

TAB 3

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: August 4, 2004

Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input checked="" type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Ordinance Amending the Town Charter to Establish the Policy for the Naming of Town Facilities

RECOMMENDED MOTION/ACTION: Approval of Ordinance

Approved by Town Manager *[Signature]* Date: 7/21/04


Originating Department: Administration	Costs: \$ -0- Funding Source: Acct. #	Attachments: Copy of Ordinance and Staff Memorandum
Department Review: <input checked="" type="checkbox"/> Town Attorney <i>[Signature]</i> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>BYT</u> : Please initial one.

Summary Explanation/Background:

Please see attached staff memorandum.

MEMO

To: Mayor and Town Commissioners

From: J. Douglas Drymon 
Town Manager

Subject: Naming of Public Properties

Date: July 29, 2004

At its June 16, 2004 meeting, staff presented a memo to the Commission reporting on the outcome of research into policies of other municipalities pertaining to the naming of public properties. At that meeting, the Commission voted to authorize a referendum to be placed on the ballot for the November 2, 2004 General Election amending the Town Charter to include language setting forth the process for the naming of public properties in the Town of Lake Park.

Attached for first reading is the Ordinance which the Town Attorney has prepared based upon the Commission's direction. Once it has been adopted on second reading, such Ordinance will be submitted to the Palm Beach County Supervisor of Elections by the deadline of September 10, 2004 for inclusion on the ballot for the November 2, 2004 election.

Attachment

ORDINANCE NO. ____-2004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, CREATING ARTICLE V, SECTION 1, TO BE ENTITLED "NAMING OF TOWN FACILITIES" OF THE TOWN CHARTER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Lake Park has the Home Rule power and authority pursuant to the Florida Constitution and Chapter 166, Florida Statutes, to amend provisions of the Charter of the Town of Lake Park ("Charter"), without referendum except for those provisions of the Charter specifically enumerated in Section 166.021(4), Florida Statutes; and

WHEREAS, the Town Commission has not previously submitted an amendment of the provision of its Charter as contained in this ordinance to a vote of the electors of the Town; and

WHEREAS, neither the Town Charter nor Code of Ordinances, currently provide any restrictions, limitations, or provisions governing the naming of Town buildings, parks, places, and other facilities ("Town facilities"); and

WHEREAS, although municipalities have no specific authorization by statute or otherwise relating to the naming of public buildings, parks, places, and other facilities, local governments possess the power to their facilities under their general Home Rule powers; and

WHEREAS, the Town Commission of the Town of Lake Park recognizes that naming rights of Town property are an asset of the Town which should be governed by the Town's Charter; and

WHEREAS, the Town Commission has found that amending the Charter to require that the naming of any Town facility be determined through a referendum election, would further the public health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The Town Commission of the Town of Lake Park, Florida hereby creates Article V, Section 1 of the Town Charter, to be entitled "Naming of Town Facilities" as follows:

Article V, Sec. 1. "Naming of Town Facilities".

Town facilities, including but not limited to, Town owned and/or leased and/or operated buildings, parks, arenas, stadiums, roadways, and other property and facilities shall not be named after any living person. Before any Town facility is named after a human being, the proposed name or names shall be first submitted to the registered voters of the Town for approval in a referendum. The Town Commission, should it so desire, may solicit suggestions for the naming of any Town facility from the public prior to the referendum, but is not required to do so. The referendum shall be conducted in accordance with the state election laws governing referendum elections.

Section 2. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this ____ day of _____, 2004, the foregoing ORDINANCE was offered by Commissioner _____ who moved its approval. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	_____	_____
VICE MAYOR CHUCK BALIUS	_____	_____
COMMISSIONER PAUL GARRETSON	_____	_____
COMMISSIONER ED DALY	_____	_____
COMMISSIONER JEFF CAREY	_____	_____

Upon Second Reading this ____ day of _____, 2004, the foregoing ORDINANCE was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	_____	_____
VICE MAYOR CHUCK BALIUS	_____	_____
COMMISSIONER PAUL GARRETSON	_____	_____
COMMISSIONER ED DALY	_____	_____
COMMISSIONER JEFF CAREY	_____	_____

The Mayor thereupon declared Ordinance No. _____ duly passed and adopted this ____ day of _____, 2004.

TOWN OF LAKE PARK, FLORIDA

BY: _____
Mayor Paul Castro

ATTEST:

Approved as to form and legal sufficiency:

 Stephanie Thomas
 Interim Town Clerk

 Thomas J. Baird, Town Attorney

(Town Seal)