

ORDINANCE NO. 2019-11 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 TO EXTEND THE LEASE TERM TO ALLOW PALM BEACH COUNTY TO MANAGE THE JEWELL-STEINHARDT COVE FOR A TOTAL TERM OF NINETY-NINE (99) YEARS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE VOTERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Constitution and applicable laws of the State of Florida authorize and empower the City of Lake Worth, Florida (the "City") to adopt this Ordinance; and

WHEREAS, on January 7, 2014, the City of Lake Worth Beach approved a lease agreement with Palm Beach County to restore and enhance approximately 11 acres of land owned by the City in order to create a natural living shoreline area with limited public amenities (the "Lease"); and

WHEREAS, the approximately 11 acres of land is generally located adjacent and west of A1A and just south of the Lake Worth Beach bridge and is referred to as the "Jewell-Steinhardt Cove"; and

WHEREAS, under the Lease, the County agreed and has provided the environmental enhancements necessary to make and maintain Jewell-Steinhardt Cove as approximately 9 acres of submerged land for seagrasses and mangroves habitat and approximately 2½ acres of coastal strand and maritime hammock community; and

WHEREAS, under the Lease, the County is required to manage and maintain the environmental enhancements at the Jewell-Steinhardt Cove for the term of the Lease; and

WHEREAS, because the City's Charter places a term limit on certain City-owned property, the City and County agreed to an initial lease term of 19 years and 11 months; and

WHEREAS, based on the funding provided by the County under the Lease to make the environmental enhancements, the City also agreed in the Lease to pursue a referendum to extend the Lease term to a full 99-year term; and

WHEREAS, in accordance with the Lease, 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 extend the Lease for the Jewell-Steinhardt Cove to a total term of 99 years (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 17th day of March, 2020, to determine whether or not a majority of the electors voting in the Referendum support extending the Lease term to a total term of 99 years 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 **“Extend Lease with Palm Beach County for the Jewell-Steinhardt Cove Nature Preserve to 99-year term.”**

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 CONTINUE THE COUNTY’S MANAGEMENT AND MAINTANANCE OF THE JEWELL-STEINHARDT COVE AS A NATURE PRESERVE, WHICH PRESERVE IS GENERALLY LOCATED ADJACENT AND WEST OF A1A AND ADJACENT AND SOUTH OF THE LAKE WORTH BEACH BRIDGE, SHALL THE CITY BE AUTHORIZED TO EXTEND ITS CURRENT LEASE WITH PALM BEACH COUNTY TO A TOTAL LEASE TERM OF 99 YEARS?

YES _____

NO _____

Section 7. Charter change. In the event that the majority of electors of the City voting in the Referendum vote affirmatively to approve extending the Lease term to 99

years, the City shall approve an amendment to the Lease to extend the Lease term and provide the same to Palm Beach County for its approval.

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. 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 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 Omari Hardy	AYE
Commissioner Scott Maxwell	AYE
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 5th 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 3rd day of December, 2019.

CITY OF LAKE WORTH BEACH, FLORIDA

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk