

Town of Lauderdale-By-The-Sea

Special Town Commission

Agenda

Thursday, June 6, 2024

6:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos
Commissioner Randy Strauss

Linda Connors, Town Manager
Susan Trevarthen, Town Attorney
Katrina Adler, Town Clerk

Special Town Commission

Thursday, June 6, 2024, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION by Mayor Malkoon**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
8. **TOWN MANAGER REPORT**
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
 - 12.a. Mayor Malkoon - Commission Meeting Policies
13. **NEW BUSINESS**
14. **COMMISSIONER COMMENTS**
15. **ORDINANCES 1st Reading**
16. **ORDINANCES 2nd Reading**
 - 16.a. Ordinance 2024-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 "BEACHES AND WATERWAYS," ARTICLE II "BEACH REGULATIONS" OF THE TOWN CODE OF ORDINANCES TO CREATE SECTION 5-38 "RECREATIONAL EXCAVATION OF SAND FROM THE DUNE OR BEACH;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.
 - 16.b. Ordinance 2024-05: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, TO CHANGE THE TOWN'S GENERAL ELECTION FROM MARCH TO NOVEMBER; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 5TH DAY OF NOVEMBER 2024, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR

NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE;
PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN
EFFECTIVE DATE.

17. RESOLUTIONS – PUBLIC COMMENTS

18. QUASI JUDICIAL PUBLIC HEARINGS

19. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 12.a.

Town Commission Agenda Item Report

Meeting Date: June 6, 2024

Submitted By: Edmund Malkoon, Mayor

Submitting Department: Town Commission

Item Type: Action Item

Agenda Section: OLD BUSINESS

Subject Title: Mayor Malkoon - Commission Meeting Policies

Explanation: At the April 9th Town Commission workshop, Mayor Malkoon presented the Commission's meeting procedures, originally adopted in 2010 and last amended in 2022 by the prior Commission. Adopted by Resolution, these policies and procedures govern all aspects of Town Commission meetings, including the preparation of the agenda as well as the conduct of the meetings. See attached Exhibit 1. The Mayor inquired whether there were any proposed changes from the new Commission. At the time, no changes were requested.

Now that the new Commission has experienced a few meetings using these procedures, the Mayor wanted to revisit them and see if there are any ideas for potential changes. If changes are requested, staff will work with the Town Attorney to draft a resolution incorporating these changes, and schedule it for the Commission's consideration at a future meeting.

Recommendation: Review current Town Commission meeting procedures and provide staff direction.

Exhibits:

1. 2022 Commission Procedures

Lauderdale-By-The-Sea
Town Commission Procedures
Adopted May 10, 2022
Resolution 2022-17

A. TOWN COMMISSION MEETINGS

- i. **Regular Meetings.** Pursuant to Town Code Section 2-16, the Town Commission shall hold regular meetings each month at Jarvis Hall, and may decide not to have a regular meeting in a given month. Regular Commission meetings are held at 6:30 p.m. The Commission may cancel or reschedule regular Commission meetings as it determines to be necessary. A regular meeting may be recessed to a later date certain which is announced at the regular meeting. All meetings shall be open to the public, except as may be expressly exempted by state law, and shall include a section devoted to public comment prior to taking any official action pursuant to Section 286.0114, Florida Statutes. The Town Manager or his or her designee (hereinafter referred to as “the Town Manager”) shall attend regular meetings, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney or his or her designee (hereinafter referred to as “the Town Attorney”) shall attend regular meetings. The purpose of such meetings is to conduct the business of the Town. If an item results (or may result) in extensive discussion at a regular meeting, any Commissioner¹ may move that the item be continued to a roundtable for discussion or to a special meeting if action is contemplated.
- ii. **Roundtable Workshop Meetings.** The Town Commission shall meet as needed in a roundtable to be conducted as a public meeting and provide for a public comment period as described below in Sub-section F.ii. The Commission may schedule, cancel or reschedule roundtable meetings of the Commission as it determines to be necessary. A roundtable may be recessed to a later date certain which is announced at the roundtable. The Town Commission may discuss each item, defer the item to a later roundtable, or indicate that the item is ready to be placed on the agenda of a regular or special commission meeting for action. The Town Commission shall discuss the agenda items and provide feedback, but shall not take action at roundtables. The Town Manager shall attend the roundtable, prepare an agenda with appropriate backup, and assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend roundtables.
- iii. **Special Meetings.**
 - (a) Special meetings shall be handled as provided in Town Code Section 2-18.

¹ All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

- (b) With the written notice and following the procedures required in Section 2-18, the Commission may hold special meetings at any time on the call of the Mayor, the Manager or any Commissioner, upon no less than 48 hours' notice to each Commissioner and the public. Alternatively, special meetings may be called on such shorter notice as any two (2) Commissioners shall deem necessary in case of an emergency affecting life, health, property or the public peace. Immediately upon convening such special meeting, the Town Commission shall consider any such determination of emergency, and may continue the meeting if an emergency is found to exist by at least three (3) Commissioners. Emergency special meetings shall always be scheduled with as much notice as is possible under the circumstances.
 - (c) A majority of the Commissioners (three (3)) shall constitute a quorum to transact business, but a lesser number may meet and adjourn from time to time and, if necessary, may compel the attendance of absent Commissioners. Special Commission meetings are generally held at 6:30 p.m., but shall be scheduled to accommodate the schedule of all Town Commissioners as much as is feasible. The Town Manager shall attend the special meeting, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend special meetings. Only those matters listed on the agenda of the special meeting shall be discussed, and no additional items may be added at the special meeting.
 - (d) Notice to the public shall be accomplished by posting at the Town Hall. Notices shall state the place, date and hour of the special meeting and the purpose for which such meeting is called and no further business shall be transacted at the meeting, except as stated in the notice. Discussions at a special meeting shall be limited to the items listed on the agenda for such meetings. All special meetings shall be open to the public, except as may be expressly exempted by state law.
 - (e) A special meeting may be recessed to a later date certain which is announced at the special meeting.
- iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order. Unless objection thereto is made by a Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

- i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution, in accordance with Town Charter Section 6.2.
- ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
- iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last in any roll call vote, but does not have veto power. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken.
- iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The Mayor may interrupt to maintain order and decorum, but such interruption shall not reduce the speaker's time. The Mayor is given the right and the authority to require such person to leave Jarvis Hall, to be accompanied, if necessary, by a

Police Officer, in accordance with Section 2-23. In the event the audience, or a part thereof, becomes unruly, the Mayor may either recess or adjourn the meeting. Persons violating Florida Statute Section 871.01 may be arrested by police officers present and noting the willful interruption or disturbance.

C. ORDER OF BUSINESS

The order of business of the Town Commission at the regular Commission meetings shall be as follows:

- (1) Call to Order/Invocation (See Resolution No. 2016-04)/Pledge of Allegiance
- (2) Additions, Deletions, Deferrals of Agenda Items
- (3) Special Presentations
- (4) Public Comments
- (5) Public Safety Discussion
- (6) Town Manager Report
- (7) Town Attorney Report
- (8) Approval of Minutes
- (9) Consent Agenda
- (10) Old Business
- (11) New Business
- (12) Commissioner Comments
- (13) Ordinances
- (14) Resolutions
- (15) Quasi-Judicial Public Hearings
- (16) Adjournment

Where any applicable law may require a different order or procedure for the Commission meeting, such as for meetings involving the budget, those laws shall be followed and the meeting procedures altered as may be appropriate.

Upon request by the Mayor or a Commissioner or the Town Manager, items on the agenda may be moved out of sequence to expedite the matters before the Town Commission, or ensure that items that related to each other are considered in context or for such other reasons as may be deemed appropriate by the Town Commission.

D. COMMISSION DISCUSSION

- i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to three minutes except as may otherwise be determined by a majority of the Town Commission. Each Commissioner shall be afforded the opportunity to offer rebuttal on each item discussed, which shall also be limited to three minutes. These time limits will not be strictly enforced unless the Town Commission votes

to do so. A Commissioner, once recognized by the Mayor, shall direct all comments or questions on the subject matter being discussed to the Mayor only. Commissioners shall not engage in cross conversation with other Commissioners or the public, and shall not engage in personal attacks. Commissioners shall not interrupt another Commissioner who has the floor, and shall be polite and respectful. Those who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23. The Town Manager may play a role in keeping the Town Commission discussion on topic and keeping the meeting moving forward. The Mayor shall not unreasonably withhold or delay recognition of any Commissioner desiring to speak. The Mayor shall recognize other Commissioners in rotation and not call on any Commissioner a second time or subsequent time until such time as all Commissioners shall have had an opportunity to speak.

- ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct questions to another Commissioner or to the public, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. In the event a Commissioner wishes to direct a question to the Town Manager, the question shall be directed to the Town Manager through the Mayor, who will, in turn, recognize the Commissioner. All questions of Town staff shall be made through the Town Manager.

E. PUBLIC PARTICIPATION AND DISCUSSION

- i. **Public Hearings.** Individuals wishing to speak on matters that appear on the agenda as “Public Hearings” need only to be recognized by the Mayor. The public shall be permitted to speak after the Mayor opens an item for Public Hearing, for a maximum of three minutes each. After the Public Hearing is closed by the Mayor, only Commissioners or Town administration shall discuss the item.
- ii. **Addressing Commission: Manner and Time.** Public discussion at public hearings or at items which are opened to public discussion (other than the general Public Comment portion of the meeting) shall be limited to three minutes maximum per person. A person’s allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. However, a group of people may ask the Mayor to allow them to combine and donate their time to a single speaker, who shall not speak for longer than the donated time, up to ten (10) minutes total or such other maximum time that the Mayor may establish. However, the Mayor may authorize the extension of this time frame, after due consideration for the substance, content, and relative importance of the subject. Each person who addresses the Commission shall approach the speaker’s podium, shall give his or her name and state whether he or she is a resident of the Town. No person other than the member of the public

recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission of the Mayor. No person shall approach the dais without first receiving permission from the Mayor. All questions from the public to the Commission shall be addressed through the Mayor, and shall be handled in the manner that the Mayor sees fit. The normal practice shall be for the Town Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the Town administration. Any answers that may be given shall not reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other Town officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23.

F. COMMISSION MEETING ITEMS

- i. **Special Presentations.** This section of the agenda is reserved for presentations, proclamations or items of special recognition. No vote or official action may be taken on a presentation unless an opportunity for public comment is first provided, in accordance with Section 286.0114 Florida Statutes.
- ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda for a public hearing, but still pertinent to the Town, may do so by signing in with the Town Clerk prior to the meeting. Immediately prior to calling a meeting to order, the Mayor shall make an announcement regarding the sign up procedure and provide a "last call" for speaker sign up. A statement shall be included in the agenda of each Commission meeting at which public comments is an item on the agenda, summarizing these procedures. The Mayor will recognize those persons who signed in under the agenda item "Public Comments," and may also recognize other persons who desire to speak. The time limit for each person to speak shall be three (3) minutes. The speaker is allowed uninterrupted time to present his or her point of view. A person's allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. Persons may reserve their comments for one agenda item at the time that the item is being discussed, in lieu of using their public comment time, or they may address the agenda item during public comment, but no person shall have the opportunity to comment on an item both at public comment and at the time of the agenda item. The Town Manager shall follow up on public comments as appropriate, and shall inform the Town Commission of any such follow up.
- iii. **Public Safety Discussion.** The chiefs of the Town's police, fire and emergency medical service providers or their designees will attend each regular Commission meeting, and be available to answer questions from the Commission on their activities during this section of the agenda.

- iv. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town Manager shall attend all meetings of the Commission and has the right to take part in the discussion, but not to vote. The Town Manager shall recommend for adoption such measures as the Manager deems appropriate, necessary or expedient for the interests of the Town. This section of the agenda shall be utilized by the Town Manager for reports and additional items for Commission direction or action. The Town Manager may produce a written progress report for all major pending events in the Town, and an updated version may be provided as backup for the Town Manager Report at the second regular Commission meeting of each month. The Manager may show an item as complete when he or she deems it so, in a separate section at the bottom of the progress report. Upon approval of the report by the Town Commission, the completed item may be removed from the next progress report.
- v. **Town Attorney Report.** The Town Attorney shall make any report to the Commission at this point in the agenda. However, if the Town Attorney has substantial matters for the Commission to discuss or decide, they shall be presented as agenda items.
- vi. **Consent Agenda.** There shall be a consent agenda during each regular Town Commission meeting. The consent agenda shall contain motions, resolutions, and other matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and vote of the Commission.
- vii. **Old and New Business**
 - (a) **Administration Items.** The Town Manager will place items under these sections when Commission discussion and direction is sought. The item will be placed under New Business when the item has not been discussed previously, and under Old Business if it was previously discussed.
 - (b) **Commissioner Agenda Items.** Commissioners may submit a request for the preparation of policy, legislation or action by the Town Attorney or Town Manager. The item will be placed under New Business (or Old Business if it has been previously discussed). Except for informational reports, a signed written memorandum or form provided for such purposes should state the purpose of the item/action, the major points to be covered, the reasons for necessary action, whether visual aids such as maps, plans, photos or PowerPoint-style presentations may be appropriate, and the specific action or motion desired by the Commissioner. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so. Once

heard, the request shall not be acted upon until such request is approved by motion of the majority of the Town Commission. As much as possible, the topic of the report or item shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.

- viii. **Commissioner Comments.** This section of the agenda shall be utilized by the Mayor and Commissioners to provide informational reports. Each Commissioner and the Mayor shall have a maximum of three minutes for such reports. The Mayor may allow additional time for any Commissioner Comments. A Commissioner is entitled to additional time, as necessary to report on specific Commissioner assignments, Town liaison activities or responsibilities (such as reporting on the activities of a County committee on which a Commissioner sits as a Town representative). The order of speaking shall be determined at random.
- ix. **Ordinances and Public Hearings.** Ordinances or other items requiring a public hearing shall be placed on this portion of the agenda.
- x. **Resolutions.** Resolutions not included on the consent agenda may be placed under New or Old Business. The Mayor may allow public comments on Resolutions.
- xi. **Adjournment.** All meetings of the Town Commission, whether they be special or regular meetings, or roundtable workshops, shall be adjourned at 11:00 p.m. However, the Town Commission, by affirmative vote of four (4) Commissioners present at the meeting, may extend the meeting beyond the time limit. In any event, the motion to continue the meeting must provide for a specific time frame which the Town Commission will honor for the purposes of continuing the meeting.

G. COMMISSION AGENDA PREPARATION

- i. **Agenda Closing Dates.** The Town Manager will endeavor to close the agenda for any regular, special or workshop meetings of the Town Commission no later than one week prior to the date of the meeting. No additional items shall be added to the agenda of the regular, special or workshop meeting after the agenda closing date unless it is necessary for a compelling reason. An additional item requiring Commission action may only be added to the agenda by majority vote of the Town Commission at a regular meeting. Alternatively, the item may be deferred to a date certain.
- ii. **Placement of Commissioner Items on Agenda.**

All appropriate background material shall accompany the item on the form given for this purpose, and the action proposed to be taken shall be clearly stated. All

information relating to items to be placed on the agenda shall be submitted by a Town Commissioner to the Town Clerk. A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk on the Friday prior to the meeting, by posting the agenda material on the Town website. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the Thursday prior to the date of the regular meeting, to the extent feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible.

- iii. **Preparation of Ordinances and Resolutions.** All Ordinances shall show the name of each Commissioner and whether such Commissioner voted for, against or failed to vote. All Ordinances and Resolutions, once approved by the Town Commission, shall be executed by the Mayor and attested by the Town Clerk. The Town Attorney shall review and sign off as to the form of each ordinance and resolution.
- iv. **Backup for Agenda Items.** The Town Manager shall provide suitable relevant backup and information on all items, including any information on past experience with bidders or responders on a purchasing item.
- v. **Minutes.** The Town Clerk shall have minutes ready for approval on the next available Commission meeting agenda if feasible, given the number and length of pending minutes and other workload considerations. Minutes shall record all actions taken by the Commission, and shall contain sufficient detail regarding decisions made, comments received, and discussion of the Commission.

H. OTHER PROCEDURES

- i. **Town Charter.** Nothing herein shall conflict with procedures mandated by the Town Charter or Town Code.
- ii. **Motion to Reconsider.** A motion to reconsider any question which has been determined by the Town Commission may be made only by a Commissioner who voted on the prevailing side and who, not later than the next regular or special meeting following that on which such question was so determined, requested that a motion to reconsider be placed on the next regular or special meeting agenda.
- iii. **Roll Call Vote.** If the Town's automatic voting system is not working, any Commissioner may demand the yeas and nays on any question submitted, or to

be submitted, to voice vote and, when so demanded, the Town Clerk shall call the roll of Commissioners present and record the vote of each Commissioner, and the Mayor shall vote last.

- iv. **Tie Vote.** Tie votes automatically fail.
- v. **Action Agenda.** An action agenda shall be circulated by the Town Clerk within forty-eight hours of each Commission meeting if feasible, containing a brief description of action taken or discussion among the Commission on each agenda item.
- vi. **Order of Seating.** On the Commission dais (facing the audience), the Town Clerk shall be seated at the left end and the Town Manager shall be seated at the right end. The Mayor shall be seated in the center of the dais, with the Town Attorney seated to his or her left side.
- vii. **Waiver of the Procedures.** The intent of these procedures is to assure the smooth and efficient functioning of the Commission meeting, and to prioritize the completion of Town business. The procedures shall always be applied and interpreted to carry out the will of the majority of the Commission while giving due consideration to the rights of the minority. However, any Commissioner may propose to waive the strict application of the procedures in a particular circumstance. The procedure shall be waived upon a proper motion, second and approval of the waiver by a simple majority. A permanent change to the procedures shall be accomplished by adopting an amending Resolution.

I. QUASI-JUDICIAL PROCEEDINGS

Quasi-judicial proceedings shall be excepted from this Resolution and shall be governed by Town Code.



Agenda Item No: 16.a.

Town Commission Agenda Item Report

Meeting Date: June 6, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Ordinance

Agenda Section: ORDINANCES 2nd Reading

Subject Title: Ordinance 2024-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 "BEACHES AND WATERWAYS," ARTICLE II "BEACH REGULATIONS" OF THE TOWN CODE OF ORDINANCES TO CREATE SECTION 5-38 "RECREATIONAL EXCAVATION OF SAND FROM THE DUNE OR BEACH;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Explanation: At the February 27, 2024 Special Commission meeting, the Commission discussed digging on the beach and how the Town could regulate this occurrence. A review of municipal codes online for the South Florida area revealed inconsistent treatment of prohibiting or regulating recreational digging on the ocean beach (Exhibit 1). While few regulate digging at the ocean, many regulate digging in parks and some require holes to be filled or not removed from the natural resources.

At the April 30, 2024 Commission meeting, the Commission voted unanimously in favor of Ordinance 2024-04 to prohibit digging on the beach, and to add Section 5.38 to the Town Code to include a prohibition on removing sand from or digging at the beach to the Town's current beach restrictions.

After discussion during the April 30, 2024 Commission meeting, several small revisions were made to the language of Ordinance 2024-04 as drafted for the purposes of providing additional clarity. Those changes are reflected in the Ordinance on second reading as follows:

CHAPTER 5. BEACHES AND WATERWAYS

* * *

ARTICLE II. BEACH REGULATIONS

* * *

Sec. 5-38. – Recreational Excavation of Sand Removal or Digging on From the Dune or Beach.

(a) It shall be unlawful and prohibited for any person to conduct, or permit to be conducted, any of the following activities upon the dune or beach, as defined herein:

1. To take, remove, mine, or excavate any sand, earth, or soil from any dune or beach, whether submerged or not, within the limits of the Town; or
2. To dig a hole, trench, depression or ~~other excavation~~ in otherwise shovel or unearth the sand of a dune or beach, whether submerged or not, deeper than eighteen (18) inches; or
3. ~~It shall be unlawful to then~~ To depart from the area of excavation or digging without having first completely filled such area ~~hole, trench, depression or excavation.~~

The Code creates three separate violations. Section 3 creates a violation for leaving behind an unsafe hole, which could have been created by someone digging deeper than 18 inches as prohibited in 2 or by removal of sand as prohibited in 1. If someone removed sand but rearranged the remaining sand so that there was no longer an unsafe hole, then they would only violate 1; if they left the hole and removed the sand, they would violate both 1 and 3.

Recommendation: Consider Ordinance 2024-04 on second reading and provide direction to Staff.

Exhibits:

1. Sand Digging Ordinance 2nd Reading

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AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 “BEACHES AND WATERWAYS,” ARTICLE II “BEACH REGULATIONS” OF THE TOWN CODE OF ORDINANCES TO CREATE SECTION 5-38 “SAND REMOVAL OR DIGGING ON THE DUNE OR BEACH;” PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea (“Town”) desires to amend Chapter 5 “Beaches and Waterways,” Article II “Beach Regulations” of the Town Code of Ordinances (“Code”) regarding the removal of sand or digging on the dune or beach within the Town; and

WHEREAS, the Town has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and the Town Charter;

and

WHEREAS, where it is not part of a properly permitted beach renourishment project, removal of sand, earth, or soil from the Town's dunes or beaches is harmful to the beach-dune system, and raises concerns relating to the public health, safety, and welfare; and

WHEREAS, there have been instances of life-threatening emergencies relating to the digging on the dunes or beaches across the country and, in February 2024, a tragic and fatal accident occurred in the Town involving children being buried in a hole they were digging in beach sand; and

WHEREAS, the Town desires to revise its Code to establish safety regulations for the removal of sand or digging on its dunes or beaches; and

WHEREAS, the Town Commission hereby finds that this Ordinance is in the best interest and welfare of the residents of and visitors to the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN
COMMISSION OF THE TOWN OF LAUDERADLE-BY-THE-SEA, FLORIDA, AS
FOLLOWS:¹

Section 1. Recitals. Each of the above recitals are true and correct and incorporated
herein by this reference.

Section 2. Amendment of Chapter 5 of the Town Code. Chapter 5 “Beaches and
Waterways,” Article II “Beach Regulations” of the Code is hereby amended to create Section 5-
38 “Sand Removal or Digging on the Dune or Beach,” which reads as follows:

CHAPTER 5. BEACHES AND WATERWAYS

* * *

ARTICLE II. BEACH REGULATIONS

* * *

Sec. 5-38. – ~~Recreational Excavation of Sand Removal or Digging on From the Dune or~~ Beach.

(a) It shall be unlawful and prohibited for any person to conduct, or permit to be conducted, any
of the following activities upon the dune or beach, as defined herein:

(1) To take, remove, mine, or excavate any sand, earth, or soil from any dune or beach,
whether submerged or not, within the limits of the Town; or

(2) To dig a hole, trench, depression or ~~other excavation in~~ otherwise shovel or unearth the
sand of a dune or beach, whether submerged or not, deeper than eighteen (18) inches; or

~~(3) It shall be unlawful to then~~ To depart from the area of excavation or digging without having
first completely filled such area ~~hole, trench, depression or excavation.~~

¹ Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

Section 3. Codification. It is the intention of the Town Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the 30th day of April, 2024.

PASSED AND ADOPTED on second reading on the ____ day of May, 2024.

MAYOR EDMUND MALKOON

	First Reading	Second Reading
Mayor Malkoon	<u>YES</u>	_____
Vice-Mayor Strauss	<u>YES</u>	_____
Commissioner Pouloupoulos	<u>YES</u>	_____
Commissioner DeNapoli	<u>YES</u>	_____
Commissioner Graziano	<u>YES</u>	_____

ATTEST:

Katrina Adler, Town Clerk

(CORPORATE SEAL)

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84 APPROVED AS TO FORM:

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86

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88 Susan L. Trevarthen, Town Attorney



Agenda Item No: 16.b.

Town Commission Agenda Item Report

Meeting Date: June 6, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Legal

Item Type: Ordinance

Agenda Section: ORDINANCES 2nd Reading

Subject Title: Ordinance 2024-05: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, TO CHANGE THE TOWN'S GENERAL ELECTION FROM MARCH TO NOVEMBER; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 5TH DAY OF NOVEMBER 2024, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Explanation: At the April Commission meeting, the Town Attorney was asked to address the timelines applicable to the Town's Charter Review Board process, and explain when the Charter Amendments that might emerge from that process could be placed on the ballot. She noted that changes to Section 7.1 of the Town Charter are more restricted by the language of our Charter, and may only be considered at a March Town election or a November general election. Other sections of the Charter can also be placed on the ballot for amendment at a special election called for only this purpose, at a time coordinated with the Broward County Supervisor of Elections. At this time, the Supervisor advises that no general elections are scheduled for 2025, so only changes to the rest of the Charter could be scheduled for 2025, and no changes to Section 7.1 could be included in that election.

The Town Commission discussed the idea of submitting a ballot question to the voters at the November general election of 2024. Specifically, Commissioner DeNapoli proposed a charter amendment to change the date of the general municipal election from March to November, and asked whether it would be possible. He noted that the majority of cities in Broward County have already made this change, and that voter turnout is generally higher at the November general elections because they include races and questions related to other levels of government.

The Town Attorney advised that the deadline to submit such questions to the Supervisor is June 10, and therefore it is not possible to take this question through the Charter Review

Board process. The only way that the deadline could be met for this upcoming election would be to draft the Ordinance with the Charter Amendments and ballot question for first reading on May 14th. If the Commission approved the Ordinance on first reading, it would need to be scheduled for second reading at the second May meeting so that there will be enough time to submit the final Ordinance to the Supervisor for placement on the ballot.

The Commission discussed the idea, and developed a consensus to proceed with preparation of the Ordinance for first reading this evening, to preserve the possibility of placing the question on the November 2024 election. The Ordinance was considered at the May 14, 2024 meeting, and the Town Commission discussed the item and approved modifications to the charter amendment and the form of the ballot summary. The revised language has been drafted, and the key change to the Charter now reads as follows (with the changes shown in bold):

Sec. 6.1. - Mayor-Commissioner and Commissioners; term of office; election; transition.

* * *

(4) All elections for the position of Town Commissioner or Mayor-Commissioner shall be held on the same date as the November general election date ~~the second Tuesday of March~~ of each even-numbered year, or as provided for by law. The terms of office of the Mayor **who was elected in 2024** and of the Seat 1 and Seat 2 Town Commissioners who were elected in the municipal general election of March 2022 shall expire when their successors are sworn in after the general election in November of 2026. The terms of office of the Seat 3 and Seat 4 Town Commissioners who were elected in the municipal general election of March 2024 shall expire when their successors are sworn in after the general election in November of 2028.

The other amendments implement this change, by removing the word "March" from the other references to the municipal general election in the Charter.

The form of the proposed ballot question is as follows:

CHANGE GENERAL MUNICIPAL ELECTION DATE FROM MARCH
TO NOVEMBER

The Charter **currently** provides that the election for Town Commissioner or Mayor-Commissioner shall be held on the second Tuesday of March of each even-numbered year, and refers to March as the time of the general municipal election.

Shall the Charter be amended to revise references and move the Town's general municipal election from March to November, beginning in 2026 **to increase voter participation and reduce the cost of administering such elections?**

YES []

NO []

The costs associated with the Town's election and the voter turnout over the last several years is outlined in Table 1 below. All data for voter turnout is from Broward County Supervisor of Elections for LBTS precincts. The bolded years are presidential election years, in which the Town's March municipal election has been held concurrently with the presidential primary pursuant to state law. The data demonstrates that the cost to the Town is significantly less when the municipal election is paired with other elections, and that the turnout is significantly higher at November elections:

Table 1

Year	Town's Cost for Election	March Voter Turnout	November Voter Turnout	Difference March to November
2012	\$1,251	29%	67%	-38%
2014	\$7,367	22%	52%	-29%
2016	\$1,481	44%	73%	-30%
2018	\$9,176	24%	66%	-43%
2020	\$2,300	32%	79%	-47%
2022	\$15,700	18%	64%	-45%
2024	*\$3,880	39%	---	---

**Estimate from the Supervisor Elections*

Recommendation: The Administration recommends that the Commission consider the revised Ordinance 2024-05. If approved, the ordinance will be sent to the Supervisor of Elections in advance of their June 10, 2024 deadline.

Exhibits:

1. Ordinance 2024-05 Submitting Charter Ballot Question To The Elector

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, TO CHANGE THE TOWN'S GENERAL ELECTION FROM MARCH TO NOVEMBER; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 5TH DAY OF NOVEMBER 2024, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 166.031, Florida Statutes, the Town Commission of the Town of Lauderdale-By-The-Sea (the “Town”) has determined to submit to the electors of the Town for approval or rejection the amendments to the Town Charter (the “Charter Amendments”) that are set forth herein to change the date of the municipal general election from March to November, to assure greater voter turnout and reduce the cost of administering the general municipal election.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION
OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

Section 1. Recitals Adopted. Each of the above stated recitals is hereby adopted and confirmed.

Section 2. Charter Amendments. Pursuant to Section 166.031, Florida Statutes, and subject to the approval of the electors as described in Section 8 below, the Town Charter is hereby amended as follows:¹

* * *

ARTICLE VI. – ELECTIONS

* * *

Sec. 6.1. - Mayor-Commissioner and Commissioners; term of office; election; transition.

* * *

(4) All elections for the position of Town Commissioner or Mayor-Commissioner shall be held on the same date as the November general election date the second Tuesday of March of each even-numbered year, or as provided for by law. The terms of office of the Mayor who was elected in 2024 and of the Seat 1 and Seat 2 Town Commissioners who were elected in the municipal general election of March 2022 shall expire when their successors are sworn in after the general election in November of 2026. The terms of office of the Seat 3 and Seat 4 Town Commissioners who were elected in the municipal general election of March 2024 shall expire when their successors are sworn in after the general election in November of 2028.

* * *

Sec. 7.1. - Maximum height for buildings established; referendum vote required for increases in zoned residential-district height limits.

* * *

(10) The maximum building height limits established in paragraphs (1) and (5), above, of this section of the Charter, may be increased only by an amendment to or by repeal of this section of the Charter. The restrictions on use established in paragraph (2), above, and the provisions governing parking availability established in paragraphs (2), (3) and (5), above, of this section of the Charter, may be modified, amended or repealed only by an amendment to or by repeal of this section of the Charter. The maximum allowable square footage established in paragraph (5), above, of this provision of the Charter, may be increased only by an amendment to, or by repeal of this section of the Charter. Except as expressly provided below, this section of the Charter may be amended or repealed only by means of a majority vote of the registered voters of the Town at a

¹ Proposed additions to existing Town Charter text are indicated by underline; proposed deletions from existing Town Charter text are indicated by ~~striketrough~~. Changes from first reading are indicated by double underline and ~~double striketrough~~, and highlighted in yellow.

referendum election held either on the same day as a regularly scheduled November general election or on the same day as a regularly scheduled ~~March~~ municipal general election. The amendment or repeal of this section of the Charter at a special election held on a day other than a regularly scheduled November general election or on a day other than a regularly scheduled ~~March~~ municipal general election is expressly prohibited, except that a special election or special election by mail may be held to correct, to the minimum practicable extent, a provision adjudged by a court of competent jurisdiction to violate the State or Federal Constitution or any valid state or federal law, but only after such adjudication is affirmed on appeal. Amendments approved at a special election may include no elements not directly related to such court adjudication.

* * *

Sec. 7.2. - Restrictions on the vacating, abandonment, lease, sale, transfer of possession or transfer of ownership of the El Prado Property.

* * *

(3) Any referendum election called for the purpose of authorizing the vacating, abandonment, lease, sale, transfer of possession or transfer of ownership of the El Prado Property shall be held either on the same day as a regularly scheduled November general election or on the same day as a regularly scheduled ~~March~~ municipal election. The holding of a referendum election called for the purpose of authorizing said vacating, abandonment, lease, sale, transfer of possession or transfer of ownership of the El Prado Property on a day other than a regularly scheduled November general election or on a day other than a regularly scheduled ~~March~~ municipal election is expressly prohibited.

* * *

Section 3. Election Called. A special election is hereby called for Tuesday, November 5, 2024, in conjunction with the general election being held on said date, to present to the qualified electors of the Town the ballot question provided in Section 4 of this Ordinance.

Section 4. Form of Ballot. The form of ballot for the Charter Amendments provided for in Section 2 of this Ordinance shall be substantially as follows:

CHANGE GENERAL MUNICIPAL ELECTION DATE FROM
MARCH TO NOVEMBER

The Charter **currently** provides that the election for Town Commissioner or Mayor-Commissioner shall be held on the second

Tuesday of March of each even-numbered year, and refers to March as the time of the general municipal election.

Shall the Charter be amended to revise references and move the Town's general municipal election from March to November, beginning in 2026, to increase voter participation and reduce the cost of administering such elections?

YES []

NO []

Section 5. Vote at Polls. Balloting shall be conducted between the hours of 7 A.M. and

7 P.M. on the date of the election, and early and absentee balloting shall also be permitted as provided in conjunction with the general election. Polling places shall be those polling places provided for the general election for the electors of the Town, pursuant to applicable laws. All qualified Town electors who are timely registered in accordance with law shall be entitled to vote. The Town Clerk is authorized to obtain any necessary election administration services from the Broward County Supervisor of Elections. The County registration books shall remain open at the Office of the Broward County Supervisor of Elections office until October, 2024, as provided by law, at which date the registration books shall close in accordance with the provisions of the general election laws. The Town Clerk and the Broward County Supervisor of Elections are hereby each authorized to take all appropriate action necessary to carry into effect and accomplish the electoral provisions of this Ordinance. This Charter Amendment election shall be canvassed by the County Canvassing Board unless otherwise provided by law.

Section 6. Notice of Special Election. Notice of said special election shall be published

in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the Town at least 30 days prior to said election, the first publication to be in the fifth week prior to the

election (to-wit: during the week commencing Sunday, September 29, 2024), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 13, 2024), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT, PURSUANT TO ORDINANCE NO. 2024- ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA (THE "TOWN"), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN, IN CONJUNCTION WITH THE GENERAL ELECTION, ON TUESDAY, THE 5TH DAY OF NOVEMBER 2024, BETWEEN THE HOURS OF 7 A.M. AND 7 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

CHANGE GENERAL MUNICIPAL ELECTION DATE FROM MARCH TO NOVEMBER

The Charter currently provides that the election for Town Commissioner or Mayor-Commissioner shall be held on the second Tuesday of March of each even-numbered year, and refers to March as the time of the general municipal election.

Shall the Charter be amended to revise references and move the Town's general municipal election from March to November, beginning in 2026, to increase voter participation and reduce the cost of administering such elections?

YES []

NO []

Polling place information, the enabling Ordinance including the full text of the proposed Town Charter Amendments and the ballot question, are available at the office of the Town Clerk, located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308.

Town Clerk

174 **Section 7. Copies.** Copies of this Ordinance proposing the Charter Amendments are on

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176 file at the offices of the Town Clerk located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida
177 33308, and are available for public inspection during regular business hours.

178 **Section 8. Effectiveness.** The Charter Amendments provided for in Section 2 of this

179 Ordinance shall become effective if the majority of the qualified electors voting on the Charter
180 Amendments described in the ballot summary of Section 4 of this Ordinance, vote for their
181 adoption. The Charter Amendments shall be considered adopted and effective upon certification
182 of the election results. Following adoption of the Charter Amendments, the Town Clerk shall
183 incorporate the adopted Charter Amendments into the Town Charter and shall file the revised
184 Town Charter with the Office of the Secretary of State as required by Section 166.031, Florida
185 Statutes.

186 **Section 9. Inclusion in the Town Charter.** Subject to the requirements of Section 8

187 above, it is the intention of the Town Commission and it is hereby provided that the Charter
188 Amendments shall become and be made a part of the Charter of the Town of Lauderdale-By-The-
189 Sea, Florida, and that the Sections of this Ordinance may be renumbered or relettered to
190 accomplish such intention.

191 **Section 10. Severability.** The provisions of this Ordinance are declared to be severable

192 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
193 invalid or unconstitutional, such decision shall not effect the validity of the remaining sections,
194 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
195 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 11. Effective Date of Ordinance. This Ordinance shall become effective immediately upon adoption hereof on second reading.

PASSED AND ADOPTED on First Reading this 14th day of May, 2024.

PASSED AND FINALLY ADOPTED on Second Reading this _____ day of _____, 2024.

Mayor Edmund Malkoon

	First Reading	Second Reading
Mayor Malkoon		
Vice-Mayor Strauss		
Commissioner DeNapoli		
Commissioner Graziano		
Commissioner Pouloupoulos		

ATTEST:

Katrina Adler, Town Clerk

(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney