

**ORDINANCE NO. 2019-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF LAKE WORTH BEACH TO BE HELD ON MARCH 17, 2020, AS TO WHETHER ARTICLE II, SECTION 3 OF THE CITY OF LAKE WORTH BEACH CHARTER, ENTITLED “CITY-OWNED PROPERTY EAST OF THE A1A ROADWAY”, SHALL BE AMENDED TO ALLOW FOR A LEASE OF UP TO 30 YEARS; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING LAWS; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, a Charter for the City of Lake Worth Beach, Florida (the “City”) was created and adopted pursuant to the Constitution and applicable laws of the State of Florida; and

WHEREAS, pursuant to section 166.021, Florida Statutes, the City has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to section 101.161, Florida Statutes, all referendum ballot summaries shall be provided for in an enabling resolution or ordinance; and

WHEREAS, in 2005, a majority of the City electors voting in a referendum amended the City of Lake Worth Beach Charter to create Article II, Section 3, entitled “City-Owned Property East of the A1A Roadway”, to state:

“City-owned property East of the A1A roadway shall not be declared surplus property, and shall not be sold, hypothecated, conveyed, or leased, *except for a lease of less than 20 years*, without the affirmative vote of a majority of the electors of the City of Lake Worth at a properly noticed and scheduled referendum”

(emphasis added); and

WHEREAS, pursuant to section 166.021(4), Florida Statutes, the City Charter may be amended through the City’s exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, section 166.031, Florida Statutes, requires the governing body of a municipality to submit proposed changes to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, except for the lease obligations of the City’s tenants at the City’s Casino Building and the Municipal Pier, the City currently funds, operates, manages and

maintains all City-owned property east of A1A which is better known as the City's Municipal Beach Complex; and

WHEREAS, the City Commission is actively engaged in discussions on how to improve maintenance and operations, enhance facilities, and reduce costs at the City's Municipal Beach Complex; and

WHEREAS, said discussions have included a desire to investigate public-private partnerships at the Municipal Beach Complex; and

WHEREAS, the above referenced Charter provision, which restricts leases for a period of less than 20 years, may limit the City's ability to attract such public-private partners; and

WHEREAS, in order to broaden the opportunity for public-private partnerships, enhance long-term investment in and improve the sustainability of the Municipal Beach Complex, the City desires to change the Charter language to allow for a lease of up to 30 years; and

WHEREAS, if the City were authorized to enter into a lease for up to 30 years, the proceeds from such lease would be utilized to reduce the City's maintenance costs at the Municipal Beach Complex and potentially be used to enhance and expand the Municipal Beach Complex facilities; and

WHEREAS, the City Commission deems it to be in the best interests of the City and serving a valid public purpose to conduct a referendum on the question of whether the City should be authorized to lease City-owned property east of A1A for up to 30 years with all proceeds of such a lease to be used exclusively to reduce the City's maintenance costs at and enhance and expand the facilities at the City-owned property east of A1A (the "Referendum").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA:

Section 1. Findings adopted. The findings of the City Commission set forth in the foregoing recitals are hereby adopted as true and correct statements and specifically made a part of this ordinance.

Section 2. Referendum declared. The Referendum is hereby called for and shall be held in the City on the 17<sup>th</sup> day of March, 2020, to determine whether or not a majority of the electors voting in the Referendum support the proposed amendment to the City Charter as shown in section 6 of this ordinance.

Section 3. Ballot title. The ballot title which is the subject of this Referendum, and by which the proposed removal of the Property from the Charter prohibition is to be commonly referred to or spoken of, shall be captioned as **"Lease of up to 30 years for**

**City-Owned Property East of the A1A Roadway to Reduce City Costs and Enhance Facilities.”**

Section 4. Conduct of Referendum. The Supervisor of Elections of Palm Beach County, Florida, shall determine the polling locations or places and all qualified electors of the City of Lake Worth Beach, Florida, who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the City of Lake Worth Beach, Florida, shall be permitted to vote on this Referendum question.

Section 5. Notice and advertising of the Referendum. The City Clerk shall prepare and give notice of the Referendum by causing appropriate notice to be published in accordance with the provisions of section 100.342, Florida Statutes, at least once each week during the third and fifth weeks preceding the week in which the Referendum is to be held. The publications shall be placed in the Palm Beach Post, a newspaper of general circulation within the City. The City Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the City Commission.

Section 6. Ballot summary. The ballot summary of the Referendum shall be:

**IN ORDER TO REDUCE THE CITY’S MAINTENANCE COSTS AND  
ENHANCE CITY FACILITES, SHALL ARTICLE II, SECTION 3, OF THE  
CITY OF LAKE WORTH BEACH CHARTER ENTITLED “CITY-OWNED  
PROPERTY EAST OF THE A1A ROADWAY” BE AMENDED TO  
ALLOW FOR A LEASE OF UP TO 30 YEARS WITH ALL PROCEEDS  
USED EXCLUSIVELY FOR THE CITY-OWNED PROPERTY EAST OF  
THE A1A ROADWAY?**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

Section 7. Charter change. In the event that the majority of electors of the City voting in the Referendum vote affirmatively to amend Article II, Section 3 of the City Charter, then said Article and Section shall be amended to read as follows:

**ARTICLE II. - TERRITORIAL BOUNDARIES; ELECTION PRECINCTS**

**Sec. 3. - City-owned property east of the A1A roadway.**

City-owned property East of the A1A roadway shall not be declared surplus property, and shall not be sold, hypothecated, conveyed, or leased, except for a lease of less than 20 which does not exceed 30 years, without the affirmative vote of a majority of the electors of the City of Lake Worth Beach at a properly noticed and scheduled

referendum. Proceeds from any lease of City-owned property East of the A1A shall be used exclusively for the benefit of such property.

Section 8. Canvassing. The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the City Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the Referendum shall be recorded in the minutes of the City Commission in the manner prescribed by law.

Section 9. Severability. If any section or portion of this ordinance, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 10. Repeal of laws in conflict. All ordinances or parts of ordinances and resolutions or parts of resolutions of the City of Lake Worth Beach, Florida that are in conflict with any provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 11. Codification. The provision of this Ordinance, as set out in Section 7 of this ordinance, shall become and be made part of the Charter of the City of Lake Worth Beach, Florida.

Section 12. Effective date. This ordinance shall become effective ten (10) days after passage.

The passage of this ordinance on first reading was moved by Commissioner Hardy, seconded by Commissioner Robinson, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	AYE
Vice Mayor Andy Amoroso	AYE
Commissioner Scott Maxwell	AYE
Commissioner Omari Hardy	AYE
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 5<sup>th</sup> day of November, 2019.

The passage of this ordinance on second reading was moved by Commissioner Hardy, seconded by Vice Mayor Amoroso, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	AYE
Vice Mayor Andy Amoroso	AYE
Commissioner Scott Maxwell	AYE
Commissioner Omari Hardy	AYE
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this ordinance duly passed on the 3<sup>rd</sup> day of December, 2019.

CITY OF LAKE WORTH BEACH, FLORIDA

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Pam Triolo, Mayor

ATTEST:

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Deborah M. Andrea, CMC, City Clerk