

ORDINANCE NO. 2024-1041

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, SUBMITTING TO REFERENDUM A PROPOSAL 7, WHICH AMENDS THE CITY CHARTER BY ELIMINATING OBSOLETE PROVISIONS AND CORRECTING GRAMMAR AND PUNCTUATION; 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 to eliminate obsolete provisions and correct grammar and punctuation; and,

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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. – FORM OF MUNICIPAL GOVERNMENT

Section 1. – The mayor.

(c) *The mayor's powers and duties:* The mayor shall be responsible for the proper exercise of ~~his~~ the executive and administrative powers of the office of the mayor, which shall ~~extend to include:~~

- (1) Supervising, directing and coordinating activities of the city's executive branch including its operating departments.
- (2) Enforcing within the city the provisions of the charter, city ordinances and all laws of the State of Florida.
- (3) Exercising powers granted to ~~him~~ the mayor in this charter and the laws of the State of Florida, concerning the appointment and removal of certain administrative employees and members of boards, commissions and committees
- (4) Submitting annually to the commission for its consideration an operating budget and a capital improvement program and budget.
- (5) Exercising such other powers and performing such other duties as may be prescribed by this charter, by ordinance or resolution, or by applicable laws of the State of Florida
- (6) Unless otherwise provided herein, the mayor shall be the appointing authority of all officers in the executive branch, subject to the approval of the city commission

(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.

(k) *Removal department heads.* The mayor may bring charges against any serving department head for lack of qualifications, unsatisfactory performance, incompetence, neglect of duty or misconduct in reference to ~~his~~ department head's duties. The charges

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shall be presented in writing to the accused department head ~~concerned~~ and to the city commission.

The mayor may discharge the accused upon presentation of ~~his~~the charges. The accused department head may within ten (10) days, by written request, petition the city commission for a public hearing ~~and may specify that hearing be public concerning the charges against him.~~ The city commission shall, upon proper petition, order that a public hearing be held within thirty (30) days. ~~concerning the charges. If the city commission shall find that the charges are sustained, the department head shall thereupon be permanently discharged, however, if the charges are not sustained, t~~ The city commission may by four-fifths (4/5) vote, reinstate the accused department head and dismiss the charges against ~~him, the~~ accused department head. If the city commission does not reinstate the accused department head, the accused department head is permanently discharged.

(o) *City administrator:* The mayor ~~may~~ shall appoint a city administrator, whose qualifications shall be subject to approval by the city commission, to carry out such functions and duties set out by the mayor. He ~~City Administrator~~ shall be responsible to the mayor. The city commission, by resolution, shall set the compensation of the city administrator. Removal of the city administrator shall be in the same manner as prescribed in removal of department heads.

(p) *Mayor's powers with respect to commission:* The mayor shall ~~have the duty to~~ attend commission meetings and ~~to~~ appear before the commission for the purpose of expressing the mayor's ~~his~~ views on matters before the commission. ~~He~~ The mayor shall also have the power to present messages, reports and other communications to the commission and to propose legislation for the commission's consideration. The mayor shall also have the power to call special meetings of the commission and to veto legislation as provided hereinafter.

(q) *Mayor's power to veto legislation:* Within ninety-six (96) hours after the adjournment of any commission meeting, the city clerk shall present to the mayor the record of proceedings of the meeting and all ordinances adopted at the meeting. The mayor, within seven (7) days of receipt of an ordinance, shall return it to the city clerk with the mayor's ~~or without his~~ approval; or ~~with his~~ disapproval by veto. If an ordinance is disapproved, the mayor shall attach a written statement explaining the reasons for the ~~his~~ veto. Ordinances vetoed by the mayor shall be considered at the next regular meeting of the commission and the commission may pass the ordinance over the veto by an affirmative vote of four (4) of its members. The effective date of an ordinance passed over the mayor's veto shall not be less than fifteen (15) days after the date of final passage. The Mayor's veto power shall extend to disapproving or reducing appropriation items in the budget or any ordinance, except for appropriations for auditing or investigating any part of the executive branch. The mayor shall not have the power to veto any emergency ordinance.

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Section 2. – The commission and legislation.

(g) *President of the commission:* Each year, at the second meeting in March, the ~~new~~ commission shall, ~~at the meeting at which it takes office,~~ elect by a majority vote, one of its members as president of the commission. In the event of a vacancy of president of the commission, the commission shall elect, by majority vote, one of its members as president of the commission. The president shall preside at all meetings of the commission. ~~And he~~ The president shall serve as acting mayor during any inaccessibility, absence, vacancy, death or disability of the mayor. While so serving, ~~he the president~~ shall not serve as commissioner.

(h) *Vice president of the commission:* At the same meeting at which the president of the commission is elected, each commission shall also elect, by majority vote, a vice president of the commission. In the event of a vacancy of vice president of the commission, the commission shall elect, by majority vote, one of its members as vice present of the commission. The vice president shall preside at meetings of the commission during any inaccessibility, absence or disability of the president.

ARTICLE IV. – PERSONNEL

Section 1. – Employees ~~and nonelected officers.~~

All employees of the city ~~and all nonelected officers of the city who are members of the city of Lighthouse Point Police Department,~~ other than department heads, shall be appointed or discharged by ~~his or her~~ the employee's respective department head by reason of ~~his or her~~ the employee's qualifications and fitness for employment in the city ~~service.~~ No action of discharge of said employees ~~and nonelected officers of the city~~ will be final unless approved by the mayor.

Section 2. – Prohibitions.

No action affecting the employment status of an employee or applicant for a position in the municipal service, including appointment, promotion, demotion, suspension or removal, shall be taken or withheld by reason of race or political or religious opinions or affiliations of the affected person.

No person seeking appointment to or promotion in the service of the city shall give, render or pay any money, service or other valuable thing to any person in connection with such ~~his~~ test, appointment or promotion. No person shall be employed or retained in the municipal service who advocates or belongs to an organization advocating the overthrow or change of government by force or violence. Any person who willfully or corruptly violates any of the provisions of this section shall be subject to dismissal and such other punishment as may be provided by law. No city employee including, but not limited to,

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department head, shall actively participate in a municipal election on ~~in~~ behalf of any candidate. Violations of any of the provisions of this section shall be considered as a forfeiture of employment with the city, subject to the provisions of Article II, Section I(k)(removal of department heads) or Article IV, Section 1 (Employees) his office.

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.

Section 2. – Fire department.

A fire department for the City of Lighthouse Point is hereby created and established, consisting of a chief and as many subordinate ~~firemen~~ firefighter and employees as may be necessary, all appointed in conformity with rules and regulations of the City of Lighthouse Point.

The fire chief shall be appointed by the mayor, subject to confirmation by a majority vote of the city commission. ~~He~~ The fire chief shall be responsible to the mayor and shall be removed in the same manner as prescribed in removal of department heads.

Section 3. The Ballot Title shall be as follows:

CITY OF LIGHTHOUSE POINT CHARTER AMENDMENT PROPOSAL NO. 7 –
ELIMINATION OF OBSOLETE PROVISIONS AND CORRECTING GRAMMAR AND
PUNCTUATION

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

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placed on the ballot for consideration by the qualified electors of the City of Lighthouse Point, Florida, and shall read as follows:

Shall the City Charter be amended to eliminate and/or correct several obsolete and outdated provisions that are inconsistent with current government laws and practices and correction of grammatical and punctuation errors?

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.

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.

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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.

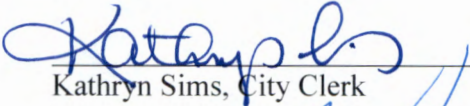
PASSED AND ADOPTED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THIS 23 DAY OF April, 2024.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA THIS 19 DAY OF May, 2024.



Michael S. Long, Commission President

ATTEST:



Kathryn Sims, City Clerk

APPROVED AS TO FORM:



Office of the City Attorney

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	Yes	No	Absent
Commission President Michael S. Long	<u>✓</u>	_____	_____
Commission Vice President Patty Petrone	<u>✓</u>	_____	_____
Commissioner Jason D. Joffe	_____	_____	<u>✓</u>
Commissioner Everett Marshall	<u>✓</u>	_____	_____
Commissioner Abby J. Stafford	<u>✓</u>	_____	_____

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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 7, WHICH AMENDS THE CITY CHARTER BY ELIMINATING OBSOLETE PROVISIONS AND CORRECTING GRAMMAR AND PUNCTUATION; 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

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. - 10

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

SUBJECT: Second Reading of Ordinance 2024-1041 on referendum for Charter Amendment Proposal 7 – Elimination of Obsolete Provisions and Correcting Grammar and Punctuation

1. BACKGROUND/HISTORY

At its September 12, 2022, City Commission meeting, consensus of the City Commission was for the Mayor 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 7 relates to revising the Charter to eliminate obsolete provisions and correct grammar and punctuation.

If the proposal is approved by the electorate, the City's Charter will be amended to eliminate and/or correct several obsolete and outdated provisions that are inconsistent with current government laws and practices and correction of grammatical and punctuation errors. provide that City Special Elections will be held concurrently with general municipal elections, General Elections or Primary Elections, unless the commission provides by ordinance or resolution an alternative date and allocates sufficient funding for a Special Election. The proposal also removes language relating to absentee balloting 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 2024-1041
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 2024-1041 on second reading for Proposal 7, proposing amendments to the City's Charter relating to removing obsolete provisions and correcting grammar and punctuation, and providing for a Special Election to be conducted on November 5, 2024, for the referendum on the proposal.