shall be as follows:

CITY OF LIGHTHOUSE POINT CHARTER AMENDMENT PROPOSAL NO. 5 – PROVIDE CLARIFICATION OF APPOINTMENT OF POLICE OFFICERS AND REMOVAL OF POLICE CHIEF

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 relating to the city's police department to remove obsolete position titles, to clarify that police officers shall only act in said capacity upon written authority of the mayor, and to conform the process of removal of police chief to the requirements of state law?

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.

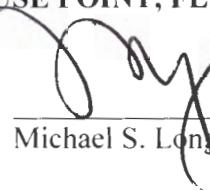
That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

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 LIGHHOUSE POINT, FLORIDA, THIS 28 DAY OF April, 2024.

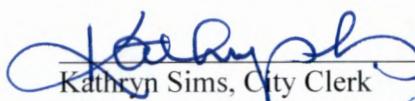
PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF LIGHHOUSE POINT, FLORIDA THIS 14 DAY OF May, 2024.


Michael S. Long, Commission President

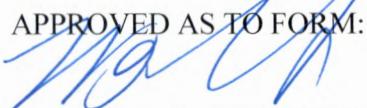
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ATTEST:


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 5, WHICH AMENDS THE CITY CHARTER BY AMENDING ARTICLE VI, CURRENTLY ENTITLED "POLICE, FIRE AND BUILDING DEPARTMENT[S], MUNICIPAL JUDGE, MUNICIPAL COURT; [RECREATION DEPARTMENT]" RELATING TO THE POLICE DEPARTMENT; 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,

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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. - 8

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

SUBJECT: Second reading and Public Hearing of Ordinance 2024-1039 on referendum for Charter Amendment Proposal 5 – Provide Clarification of Appointment of Police Officers and Removal of Police Chief

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 5 relates to the Police Department. 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, references to obsolete and unused positions in the City's Police Department will be removed, and the process for removal of the Police Chief will be revised to conform with state law.

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 2024-1039
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 2024-1039 on second reading for Proposal 5, proposing amendments to the City's Charter relating to the Police Department, and providing for a Special Election to be conducted on November 5, 2024, for the referendum on the proposal.