

ORDINANCE NO. 2024-1042

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 3 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ELECTIONS" AMENDING SECTION 3-3, ENTITLED "QUALIFYING TO FILL UNEXPIRED TERM," AND SECTION 3-8, ENTITLED "VACANCY IN CANDIDACY FOR COMMISSIONER OR MAYOR," TO CAPITALIZE AND REVISE REFERENCES TO ELECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2022, the City Commission appointed a Charter Review Committee to review the City's Charter; and,

WHEREAS, at its January 9, 2024, meeting, the City Commission received the Final Report of the Charter Review Committee, which included a proposal relating to the City's elections; and,

WHEREAS, the Charter Review Committee recommended that the City's Code of Ordinances be amended to update references to elections to match terms used in the City's Charter; and,

WHEREAS, as part of the City's Code Rewrite Project, former Chapter 22 of the City code, which addressed elections in the City, has been re-enacted and re-designated as Chapter 3 of the City's Code of Ordinances; and,

WHEREAS, the City Commission agrees with the recommendation of the Charter Review Committee, and hereby finds it is in the best interest of the residents and citizens of the City to adopt this Ordinance.

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

Section 1: The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: Chapter 3, entitled "Elections," Section 3-3, entitled "Qualifying to Fill Unexpired Term," and Section 3-8, entitled "Vacancy in Candidacy for Commissioner or Mayor," are amended as follows:

CHAPTER 3 - ELECTIONS

...

Sec. 3-1.5 – General Municipal Elections

A General Municipal Election shall be held in March every two (2) years on dates provided by the Broward County Supervisor of Elections, with commissioners and mayor being elected for four-year terms as provided in the City Charter.

...

Sec. 3-3 - Qualifying to Fill Unexpired Term

If at any ~~g~~General Municipal eElection a vacancy is to be filled for the unexpired term of a City Commission seat, pursuant to the provisions of Article II, Section 2(f) of the Charter, and any candidate desires to fill such vacancy for the remainder of the unexpired term, then such candidate must file, at the time of filing his or her affidavit of candidacy, a written statement with the City Clerk indicating that the candidate is running for such Commission vacancy and that if elected such candidate shall be elected only for the balance of the unexpired City Commission term.

...

Sec. 3-8 - Vacancy in Candidacy for Commissioner or Mayor

The following provisions shall apply in the event of a vacancy in candidacy for the position of City Commissioner or Mayor in the City:

- (a) If after the close of the qualifying period for filing as a candidate the death, withdrawal, or removal of a candidate leaves fewer than two candidates for an office and at least 45 days remain before the election, the qualifying period for that office shall be reopened for a period of five days following the date vacancy occurs.
- (b) If after the close of the qualifying period for filing as a candidate the death, withdrawal, or removal of a candidate leaves only one candidate for an office and less than 45 days remain before the election, that candidate will be considered to be unopposed and, therefore, elected pursuant to Article VII, Section 2 of the City Charter and will assume office pursuant to Section 3-6 – When Officials Assume Office.
- (c) If after the close of the qualifying period for filing as a candidate the death, withdrawal or removal of a candidate leaves no candidate for an office and less than 45 days remain before the election, the City Commission shall within 60 days of the date when the successful candidate for the office would have assumed office pursuant to Section 3-6 – When Officials Assume Office, elect by majority vote, ~~a person having the qualifications for the office to fill the vacancy until the next~~ regularGeneral Municipal eElection. At the next ~~g~~General Municipal eElection that would include an election for City Commissioner, the vacancy shall be filled for the unexpired term. If the Commission fails to fill the vacancy for the unexpired term within such 60-day period, then a ~~s~~Special eElection shall be held to fill the vacancy.

Section 3: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lighthouse Point, Florida.

Section 4. All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

Section 5: If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

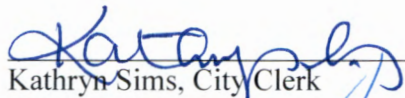
Section 6: This Ordinance shall become effective upon passage and adoption.

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

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

Yes	No	Absent
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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, AMENDING CHAPTER 3 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ELECTIONS" BY CREATING A NEW 3-1.5 ENTITLED "GENERAL MUNICIPAL ELECTIONS" AND AMENDING SECTION 3-3, ENTITLED "QUALIFYING TO FILL UNEXPIRED TERM," AND SECTION 3-8, ENTITLED "VACANCY IN CANDIDACY FOR COMMISSIONER OR MAYOR," TO CAPITALIZE AND REVISE REFERENCES TO ELECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE

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 amend the City's Code of Ordinances relating to City elections

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. - 11

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

SUBJECT: Second Reading and Public Hearing of Ordinance No. 2024-1042 to amend Chapter 3 relating to Elections

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. In addition, the Charter Review Committee recommended amending the City's Code of Ordinances relating to Elections

The City Commission conducted two workshops on March 12, 2024 and April 3, 2024, to review the proposed charter amendments and recommended code changes.

Ordinance No. 2024-1042 was approved on First Reading at the April 23, 2024 Commission meeting.

2. FINDINGS/CURRENT ACTIVITY

The City's Code of Ordinances for non-land development regulations was recently re-enacted and amended. Elections were previously covered in Chapter 22, but the Election provisions are now in new Chapter 3.

The proposed ordinance would add a new Section 3-1.5 to confirm that the City's General Municipal Elections are held in March every two (2) years on dates provided by the Broward County Supervisor of Elections, with four (4) year terms for Mayor and Commissioners. The ordinance also amends Sections 3-3 and 3-8 to reference "General Municipal Election" and to capitalize references to a "Special Election."

3. ATTACHMENTS

Ordinance No. 2024-1042
Business Impact Statement

4. FINANCIAL IMPACT

None.

5. ACTION OPTIONS/RECOMMENDATION

Recommend that the City Commission conduct a public hearing and consider Ordinance 2024-1042 on second reading.