

Town of Lauderdale-By-The-Sea
Charter Review Board Meeting

Agenda

Tuesday, February 4, 2025

6:00 PM



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

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Charter Review Board Meeting

Tuesday, February 4, 2025, 6:00 PM
Jarvis Hall 4505 N. Ocean Drive, 33308

1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
 3. **APPROVAL OF MINUTES**
 4. **PUBLIC COMMENTS**
 5. **NEW BUSINESS**
 - 5.a. Oath of Office
 - 5.b. Appointment of Chairperson
 - 5.c. Appointment of Vice-Chairperson
 - 5.d. Training - Public Records, Sunshine Law and Ethics
 - 5.e. Board Rules and Procedures
 - 5.f. Agenda Topics
 6. **OLD BUSINESS**
 7. **UPDATES/BOARD MEMBER COMMENTS**
 8. **ADJOURNMENT**
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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: 5.a.

Agenda Item Report

Meeting Date: February 4, 2025

Submitted By: Megan Small, Planning Tech

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Oath of Office

Explanation: The Board clerk will administer the Oath of Office.

Recommendation: N/A

Exhibits: None



Agenda Item No: 5.b.

Agenda Item Report

Meeting Date: February 4, 2025

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Appointment of Chairperson

Explanation: Staff requests the Board appoint a Chairperson for the Charter Review Board.

Recommendation: Appoint a Chairperson.

Exhibits: None



Agenda Item No: 5.c.

Agenda Item Report

Meeting Date: February 4, 2025

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Appointment of Vice-Chairperson

Explanation: Staff requests the Board appoint a Vice-Chairperson for the Charter Review Board.

Recommendation: Appoint a Vice-Chairperson.

Exhibits: None



Agenda Item No: 5.d.

Agenda Item Report

Meeting Date: February 4, 2025

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: Training - Public Records, Sunshine Law and Ethics

Explanation: The Charter Review Board is a Town board that operates in the sunshine under Florida law, and documents related to its work are generally public records. This training will explain the legal and ethical requirements that Board members must meet while serving on the Board.

Recommendation: Receive the training presentation.

Exhibits:

1. Charter Primer

WHAT IS A CHARTER?

A charter serves as the foundation for local government, functioning as a municipal constitution that outlines governance principles, structure, responsibilities, and citizen involvement. Created by citizens, it defines key aspects such as the form of government and election processes. Many municipalities adopt charters upon incorporation, and some counties do so, especially those performing city-like functions.

Charters can be amended through state-defined processes, as outlined in Section 166.031, Florida Statutes, requiring citizen approval via referendum, ensuring public involvement. A well-designed charter promotes efficient and transparent governance, attracting capable individuals to leadership roles. Conversely, outdated or ineffective charters can hinder a government's operations. Ultimately, a strong charter supports a thriving community by providing a solid framework for governance and fostering public trust.

HOW OFTEN SHOULD THE CHARTER BE REVIEWED?

Per the Charter of Lauderdale-By-The-Sea, the Charter should be reviewed every 12 years. The voters last examined the charter at the 2014 election.

WHAT CHARTER CHANGE CAN AND CAN'T DO:

So what can charter change do? And, perhaps more importantly, what can it not do?

Charter change CAN:

- alter a form of government so the new form is better aligned with the preferences of citizens
- restrict or increase options available to governmental leaders
- alter electoral representation
- clarify ambiguity or confusion caused by existing charter language
- redistribute powers among elected officials, appointed officials, and governing bodies as well as between city officials and citizens

Charter change CAN'T:

- automatically increase the quality of governmental products and services
- eliminate political in-fighting and make elected officials achieve consensus (although governmental form can affect the likelihood of conflict)
- expand the scope of municipal powers in states without home rule
- jumpstart the local economy
- decrease local crime
- improve the school system
- stop a controversial public project
- change or eliminate state-mandated activities



Agenda Item No: 5.e.

Agenda Item Report

Meeting Date: February 4, 2025

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Board Rules and Procedures

Explanation: Following are recommended Board procedures for your consideration.

QUORUM REQUIREMENTS:

A quorum shall consist of five (4) members.

PROCEDURES:

The Charter Review Board will generally follow the rules of procedure in effect for the Town Commission and may consult the Town Attorney for guidance on how it should be applied to the Board.

ATTENDANCE REQUIREMENTS:

Two (2) unexcused absences shall result in the removal of a Board member.

PROCEDURES FOR PLACING ITEMS ON AGENDA:

Agenda items may be submitted to the Town Clerk by the members of the Board no later than seven (7) calendar days before the meeting date. Items requiring generation of backup documentation will be discussed briefly at a Board meeting and allow for public input. The Board will decide whether that item should be placed on the next agenda for official consideration.

If a member of the public requests discussion of an item at a Charter Review Board meeting that is not already an item for discussion by the Board, they can present their request to the Town Clerk or designee for Board consideration at the next meeting. The Charter Review Board will vote on whether to discuss the item or not.

MEETING MINUTES:

The Town Clerk or designee will take the minutes of the Board.

MEETING DATES:

The Board will meet on the first Tuesday of each month and may schedule additional meetings

if and when necessary to complete its work, of every month beginning February 4, 2025 at 6:00 p.m. Proposed meeting dates are included in the table below.

March 4, 2025	August 5, 2025 (recommend recess)	January 6, 2026
April 1, 2025	September 2, 2025 (recommend changing date/cancel for Labor Day)	February 3, 2026
May 6, 2025	October 7, 2025	March 3, 2026
June 3, 2025	November 4, 2025	April 7, 2026
July 1, 2025	December 2, 2025	May 5, 2026 (if necessary)

The deadline to submit a ballot question to the Supervisor of Elections is no later than Summer 2026 and therefore the Board should be making recommendations to the Commission in the Spring of 2026.

Recommendation: Discuss and approve or amend the proposed rules of procedure.

Exhibits: None



Agenda Item No: 5.f.

Agenda Item Report

Meeting Date: February 4, 2025

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Agenda Topics

Explanation: The Town Commission considered the Charter Review Board process at its September 18, 2024 and January 25, 2025 meetings. Attached for your reference is the agenda item from the September meeting, which contains additional background information on the Charter.

At the January meeting, the Town Administration recommended that the Board consider at least two issues, namely the required deadline for the Town's audit, and consideration of the 2013 plain English version of Section 7.1 of the Charter. The Commission agreed that these issues should be considered by the Board.

The last Charter Review Board reviewed the entire Charter, addressing specific sections at each meeting. For example, the first meeting agenda could include Section 1 of the Charter; the Board would receive a brief presentation on what the Section currently requires, and then discuss whether any issues require the Board's attention. Minor issues could be addressed directly; more complicated issues could be scheduled for more in depth analysis, staff work if needed, and consideration at a future meeting of the Board. The approach worked well, and we suggest that it could also work for this Board.

Recommendation: Discuss the Commission's January direction, and the proposed course of action for the Board's review of the Charter.

Exhibits:

1. Lauderdale-By-The Sea - PART I CHARTER (2024 version)
2. Excerpt from 09-18-24 Regular Commission Meeting Minutes
3. Sept 2024 Charter Review Board Agenda Item

PART I CHARTER¹

ARTICLE I. TRANSITION FROM ABOLISHED TOWN

Sec. 1.1. Abolishing existing municipality.

That the existing municipal government of the Town of Lauderdale-By-The-Sea, in the County of Broward and State of Florida, be and the same is hereby abolished. All of the provisions of Chapter 14184, Laws of Florida of 1929, Chapter 24658, Laws of Florida of 1947, and all other laws pertaining to the creation of the Town of Lauderdale-By-The-Sea be and the same are hereby repealed.

Sec. 1.2. Title to property reserved.

That the title, rights and ownership of all property, both real and personal, uncollected taxes, dues, claims, judgments, decrees, chooses in action and all property and property rights held or owned by the municipalities named "Town of Lauderdale-By-The-Sea," abolished by this act, shall pass to and be vested in the municipal corporation organized under this Charter to succeed the municipality abolished.

Sec. 1.3. Obligations unimpaired.

That no obligations or contracts of the said municipality hereby abolished, including bonds heretofore issued or any proceeding heretofore begun for any improvement, or for borrowing of money, or issuing of bonds, shall be impaired or avoided by this Charter, but such debts, obligations, contracts and bonds shall pass to and be binding upon the new municipality hereby created and organized, and all such proceedings heretofore begun for the construction of any improvements or for the borrowing of money or issuing of bonds may be continued and completed and binding upon the said new municipality; and likewise all debts of and claims against the abolished municipality shall be valid against the new municipality created.

Sec. 1.4. Officers held over.

All officers and employees heretofore elected or appointed and holding office under the said municipality hereby abolished, shall continue to hold their respective offices and discharge the respective duties thereof under the new municipality hereby created until their successors are elected and qualified under the provisions of this Charter.

Sec. 1.5. Ordinances not impaired.

All existing ordinances and resolutions of said abolished municipality, including the printed Code of Ordinances of the Town of Lauderdale-By-The-Sea, as amended, not in conflict with the provisions of this Charter,

¹Editor's note(s)—The Charter for the Town set out herein was approved by the voters at the Nov. 7, 2006 biennial election. The former Town Charter derived from the Session Laws of 1951, Ch. 27675, as amended.

shall continue in effect unless repealed, amended, or modified by the municipality which is hereby organized or created.

Sec. 1.6. Establishment of new municipality; streets, highways, public grounds.

The inhabitants of the Town of Lauderdale-By-The-Sea, as its boundaries are hereinafter established and designated, or as may hereinafter be established and designated shall continue to be a body politic and corporate, to be known and designated as "Town of Lauderdale-By-The-Sea," and as such shall have a perpetual succession, may use a common seal, may contract and be contracted with, and may sue and be sued in all the courts of this state and in all matters whatsoever. That all lands heretofore dedicated for the use of the public for streets, highways, parks or public grounds, and all authorized changes or amendments thereto approved by the Board of County Commissioners of Broward County, Florida, whether by plat, act, or otherwise, are hereby vested in the Town of Lauderdale-By-The-Sea, and the control and jurisdiction thereof shall hereafter be vested in the Town Commission of the Town of Lauderdale-By-The-Sea.

Sec. 1.7. Plat approved.

The recorded plats of the subdivision of Lauderdale-By-The-Sea, as recorded in plat book 6, page 2, and the plat of Lauderdale Surf and Yacht Estates as recorded in plat book 22, page 46 of the public records of Broward County, Florida, are hereby approved.

ARTICLE II. CORPORATE POWERS

Sec. 2.1. Legal title.

This Charter is the Charter of the Town of Lauderdale-By-The-Sea, a municipal corporation of the State of Florida.

Sec. 2.2. Boundaries.

The following shall be the territory, the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipal corporation shall exercise its jurisdiction and powers, as may be amended from time to time in accordance with State law, to wit:

Beginning at the intersection of the south boundary line of Section 7, Township 49 South, Range 43 East with the centerline of the Intracoastal Waterway (Florida East Coast Canal), the Point of Beginning; thence in a northerly direction along the centerline of the Intracoastal Waterway to the intersection of said centerline with a line located twenty-five (25) feet south of and parallel to the north line of Section 7, Township 49 South, Range 43 East; thence in an easterly direction along a line located twenty-five (25) feet south of and parallel to the north line of said Section 7 to the intersection of said line with the east right-of-way line of the Intracoastal Waterway; thence in a northerly direction along the east right-of-way line of the Intracoastal Waterway to the intersection of said east right-of-way line with the southwest corner of Lot 1, Block 16 of Terra Mar Island Estates, Second Addition, as recorded in Plat Book 31, Page 20 of the Public Records of Broward County, Florida; thence in an easterly direction along the south line of said Lot 1, Block 16 to the southeast corner of said Lot 1, Block 16; thence in a northerly direction along the east line of said Lot 1, Block 16 to the intersection of said east line with the westerly extension of the south line of Block 12 of said Terra Mar Island Estates, Second Addition; thence in an easterly direction along the westerly extension of the south line of said Block 12, along the south line of said Block 12 and along an easterly extension of said south line to the intersection of said extended line with the west line of Lot 1, Block 15 of said Terra Mar Island Estates, Second Addition; thence in a southerly direction along the west line of Lot 1, Block 15 and along the

west line of Lot 10, Block 11 of Terra Mar Island Estates, First Addition as recorded in Plat Book 31, Page 10 of the Public Records of Broward County, Florida to the southwest corner of said Lot 10, Block 11; thence in an easterly direction along the south line of said Lot 10, Block 11 and along an easterly extension of said south line to the intersection of said extended line with the centerline of Spanish River; thence in a southerly direction along the centerline of the Spanish River to a point thirteen hundred and fifty (1,350) feet south of the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6, Township 49 South, Range 43 East; thence in a southerly direction for two hundred (200) feet to a point on a line located fifteen hundred and fifty (1,550) feet south of and parallel to the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6, said point being eleven hundred, twenty-seven and forty-three-hundredths (1,127.43) feet east of the east right-of-way line of the Intracoastal Waterway; thence in an easterly direction along the line located fifteen hundred and fifty (1,550) feet south of and parallel to said north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6 to the intersection of said line with the east right-of-way line of State Road A-1-A; thence in a northerly direction along the east right-of-way line of State Road A-1-A to the intersection of said east right-of-way line with a line located eight hundred and fifty (850) feet south of and parallel to the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6; thence in an easterly direction along said parallel line and an easterly extension of said line, through Government Lot 2, Section 5, Township 49 South, Range 43 East to the intersection of said extended line with the Ordinary Low Watermark of the Atlantic Ocean; thence, continue in an easterly direction along said parallel line a distance of 3 miles (15,840 Ft) to the intersection of said extended line with the eastern boundary of the State of Florida; thence in an southerly direction along said eastern boundary of the State of Florida to the intersection with a line located three hundred and eighty (380) feet north of and parallel to the south line of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Southeast One Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East; thence in a westerly direction along said parallel line to the intersection of said line with the west right-of-way line of State Road A-1-A; thence in a northerly direction along the west right-of-way line of State Road A-1-A to the intersection of said west right-of-way line with the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East; thence in a westerly direction along the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) and the Southwest One-Quarter (SW $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East to the intersection of said north line with the east right-of-way line of the Intracoastal Waterway; thence in a southerly direction along the east right-of-way line of the Intracoastal Waterway to the intersection of said east right-of-way line with the south line of Section 7, Township 49 South, Range 43 East; thence in an easterly direction along the south line of Section 7, Township 49 South, Range 43 East to the intersection of said south line with the west line of the right-of-way of State Road A-1-A; thence in a northerly direction along the west line of the right-of-way of SR A-1-A to the intersection of said west line with a line located one hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N $\frac{1}{2}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East; thence in an easterly direction along a line located one hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N $\frac{1}{2}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East to the intersection of said parallel line with the Ordinary Low Watermark of the Atlantic Ocean; thence continue in an easterly direction along said line located one hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N $\frac{1}{2}$) of the Southeast One Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East for a distance of 3 miles (15,840 ft) to the intersection of said parallel line with the eastern boundary of the State of Florida; thence in a southerly direction along the said eastern boundary of the State of Florida to the intersection with the extension of south boundary line of Section 18, Township 49 South, Range 43 East; thence in a westerly direction along the extension of the south boundary line of Section 18, Township 49 South, Range 43 East to the intersection of said south boundary line with the centerline of the right-of-way of the Intracoastal Waterway; thence in a northerly direction along the centerline of the right-of-way of the Intracoastal Waterway to the intersection of said centerline with the north boundary line of Section 18, Township 49 South, Range 43 East, the Point of Beginning.

Sec. 2.3. Definitions.

As used in this Charter, the following words shall have the following meanings:

- (1) The words "abolished municipality" shall mean the municipality formerly existing under the provisions of Chapter 14184, Laws of Florida of 1929, and Chapter 24658, Laws of Florida of 1947.
- (2) The words "new municipality" shall mean the municipality established and created by this act, as may be amended from time to time.
- (3) The masculine pronoun shall designate and include the feminine, and the neuter, where the meaning so permits.
- (4) The word "person" used herein in the masculine gender, shall mean a male or female person, or legal corporate entity.
- (5) The word "municipality" herein shall refer to the municipality of the Town of Lauderdale-By-The-Sea, unless otherwise indicated.
- (6) The words "Town Commission" shall refer to the Town Commission of the Town of Lauderdale-By-The-Sea, Florida.

Sec. 2.4. Seal.

The official seal of the Town of Lauderdale-By-The-Sea hereby established shall bear the legend "Town of Lauderdale-By-The-Sea, Broward County, Florida, Seal, 1947."

Sec. 2.5. Jurisdiction.

The jurisdiction and powers of the Town of Lauderdale-By-The-Sea shall extend over all streets, alleys, sewers, parks, and all lands within said area, whether platted or unplatted, and the air above same; and to and over all waters, waterways, streams, bays, bayous, submerged lands, water bottoms and wharves; and to and over all persons, firms, and corporations, property and property rights, occupations, businesses and professions whatsoever within said boundaries.

The title to and jurisdiction over all streets, thoroughfares, parks, alleys, public lots, sewers, within the Town, and all other property and municipal plants of the Town now owned, possessed or operated by it, and all property of every kind and character which the Town may hereafter acquire within or outside the Town, or which may vest in it, or be dedicated to it, for its use or for the public use, shall be vested in the Town of Lauderdale-By-The-Sea, as created under this Charter.

Sec. 2.6. General powers.

The Town of Lauderdale-By-The-Sea is hereby created, established and organized, and shall have full power and authority to exercise all of the powers of local self-government and to do whatever may be deemed necessary or proper for the safety, health, convenience or general welfare of the inhabitants of said Town; to exercise full police powers; to do and perform all acts and things permitted by the laws of the State of Florida, and comprehend as duties in the performance of anything recognized as a "municipal purpose," whether now existing and recognized, or hereafter recognized as a municipal purpose by statute law or court decision. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the Town of Lauderdale-By-The-Sea shall have and may exercise all other powers under the Constitution and Laws of Florida.

In addition, the Town has the authority to codify its ordinances into a Code of Ordinances of the Town of Lauderdale-By-The-Sea, and by a single ordinance to adopt such "Code of Ordinances of the Town of Lauderdale-By-The-Sea" as a complete revision of all existing and applicable ordinances on the date of such adoption; to adopt a decimal system similar to that used in Florida Statutes of 1941, and to amend such Code, once adopted, by reference to any section or sections. The "Code of Ordinances of the Town of Lauderdale-By-The-Sea" of 1940, as amended from time to time, except as modified by this Charter, is declared to be the existing Codified Ordinances of the Town of Lauderdale-By-The-Sea; and such Code of Ordinances may be amended from time to time by reference to any section or sections, and as many sections as desired may be amended by one (1) ordinance. Such "Code of Ordinances of the Town of Lauderdale-By-The-Sea," as amended from time to time, may be revised and codified or recodified, and such revised Code may be adopted by a single ordinance, and upon such revision shall be in full force and effect. The Town Attorney of the Town of Lauderdale-By-The-Sea shall have power and authority to codify any duly adopted ordinance of the Town of Lauderdale-By-The-Sea and assign proper section numbers and headings to various parts of such ordinances, and thereafter such section shall be cited in referring to such ordinances.

Sec. 2.7. Review of charter provisions.

As often as the Town Commission may deem necessary, but in any event, not less frequently than every twelve (12) years, the terms and provisions of this Charter shall be reviewed.

ARTICLE III. ADMINISTRATION AND LEGISLATION

Sec. 3.1. Commission-manager form of government.

The form of government of the Town of Lauderdale-By-The-Sea, provided for under this Charter, shall be known as the "commission-manager" form of government.

Sec. 3.2. Creation of Town Commission.

There is hereby created a Town Commission consisting of five (5) Commissioners, each of whom shall be elected at-large in the manner provided in this Charter. The Mayor-Commissioner and each Town Commissioner shall take and hold office for the term(s) provided in this Town Charter.

Sec. 3.3. Qualifications of members.

Only qualified electors who have resided in the Town of Lauderdale-By-The-Sea for at least six (6) months immediately prior to qualifying for office and who shall have attained the age of eighteen (18) years of age on or before the date the candidate files and qualifies in accordance with this Charter as a candidate for office, shall be eligible to hold the office of Commissioner.

Each Commissioner and candidate for Commissioner shall be elected from the election district in which he or she is domiciled for at least six (6) months immediately prior to qualifying for such office by the greatest number of votes of all registered electors residing within the Town. Once elected, a Commissioner from an election district shall remain a domiciliary of the election district during his or her term of office. Any Commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office, except a Commissioner holding office will not have his/her term cut short by the establishment of or subsequent change of district boundary lines.

Sec. 3.4. Standards of conduct; code of ethics.

In addition to the ethical standards of conduct established by general law for elected officials, appointed officials, and employees, the Town Commission may, by ordinance, establish ethical conduct standards for elected officials, appointed officials, and employees of the Town.

Sec. 3.5. Legislative powers.

The legislative powers of the Town shall be vested in and exercised by the Town Commission, consistent with the provisions of the Constitution of the United States of America, the Constitution and statutes of the State of Florida, this Charter, and the laws and ordinances of the Town of Lauderdale-By-The-Sea. Except as otherwise provided in Article IV or elsewhere in this Charter, or by the Constitution or statutes of the State of Florida, the Town Commission may by ordinance or resolution prescribe the manner in which any powers of the said Town shall be exercised.

Sec. 3.6. Non-interference in Town Administration.

The Town Commission or its members shall not give orders to any Town officer or employees who are subject to the direction and supervision of the Town Manager, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the Town Commission from examining by question and personal observation all aspects of Town government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the Commission and assure the implementation of such policies as have been adopted. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the regular municipal operations of the Town and that recommendations for change or improvements in Town government operations be made to and through the Town Manager.

ARTICLE IV. INITIATIVE AND REFERENDUM

Sec. 4.1. Power to initiate and reconsider ordinances.

- (1) *Initiated ordinances.* The registered voters of the Town shall have power to propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it by a referendum vote at a Town election.
- (2) *Repeal and amendment of adopted ordinances.* The registered voters of the Town shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal or amend as proposed in the initiative petition an ordinance so reconsidered, to amend or repeal it by a referendum vote at a Town election.

Sec. 4.2. Commencement of initiative.

- (1) *Filing with Town Clerk.* A minimum of ten registered electors (voters) of the Town may commence initiative, repeal or amendment proceedings by filing with the Town Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the petitioners' committee are to be sent, and setting out in full the proposed initiated ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of a petitioners' committee is filed, the Town Clerk may, at the committee's request and at their expense, issue the appropriate petition blanks to the petitioners' committee.

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- (2) *Review by the Town Attorney.* Prior to circulation, a petition and the proposed ordinance, if any, shall be reviewed as to legal form by the Town Attorney. The Town Attorney's review of a petition package shall not extend to review of the substance of a proposed ordinance, or an ordinance proposed for repeal or amendment, but shall be strictly limited to a review as to legal form. No later than fourteen (14) calendar days from filing date of a petition with the Town Clerk, the Town Attorney shall, by hand delivery or registered mail, inform the petitioners' committee and Town Clerk either that the petition and ordinance, if any, are in proper legal form or, if not, then specifically what measures are required to render them in proper form. Upon request by the petitioners' committee, the Town Attorney will assist the committee to render documents in proper legal form for consideration by the Town Commission, but will not offer legal counsel or opinions to the petitioners' committee or its representative. Failure by the Town Attorney to inform the petitioners' committee and Town Clerk of his or her determination as to form within fourteen (14) calendar days after the petitioner files a petition and proposed ordinance, or petition for reconsideration of an ordinance, with the Town Clerk shall be deemed a determination that the document(s) is/are in proper legal form.

Sec. 4.3. Execution of petitions; requirements.

- (1) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the Town equal in number to at least ten (10) percent of the total number of those registered to vote in the Town at the last general municipal election.
- (2) *Form and content.* All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or required to be reconsidered.
- (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or required to be reconsidered.
- (4) *Filing deadline.* All initiative and referendum petitions must be filed with 60 days of the date on which proceedings with respect to such initiatives are commenced.

Sec. 4.4. Filing procedure.

- (1) *Certificate of Clerk; amendment.* Within 20 days after an initiative petition is filed or within five days after a petition for repeal or amendment of an ordinance is filed, the Clerk shall complete a certificate as to its sufficiency (the "Certificate"). Grounds for insufficiency are only those specified in Sec. 4.3 of this Article. If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the petitioners' committee by hand delivery or registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within fourteen (14) calendar days after receiving the copy of the Certificate. Such supplementary petition shall comply with the requirements of Sec. 4.3 of this Article. Within five business days after a supplementary petition is filed, the Clerk shall complete a Certificate as to the sufficiency of the petition, as amended, and shall promptly send a copy of such Certificate to the petitioners' committee by registered mail or hand delivery as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Commission review under subsection (2) of this Section 4.4 within the time required, the Clerk shall promptly present the

Certificate to the Commission and such Certificate shall then be a final determination as to the sufficiency of the petition.

- (2) *Commission review as to sufficiency.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two business days after receiving the copy of such Certificate, file a request that it be reviewed by the Commission. The Commission shall then review the Certificate at its next meeting following the filing of such request and approve or disapprove it, and the Commission's determination shall then be a final determination as to the sufficiency of the petition.

Sec. 4.5. Action on petitions.

- (1) *Action by Town Commission.* When an initiative petition or a petition for the repeal or amendment of an existing ordinance has been finally determined to be sufficient, the Town Commission shall promptly consider or reconsider the ordinance. Whether or not the Commission approves at first reading an initiated ordinance, or the repeal or amendment, as proposed, of a referred ordinance, the Commission shall proceed to a second reading at its next scheduled meeting, and shall otherwise comply with all requirements under Sec. 166.041 F. S. for public notice and public hearings prior to the adoption of an ordinance. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) calendar days, or fails to repeal or amend a referred ordinance in accordance with the initiative petition within thirty (30) calendar days, it shall submit the proposed or referred ordinance to the registered voters of the Town by referendum vote at an election. The referendum vote by registered Town voters shall constitute an "additional requirement for the enactment of ordinances" as specified in paragraph (6) of Section 166.041 F.S., in lieu of and as a greater, increased requirement than the affirmative majority vote of the governing body referred to in paragraph (4) of Sec. 166.041 F. S. If the Commission fails to act on a proposed initiative ordinance or a referred ordinance within the time period specified in this paragraph, the Commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal or amend the referred ordinance on the last day that the Commission was authorized to act on such matter. In that event, the Commission shall nevertheless comply with the public notice and public hearing requirements of Sec. 166.04 F.S. relative to the ordinance in question.
- (2) *Submission to voters.* The vote of the Town on a proposed referred ordinance shall be held not less than ninety (90) days nor more than one hundred twenty (120) days from the date of Commission acted or was deemed to have acted pursuant to paragraph (1) of this section. If no regular election is to be held within the period described in this paragraph, the Commission shall provide for a special election, except that the Commission may, in its discretion provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by at least eight-tenths of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 4.6. Results of election.

- (1) *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greater or greatest number of affirmative votes shall prevail to the extent of such conflict.

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- (2) *Repeal and amendment of referred ordinances.* If a majority of the registered voters voting on a referred ordinance vote for repeal or for amendment, it shall be considered repealed or amended, as appropriate, upon certification of the election results.

Sec. 4.7. Ordinances affecting initiated ordinances; procedure for adoption.

An ordinance passed as a result of a vote of the registered voters of the Town, whether prior or subsequent to the effective date of this Article, may be repealed or amended only by a similar vote of the registered voters of the Town. The Town Commission may, by resolution, submit to the registered voters of the Town at any regular or special election for a referendum vote, a proposed ordinance to repeal or amend any such ordinance. Notice of the Town Commission's intention to submit such a proposed ordinance to the registered voters shall be published by the Town Commission no less than ninety (90) days nor more than one hundred twenty (120) days prior to such election, in the manner required for the publication of initiated ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. The Town Commission's submittal of such an ordinance shall be in the same manner, and the vote shall have the same effect as in cases of ordinances submitted to a vote of the registered voters of the Town by popular petition.

ARTICLE V. TOWN OFFICERS AND EMPLOYEES

Sec. 5.1. Vesting of administrative and executive powers.

The executive and administrative powers of the Town, not herein otherwise provided for, shall be vested in and exercised by the following officers:

- (1) Mayor-Commissioner;
- (2) Town Manager;
- (3) Town Attorney;

The Town Manager and Town Attorney shall be appointed by the Town Commission. The Town Commission may by ordinance create, change and abolish offices, department or agencies other than the offices, departments or agencies established by this Charter.

Sec. 5.2. Functions and duties of Mayor-Commissioner.

The Mayor-Commissioner or, in his/her absence or disqualification, the Vice Mayor or Mayor Pro Tem shall perform the following functions:

- (1) The Mayor-Commissioner shall preside at all meetings of the Town Commission and perform all duties consistent with his/her office, and shall have a voice and vote in the proceedings of the Town Commission, but no veto power. The Mayor-Commissioner shall vote last upon the roll call of Commissioners.
- (2) The Mayor-Commissioner shall use the title of Mayor in any case in which the execution of legal instruments, writings, or other papers so require; but this shall not be considered as conferring upon the Mayor-Commissioner any of the administrative or judicial functions of a Mayor under the general laws of the state, except as herein provided.
- (3) The Mayor-Commissioner shall be recognized as the official head of the Town by the courts for the purposes of serving civil processes; by the government in the exercise of military law; and by the public in general for all ceremonial purposes.

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- (4) The Mayor-Commissioner may govern the Town by proclamation, under the direction of the Town Commission, during times of grave public danger or emergency, and the Town Commission shall be judge of what constitutes such public danger or emergency.
 - (5) The Mayor-Commissioner shall exercise all the powers and duties of the Mayor-Commissioner as provided in the Charter, as well as all those powers and duties that may be conferred upon the Mayor-Commissioner by the Town Commission in pursuance of the provisions of this Charter.

Sec. 5.3. Town Manager—Appointment, qualifications and compensation.

The Town Commission shall appoint a Town Manager who shall be the administrative head of the municipal government under the direction and supervision of the Town Commission. The Town Manager shall hold office at the pleasure of the Town Commission. The Town Manager shall receive such compensation as determined by the Town Commission through the adoption of an appropriate resolution. The Town Manager shall be appointed by resolution approving an employment contract between the Town and the Town Manager. The Town Manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local public management including, a graduate degree with a concentration in public administration, public affairs, public policy, or public finance and two (2) years' experience as an appointed city manager or county manager, or four (4) years' experience as an assistant or deputy city manager or assistant or deputy county manager. Alternatively, the Town Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local public management that is determined by the Town Commission to be commensurate to those listed in the prior sentence.

(Ord. No. 2013-13, § 2, 10-22-2013)

Sec. 5.4. Town Manager—Absence or disability; removal.

During the absence or disability of the Town Manager, the Town Commission may by resolution designate some properly qualified person to temporarily execute the functions of the Town Manager. The person thus designated shall have the same powers and duties as the Town Manager, and shall be known while so serving as "Acting Town Manager." The Town Manager or Acting Town Manager may be removed by the Town Commission at any time.

Sec. 5.5. Town Manager—Powers and duties.

The Town Manager shall be responsible to the Town Commission for the proper administration of all affairs of the Town coming under the Town Manager's jurisdiction, and the Town Manager's powers are and they shall be:

- (1) To see that the laws and ordinances of the Town are enforced.
- (2) To appoint or remove all subordinate officers and employees.
- (3) To exercise, control and direct supervision over all departments and divisions of the municipal government under the classified service, except where otherwise provided.
- (4) To see that all terms and conditions imposed in favor of the Town or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the Town Attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
- (5) To attend all meetings of the Town Commission, with right to take part in the discussions, but without having a vote.

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- (6) To recommend to the Town Commission for adoption such measures as the Town Manager may deem necessary or expedient in the interest of the Town.
 - (7) To keep the Town Commission fully advised as to the financial conditions and needs of the Town and at the proper time to submit to the Town Commission for its consideration an annual budget.
 - (8) To advise and consult with all officers and official heads of the several departments of the Town relative to the affairs of such department, and to make recommendations to the Town Commission respecting such departments as the Town Manager may see fit.
 - (9) To perform such other duties as may be prescribed under this Charter, or may be required of the Town Manager by motion, direction, ordinance or resolution of the Town Commission.
 - (10) To prepare and submit to the Town Commission an annual financial audit of its accounts and records, completed no later than six (6) months after the end of its fiscal year by an independent certified public accountant retained by the Town Commission and paid from its public funds.
 - (11) To sign all checks, warrants, bonds and agreements issued by the Town of Lauderdale-By-The-Sea.
 - (12) To assist the Town Commission to develop long-term goals for the Town and strategies to implement these goals.
 - (13) To encourage and provide staff support for regional and intergovernmental cooperation.
 - (14) To promote partnerships among the Town Commission, staff, and citizens in developing public policy and building a sense of community.

ARTICLE VI. ELECTIONS

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

- (1) Beginning with the regular election to be held on the second Tuesday in the month of March, 2008, and every two (2) years thereafter, a Mayor-Commissioner shall be elected for a term of two (2) years until his successor is elected and qualifies.
- (2) Commencing with the regular election of the Town held in March, 2006, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commissioner Seat 1 and Town Commissioner Seat 2, each elected at large. Town Commission Seat 1 and Town Commission Seat 2 shall replace the two Commission seats vacated by the expiration of the term of the two Commissioners in March, 2006. The candidate for Seat 1 shall reside in the north district of the Town. The candidate for Seat 2 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four (4) years.
- (3) Commencing with the regular election of the Town held in March, 2008, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commission Seat 3 and Town Commissioner Seat 4. Town Commission Seat 3 and Town Commission Seat 4 shall replace the two Commission seats vacated by the expiration of the term of two Commissioners in March of 2008. The candidate for Seat 3 shall reside in the north district of the Town. The candidate for Seat 4 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four years.
- (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.

- (5) The geographic boundary for the northern and southern districts shall be designated, prepared and identified no later than the first of September, 2004, and again in 2012 through a contract entered into by the Town with an accredited four (4) year college or university located within the state of Florida for the purpose of identifying and designating the northern and southern election districts within the Town. The Town Commission district boundaries shall be of equal population, compact, proportional, and logically related to the natural internal boundaries of the neighborhoods within the Town. The principal of nondiscrimination and one person/one vote shall be adhered to strictly.
- (6) In the event no candidate qualifies for election for any designated Town Commission seat within the first ten (10) calendar days of the qualifying period, then any qualified person who resides anywhere in the Town may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter.
- (7) The Town Commission shall adopt by Ordinance the creation and establishment of the boundaries of the initial northern and southern Town Commission seat districts no later than January 1, 2005. The Ordinance shall provide for the implementation of said election districts to be effective for the elections to be held in the Town commencing in March, 2006.

Sec. 6.2. Vice Mayor and acting Mayor Pro-Tem.

No later than the second regularly scheduled Town Commission meeting to occur following each regular election, one (1) member of the Town Commission may be designated, by resolution, as Vice Mayor to preside in the absence of the Mayor-Commissioner. In the event that the designated Mayor-Commissioner and the Vice Mayor are absent at any meeting of the Town Commission, any member of the Town Commission may be designated by the Town Commission to act as Mayor Pro-Tern for such meeting.

(Ord. No. 2013-13, § 2, 10-22-2013)

Sec. 6.3. Qualifications of members of Town Commission.

- (1) To be eligible to hold the office of Mayor-Commissioner or Commissioner of the Town of Lauderdale-By-The-Sea, or to qualify for candidacy for Mayor-Commissioner or Commissioner, the individual shall be a bona fide resident and citizen of the Town of Lauderdale-By-The-Sea, shall have resided in the said town for the six (6) months immediately preceding the date of election, shall be a registered voter pursuant to Florida law, and shall be otherwise qualified as provided for in the Charter.
- (2) No person may be a candidate for Commissioner, nor may be appointed to fill a vacancy as a Commissioner, if that person has served during both of the two preceding consecutive Commission terms for that seat as a Commissioner, or a Mayor-Commissioner or both, without a two year break in service.
- (3) No person may be a candidate for Mayor-Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner, if that person has served during each of the three preceding consecutive Mayor-Commissioner terms as a Mayor-Commissioner.
- (4) Service of one year or less of a term by a person who had not previously served as either a Commissioner or Mayor-Commissioner shall not be considered for purposes of term limits.
- (5) Service for purposes of term limits shall be determined as of the time the person would take office.

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(Supp. No. 47)

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- (6) No person may be a candidate for Mayor-Commissioner or Town Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner or Town Commissioner, if that person has consecutively served fourteen (14) years in any combination of offices without a two year break in service.

Sec. 6.4. Qualifications of candidates; notice of candidacy; payment of fee.

Any individual who possesses the qualifications as provided in this Charter, may be a candidate for the office of Mayor-Commissioner or Commissioner by filing a verified notice of candidacy for Town Commission with the Town Clerk. Such notice shall be in the following form:

NOTICE OF CANDIDACY FOR
TOWN COMMISSIONER OR MAYOR-COMMISSIONER

I, _____ (Name of Candidate) _____, residing at _____ (Residence Address of Candidate) _____, Lauderdale-By-The-Sea, Broward County, Florida, do hereby give notice of my candidacy for the office of Town Commissioner/Mayor-Commissioner of the Town of Lauderdale-By-The-Sea, Florida, in the forthcoming election to be held in said Town on _____ (Date of Primary) _____. I do further state that I am a citizen of the United States of America, and a resident of the Town of Lauderdale-By-The-Sea; that I have resided in the Town of Lauderdale-By-The-Sea for the six (6) months immediately preceding the date of the election to be held; and that I have fully satisfied all conditions precedent to such candidacy, pursuant to the provisions of the laws of the State of Florida and the Town Charter.

(Candidate's Signature)

STATE OF FLORIDA

COUNTY OF BROWARD

Before me, the undersigned authority, this day personally appeared _____ (Name of Candidate) _____ who, upon being duly sworn, deposed and said: that he/she is the candidate referred to in the foregoing Notice; that he/she is familiar with the contents of said Notice, and that the facts and matters therein stated are true; and that he/she did sign said Notice for the purpose therein specified.

(Candidate)

Sworn to and subscribed before me, this the _____ day of _____, 20____.

Notary Public, State of Florida

My commission expires: _____

The individual who files the notice as prescribed, and who pays the qualifying fee as prescribed, if otherwise found to be qualified, shall be entitled to have his/her name printed upon the official ballot at such town election.

Sec. 6.5. Vacancies.

The office of a Commissioner, or the office of the Mayor-Commissioner, shall become vacant upon the person's death, resignation, removal from office in any manner authorized by law, or forfeiture of the office, such forfeiture to be declared by the remaining members of the Town Commission.

Sec. 6.6. Forfeiture of office.

A Commission member, or the Mayor-Commissioner, is subject to penalties including forfeiture of office if the person:

- (1) Lacks, at any time during a term of office, any qualification for the office prescribed by this Charter or general law;
- (2) Violates any standard of conduct or code of ethics established by law for public officials;
- (3) Is convicted of a felony while in office;
- (4) Fails to attend four (4) consecutive regular meetings of the Town Commission without being excused by the Town Commission by formal action entered upon the minutes; or
- (5) Becomes incapable of performing the duties of the office for a period of more than three (3) months.

In all circumstances arising under this section, the Town Commission shall be the judge of its own membership.

(Ord. No. 2013-13, § 2, 10-22-2013)

Sec. 6.7. Forfeiture hearing and process.

A member of the Town Commission charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least thirty days before the scheduled hearing. The Town Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commissioner's or Mayor-Commissioner's office, including whether or not good cause for absence has been, or may be, established. The Commissioner in question shall have the burden of establishing good cause for absence; provided, however, that any Commissioner may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other Commissioner, from any past, present, or future meeting(s), which motion, if carried, shall be conclusive. A Commissioner whose qualifications are in question, or who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. Any final determination by the Town Commission that a Commissioner or the Mayor-Commissioner has forfeited his or her office shall be made by resolution approved by a unanimous vote of the remaining members of the Town Commission. All votes and other acts of the Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

Sec. 6.8. Filling of vacancies.

A vacancy on the Town Commission, including the office of Mayor-Commissioner, shall be filled in the following manner:

- (1) If there are less than one hundred eighty (180) days remaining in the unexpired term, or if there are less than one hundred eighty (180) days before the next federal, state, county or Town election, the remaining Commissioners, including the Mayor-Commissioner, shall, by majority vote, appoint a successor within thirty (30) days of the occurrence of the vacancy from among all qualified applicants. The person or persons so appointed must possess all of the required qualifications to be a member of the Town Commission. The Commissioner or Mayor-Commissioner appointed by the Town Commission to fill the vacancy as specified herein shall serve only until the next federal, state, county, or Town election. Further, the Commissioner or Mayor-Commissioner elected at such election shall serve only the unexpired term of the Commissioner or Mayor-Commissioner whose position became vacant.

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- (2) If there are more than one hundred eighty (180) days remaining on an unexpired term, or if there are more than one hundred eighty (180) days before the next federal, state, county, or Town election, the Town Commission shall schedule a special election to be held no sooner than ninety (90) days nor more than one hundred twenty (120) days following the occurrence of the vacancy. The Commissioner or Mayor-Commissioner elected to fill the vacancy at any special election shall serve only the unexpired term of the Commissioner of Mayor-Commissioner whose position became vacant.
 - (3) In the event of the death, resignation, or removal of the Mayor-Commissioner, the Vice Mayor shall forthwith commence to serve as interim Mayor-Commissioner until the position of Mayor-Commissioner is filled by election or appointment. When the Vice Mayor becomes interim Mayor-Commissioner, the Town Commission, by majority vote shall appoint one of the remaining Commissioners to become interim Vice Mayor. The Commissioner serving as Mayor-Commissioner, or the Vice Mayor, shall serve as Commission-Mayor, or Vice Mayor, until the newly elected or appointed Commissioner-Mayor, or Vice Mayor, is sworn into office. The interim Mayor-Commissioner, and interim Vice Mayor shall then return to the positions of Vice Mayor and Commissioner which he/she previously held to serve the remainder of his or her unexpired term.
 - (4) In the event of the death, resignation, or removal of the Vice Mayor, the Town Commission shall, by majority vote, elect one of the Commissioners to serve as Vice Mayor.

Sec. 6.9. Extraordinary vacancies.

In the event that all members of the Town Commission are removed by death, disability, or forfeiture of office, the Governor of the State of Florida shall appoint an interim Town Commission that shall call a special election as provided above to fill the vacancies.

Sec. 6.10. Vacancy in candidacy for Mayor-Commissioner or Commissioner.

- (a) *Withdrawal.* A candidate for Mayor-Commissioner or Commissioner may withdraw at any time prior to the election by filing a sworn, executed statement of withdrawal with the Town Clerk.
- (b) *Effect of death, withdrawal or removal where candidate remains on the ballot.*
 - (1) *No supplemental qualifying period.* If the death, withdrawal or removal from the ballot of a qualified candidate or candidates for office following the end of the qualifying period leaves less than two candidates for that office, the remaining candidate shall be declared elected and no election shall be held for that office.
 - (2) *Changes in ballot.* The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.
- (c) *Effect of death, withdrawal or removal where no candidate remains on the ballot.* Should a vacancy in candidacy leave no candidate remaining for an office after the conclusion of the qualifying period, the resulting vacancy shall be handled as provided in Section 6.8 of the Charter.

(Ord. No. 2013-13, § 2, 10-22-2013)

ARTICLE VII. PLANNING AND ZONING

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

- (1) No building within the jurisdictional boundaries of the Town, as they existed on March 20, 2006, shall have more than four (4) stories above grade, and the maximum height of buildings within the Town that have four (4) stories above grade shall be forty-four (44) feet above grade, as defined in the Florida Building Code, or above a horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, whichever of those two levels is higher. The maximum height for all other buildings within the Town shall be thirty-three (33) feet
- (a) Above grade, as defined in the Florida Building Code, or
 - (b) Above a horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, or
 - (c) Above the minimum elevation for a habitable, finished floor permitted under applicable federal or Florida state regulations,

Whichever of those three levels is highest. Height shall be measured from the applicable base level specified above to the highest point on a flat roof, or to the median elevation between the peak of a sloped roof and the lowest edge of the sloped roof. In accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height; all other roofs structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

- (2) In any building within the Town that has more than three (3) stories above grade, the first story shall be at grade level and shall be used for parking, either with or without toll collection booths. The first story may also be used for storage, refuse, security, registration, maintenance, and/or access, either with or without a lobby, provided that at least one-half ($\frac{1}{2}$) of the square footage of the first story is used for parking. Only within districts of the Town zoned for business ("B") use, the first story of buildings having more than three (3) stories above grade may also be devoted to non-residential commercial uses, provided that dedicated parking required by Town ordinance or code for the proposed buildings is provided off-street at a location on or adjacent to the property on which the buildings are situate, and designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic. In any building within the Town that has more than three (3) stories above grade, the first story shall be restricted to the above enumerated uses, and may be used for no other purpose whatsoever. For the purposes of this provision of the Charter, a story is at grade level if its floor is at or below grade and its ceiling is above grade; a story that is at grade level is also above grade. Nothing in this paragraph shall be construed so as to prohibit any building within the Town that has more than three (3) stories above grade from also having one (1) or more subterranean stories below grade, provided, however, that in any building within the Town that has more than three (3) stories above grade, all subterranean stories shall be subject to the same restrictions on use as are established in this paragraph for the first story.
- (3) Buildings which exceed thirty three (33) feet above grade, and which exceed thirty three (33) feet above the horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, but which are nevertheless allowed under subparagraph (1)(c) of this Section, and which do not include a non-habitable first floor with ample parking as required by Town ordinance or code, in accordance with the number and type of units in those buildings, must have dedicated off-street parking at a location on or adjacent to the property on which the buildings are situate. Parking for buildings in this category must be designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic.

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- (4) All existing buildings within the Town that were legally in compliance with existing height and use restrictions on March 20, 2006, or were grandfathered on that date, but that either exceed the maximum building height limit established in paragraph (1), above, of this section of the Charter, or that fail to comply, where applicable, with the restrictions on use established in paragraph (2), above, of this section of the Charter, (hereinafter referred to as "Non-conforming Buildings") shall be considered legal, but non-conforming.
- (5) Notwithstanding the maximum building height limit established in paragraph (1), above, of this section of the Charter, an existing non-conforming building may be replaced by a new nonconforming building when, and only when:
- (a) The existing non-conforming building has:
 - (i) Been destroyed by fire, natural disaster, or other act of God; and
 - (ii) The property owner has submitted and received Town approval of a site plan depicting the replacement building; and
 - (iii) Construction of the replacement building is commenced within twelve (12) months of the date of destruction; or
 - (b) The existing non-conforming building is:
 - (i) Demolished as part of a Town approved redevelopment of the property; and
 - (ii) Prior to demolition, the property owner has submitted and received Town approval of a site plan depicting the replacement building; and
 - (iii) Construction of the replacement building is commenced within six (6) months of the date of site plan approval.
 - (c) The Town Commission may grant one (1) or more six (6) month extensions to the time periods for commencement of construction established in paragraphs (5)(a)(iii) and (5)(b)(iii), above, provided a written request for extension is filed with the Town Clerk prior to (in the case of a first request for extension) the expiration of the initial applicable time period for commencement of construction or prior to (in the case of a subsequent request for extension) the expiration of the most recent extension of the applicable time period for commencement of construction.
 - (d) All new non-conforming buildings constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall comply, where applicable, with the restrictions on use established in paragraph (2), above, and the provisions for parking availability established in paragraph (3), above, of this section of the Charter.
 - (e) The maximum allowable height of any new non-conforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original height of the non-conforming building which it replaces, plus any additional height which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the charter) may be necessary to obtain the same number of habitable stories as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new non-conforming building from being constructed to a lesser height or from containing fewer habitable stories than that of the original non-conforming building which it replaces. For the purposes of this provision of the Charter, the term "habitable story" means any story or part thereof that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.
 - (f) The maximum allowable square footage of any new nonconforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original square footage of the non-conforming building which it replaces, plus any additional square footage which (because of

the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the Charter) may be necessary to obtain the same number of habitable square feet as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new nonconforming building from being constructed either with less total square footage or with less habitable square footage than that of the original non-conforming building which it replaces. For the purposes of this section of the Charter, the term "habitable square footage" means the square footage of that portion of a building that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

- (6) The maximum building height limits, the restrictions on use and the maximum allowable square footage, and the provisions governing parking established in paragraphs (1), (2), (3) and (5), above, of this section of the Charter, shall be applicable to all real property located within the boundaries of the Town as the boundaries exist on March 20, 2006.
- (7) Every resident of the Town shall have the standing to enforce the maximum building height limits and the maximum allowable square footage established in paragraphs (1), (2) and (5), above, of this section of the Charter, by means of a suit in equity seeking either mandamus; prohibition; or any combination thereof, but nothing in this provision of the Charter shall be construed to either create a cause of action at law for money damages, or to authorize a court of equity to award money damages as an incident to equitable relief, or to authorize an award of attorney's fees to the prevailing party or to any other party.
- (8) The maximum building height limit established in paragraph (1), above, of this section of the Charter, supersedes any existing zoning ordinance or land development regulation to the extent that said zoning ordinance or land development regulation establishes anywhere within the Town a maximum building height limit greater than that established in paragraph (1), above, of this section of the Charter, but nothing in this section of the Charter shall be construed to supersede, modify or repeal any existing zoning ordinance or land development regulation that establishes anywhere within the Town a maximum building height limit lower than that established in paragraph (1), above, of this section of the Charter.
- (9) The Town Commission may not increase, by ordinance or by variance, the maximum building height limits established in paragraphs (1) and (5), above, of this section of the Charter, nor may the Town Commission modify, amend or repeal, by ordinance or by variance, the restrictions on use established in paragraph (2), above, or the provisions for parking availability established in paragraphs (2), (3) or (5), above, of this section of the Charter, nor may the Town Commission increase, by ordinance or by variance, the maximum allowable square footage established in paragraph (5), above, of this section of the Charter. The maximum height limits established for residential zoning districts including, but not limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and PUD in the Town's land development code as of March 20, 2006, may be increased, or such districts re-zoned for any other use whatsoever, only by a referendum vote of the registered voters of the Town in the manner established in Article IV, Section 4.7 [50] of this Charter for the repeal or amendment of initiated ordinances. The Town may not create new categories of zoning without approval of such categories by a similar referendum vote; and all provisions of such new categories of zoning must be submitted to the voters for approval.
- (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 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.

- (11) These provisions of the Charter shall be effective immediately upon adoption by a majority of the registered voters of the Town voting in a referendum to amend the Charter so as to include these provisions. Upon adoption, the maximum building height limits, the restrictions on use, the maximum allowable square footage and the provisions governing parking availability established in paragraphs (1), (2), (3) and (5), above, of this section of the Charter, shall immediately apply to all real property located within the boundaries of the entire Town. Upon adoption of these provisions, and pending amendment of any portion or portions of the Town's Code of Ordinances inconsistent with this section of the Charter, the more stringent provisions of this section shall apply.

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

- (1) As used in this section of the Charter, the term "the El Prado Property" shall refer to the following described real property situate, lying and being in the Town of Lauderdale-By-The-Sea, Florida:

The real property bounded on the west by the eastern boundary line of the Ocean Drive (also known as State Road A1A right-of-way, bounded on the east by the western boundary line of the El Mar Drive right-of-way, bounded on the north by the south boundary line of Lots 1, 2, 3, 4 and 5 of Block 11, and bounded on the south by the north boundary line of Lots 11, 12, 13, 14 and 15 of Block 12, all said Lots, Blocks and rights-of-way as set forth in the Plat of the Lauderdale-By-The-Sea Subdivision as recorded in Plat Book 6, at Page 2 of the Public Records of Broward County, Florida;

and

The real property bounded on the west by the eastern boundary line of the El Mar Drive right-of-way, bounded on the east by the western shore of the Atlantic Ocean, bounded on the north by the southern boundary line of Lot 1, Block 8, and bounded on the south by the north boundary line of Lot 13, Block 7, all said Lots, Blocks and rights-of-way as set forth in the Plat of the Lauderdale By-The-Sea Subdivision as recorded in Plat Book 6, at Page 2 of the Public Records of Broward County, Florida.

- (2) The Town may not vacate, abandon, lease, sell, transfer possession or transfer ownership of the El Prado Property without first obtaining a majority vote of the Town's electors at a referendum election held for the specific purpose of authorizing said 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.
- (4) Every resident of the Town shall have standing to enforce the restrictions on the vacating, abandonment, lease, sale, transfer of possession or transfer of ownership of the El Prado Property established in paragraphs (2) and (3), above, of this provision of the Charter, by means of a suit in equity seeking either mandamus,

prohibition, or injunction, or any combination thereof, but nothing in this provision of the Charter shall be construed to either create a cause of action at law for money damages, or to authorize a court of equity to award money damages as an incident to equitable relief, or to authorize an award of attorney's fees to the prevailing party or to any other party.

Sec. 7.3. Advisory boards; how constituted.

The Town Commission may at any time by resolution appoint advisory boards, composed of residents of the Town of Lauderdale-By-The-Sea, qualified to act in an advisory capacity to the Town Commission, the Town Manager, or to any department of the Town. The members of such boards shall serve without compensation at the pleasure of the Commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the Town.

CHARTER COMPARATIVE TABLE AMENDMENTS AND ORDINANCES

This table shows the location within this Charter of those amendments and ordinances included herein which have amended the 2006 Charter.

Ordinance Number	Date	Section	Section this Charter
2006-18	2-27-07	2	6.1(note), 6.3(note)
2008-05	3-25-08	2 Rpld	6.1(note),
			6.3(note)
2013-13	10-22-13	2	5.3
			6.2
			6.6
		Added	6.10



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Wednesday, September 18, 2024
6:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:30 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Events and Marketing Manager Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Attorney Trevarthen requested that Item 16.a be deferred to a future meeting.

Commissioner DeNapoli requested that his proposal for the Town to send out a postcard regarding the November 2024 ballot initiative be revisited tonight. Deputy Town Manager/Public Works Director Rubach confirmed that he would discuss this issue as part of the Town Manager Report.

5. PRESENTATIONS

a. Fire Prevention Week Proclamation

Mayor Malkoon read a Proclamation designating the week of October 6 through October 12, 2024 as Fire Prevention Week in Lauderdale-By-The-Sea. He encouraged residents to ensure their homes have working smoke alarms and to support the public safety activities presented by the Town's Fire and Emergency services.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Vice Mayor Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve with the correction. Motion carried 5-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Discussion of 2024-2025 Charter Review Board Process

Town Attorney Trevarthen noted that the Town's Charter must be reviewed at least every 12 years. The Charter Review Board is an advisory entity created by Resolution, and Town Staff is working to identify a meeting time for those appointees.

Town Attorney Trevarthen advised that it is standard practice to request input from the Commission on their preferences for the Charter Review Board's activities. The Commission may have no issues and want the Board to provide feedback, or they may want certain articles specifically reviewed.

The result of the Charter Review process will ultimately be a recommendation to the Town Commission. A previous version of the Charter Review Board, for example, provided a number of proposals, many but not all of which were included on the 2014 ballot. This decision will be left to the Commission.

With respect to timing, Town Attorney Trevarthen noted that there are rules on when specific sections of the Charter, such as Section 7-1, may be voted upon. This Section addresses land use and heights. This Section could be voted upon in a special election, or it could be placed on the ballot during a regular election. The Broward County Supervisor of Elections is not aware of any general elections in 2025 to which the Town could attach a vote addressing that Section. The earliest time at which Section 7-1 could be placed on a ballot with other items would be the March 2026 general election.

Another unique consideration is the fact that the Town does not yet know if there will be a municipal election on March 26, 2026. Depending upon the outcome of the ballot initiative on the November 5, 2024 general election ballot, the voters may or may not agree to change the timing of the March 26, 2026 municipal election.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
September 18, 2024

Town Attorney Trevarthen advised that a special election would be more expensive for the Town and would require voters to turn out on a special date, which may result in less voter turnout. If the matter is not voted upon before 2026, the Town would need to finalize the language of any proposed ballot question by roughly January 2026.

In the past, the Town has adopted the Ordinance which begins the process of placing an item on a ballot by the October Commission meetings. This provides more time for residents to learn about the issue and for the Town to provide the ballot question to the Supervisor of Elections without being affected by the holiday season. She recommended that the schedule for any potential ballot questions in 2026 be underway by October 2025. The Commission also has the option of establishing a deadline for the Charter Review Board's recommendations.

Commissioner DeNapoli advised that he has reviewed several ballots from throughout Broward County which include municipal ballot questions, and suggested that this be distributed to the other Commissioners.

Town Attorney Trevarthen further clarified that there is no obligation for the Commission to take action at tonight's meeting. This Item can be rescheduled for further consideration in October if that is the Commission's desire.

Mayor Malkoon commented that it is important to begin the Charter Review process in 2024, as this year is 12 years from the previous review date.

Deputy Town Manager/Public Works Director requested that the Commissioners send any ideas on this process to the Town Clerk so they can be included on a future Agenda or Agendas. He recommended that the Commission consider further discussion of Charter Review at the October 22, 2024 meeting.

13. NEW BUSINESS

- a. Resolution 2024-39 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SELECTING VARIOUS CONSULTANTS PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 2024-07-01 FOR CONTINUING PROFESSIONAL ARCHITECTURAL, ENGINEERING, TRAFFIC ENGINEERING, LANDSCAPE ARCHITECTURAL, AND/OR SURVEYING AND MAPPING SERVICES; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE CONTINUING SERVICES CONTRACTS WITH THE TOP SEVEN RANKED QUALIFIED**



Town Commission Agenda Item Report

Meeting Date: September 18, 2024

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Administration

Item Type: Presentation

Agenda Section: OLD BUSINESS

Subject Title: Discussion of 2024-25 Charter Review Board Process

Explanation:

Background

The Town's Charter was comprehensively rewritten, updated, and approved by the voters in 2004. It calls for a Charter review at least every twelve years.

The Charter Review Board is an advisory board created by resolution of the Town Commission pursuant to Section 7.3 of the Charter, comprised of residents serving without compensation. Their job is to review the Town Charter, address any specific issues as directed by the Town Commission, and recommend any modifications they feel are needed to the Town Commission. This process is commonly used by other municipalities but is not mandated or specifically regulated by the Charter or the Town Code.

The Charter Review Board is not an ongoing Board; it is convened for the purpose of this once every 12 years review, and members serve as long a term as the Commission decides is necessary to complete the Charter review, and prepare their recommendations. The Town Commission then receives these recommendations, and decide which ones, if any, to place on the ballot for voter approval.

The last time the Town did this in 2012, the Commission considered a range of potential issues, and directed the Charter Review Board to consider them. See **Exhibit 1**, Agenda Memo and Attachment from March 13, 2012 Town Commission meeting. The Commission had a special meeting on June 10, 2013 at which all of the changes recommended by the Charter Review Board were considered. See **Exhibit 2**, minutes of June 10, 2013 Special Commission meeting. The Commission chose to put some of the recommended changes on the 2014 ballot and rejected others. See **Exhibit 3**, Ordinance 2013-13. And the voters approved some of the changes on the 2014 ballot while rejecting others. See **Exhibits 4-7**, Summary of 2014 Charter Amendment election results, certified results, and 2014 Charter Submitted to Department of State.

The following questions were ultimately placed on the March 2014 ballot by the Town Commission:

- An alternative criteria for determining Town Manager qualifications, which was spurred by questions that had been raised concerning Connie Hoffmann's educational background (passed)
- A change to the deadline for designating the Vice Mayor to allow the newly elected Commission the option to take additional time to decide following its swearing in (passed)
- A clarification of the term limits, that no more than 14 years of service was permitted without a two-year break in service (passed)
- Creation of a procedure for a vacancy in candidacy for the Town Commission or Commissioner-Mayor positions (passed)
- Allowing a Mayor to run for Commissioner following service as Mayor if the candidate had not already served the maximum 14 years in office (failed)
- Clarify the due process applicable to and broaden the options for penalties applicable to Commissioners who allegedly violated ethics rules or standards of conduct (failed)

The Charter Review Board had also recommended the following questions, but the Commission decided not to place these on the March 2014 ballot:

- Remove Mayor voting last on a roll call vote
- Remove residency requirement for electoral districts, while preserving the current district seats
- Remove related language requiring a study of the districts
- Specify that Town Commissioner (and Mayor-Commissioner) is a part time position, and engagement in outside employment and charitable fundraising will be controlled by state law, not by the Broward County Code of Ethics
- Adopt the "plain English" version of Section 7.1 of the Charter
- Commission should consider options for changes to the Charter height limits recommended by the Board
- Amend the plain English version with specific recommended changes

Analysis

The Town Commission appointed the members of this year's Charter Review Board in the spring, and the Town is preparing to launch the Board's meeting process.

1. Purpose of the Review

The Charter review process allows the Town Commission and Charter Review Board to examine the existing Charter provisions, identify areas that may need revision, and address any ambiguities or outdated language. This process is a proactive measure, to ensure that our governance structure remains effective and in tune with best practices.

2. Role of the Commission

The Commission may define the scope and direction of the Charter Review Board's work. The Board may undertake a comprehensive review of the entire Charter or concentrate on specific provisions as directed by the Commission. Determining the appropriate scope, whether a targeted examination or a full analysis, is an essential first step.

At the conclusion of the review, the Board's recommendations will be presented to the Commission for consideration. The Commission will determine which, if any, amendments should proceed to the Town's voters. In accordance with Section 166.031, Florida Statutes, this process requires the adoption of an ordinance, which must then be approved by a majority of voters in a referendum. This referendum may be held during a general election or a special election.

3. Timeline of the Charter Review

Based on discussions with the Broward Supervisor of Elections office regarding the March 2026 election, ballot questions must be submitted by the first day of qualifying, which is typically the first working day in January in the Town. While a few municipalities are holding elections in 2025, no general elections are currently scheduled for that year. The Charter could be scheduled for a special election if desired, if no changes to Section 7.1 are proposed.

Special timing rules apply to any proposed changes to Section 7.1 of the Charter. See Section 7.1(10) of the Town Charter. Any revisions to it must be approved by a majority vote of registered voters in an election, held only during a regularly scheduled November general election or a March municipal general election. The Charter expressly prohibits any amendments or repeals of this section during special elections held at any other time.

With these legal requirements in mind, the current timeline for proposed amendments to the Charter that would allow for potential changes to Section 7.1 offers two primary election date options:

1. The first is the March 2026 general election, with ballot questions likely due by January 2026.
2. The second option is the November 2026 general election, with ballot questions expected to be due around July 2026.

However, if the voters change the date of the municipal general election to November, then only option 2 is available for a set of Charter amendments that include Section 7.1.

Because the process includes adoption of an ordinance that requires two readings and may be deferred for further consideration, we note that the Charter amendment ordinance was approved by the Town Commission at the second regular meeting of October 2013 in the last cycle, leaving ample time for timely submission to the Supervisor of Elections in January 2014 despite the end of year holidays. This additional time is prudent, and also allows additional time for the voters to become familiar with the proposals.

For proposed Charter amendments that do not involve Section 7.1, the Town has additional flexibility beyond the March/November 2026 municipal general election:

1. Amendments could be placed on the ballot for a special election called by the Town, with ballot questions typically due four to five months prior to the election date. Such special elections must be coordinated with the Supervisor of Elections' availability, but could occur at any time with their approval.
2. Alternatively, these amendments could be included in the March 2026 general municipal election, likely with a January 2026 deadline for ballot submissions.

These timelines will ensure that the Charter review process aligns with the legal requirements and election deadlines, providing clear guidance for the submission of any proposed amendments.

4. Scope of Charter Review

Finally, the Town Commission should consider whether it wants to direct the Charter Review Board to examine any specific provision of the Charter or evaluate adding any provisions to the Charter. The Town Commission could direct specific issues be considered by the Board, or simply recommend that the Board review the Charter as it sees fit and make its recommendations to the Commission.

A complicating factor this year is that, on November 5, the Town's voters will be considering whether to change the date of the Town's regular municipal elections from March to November. See Ordinance 2024-05. If the November election date is approved, the Charter questions would need to be placed on the same ballot as the Town Commission races, in November 2026. If so, then the deadline for submitting questions would be the first day of qualifying for the November 2026 election, which is likely to be July 2026.

Recommendation: The Town Commission should consider the above matters, and develop a recommendation on how to proceed with launching the Charter Review Board process.

Exhibits:

1. 3-13-2012 Minutes of Discussion of Possible Topics for Charter Review to Consider
2. March 13, 2012 Agenda Memo
3. Ordinance 2013-13
4. Summary of 2014 Charter Amendment Election Results
5. Certified Election Results
6. Minutes 06-10-2013 Special Meeting
7. 2014 Amended Charter

Ja

March 13, 2012 Commission Meeting

Verbatim Minutes

17a: Discussion of Possible Topic for Charter Review Board to Consider

Mayor Minnet: I believe you probably have a list started. We discussed certain things and you included that in the backup. (see attached).

Manager Hoffmann: Yes, but I may have forgotten things that the Commission wants to add.

Commissioner Brown: Just to follow up quickly on what I had said before, I read through the Charter and there is a very clearly defined timeline if the citizens present a petition to put something on a referendum. There's a process that requires a minimum of 90 days before you can vote on it. Which means in the case of a citizens initiative, it would have to be completed by July in order to get on the ballot in November, but here is nothing in the Town charter which sets a time frame for any referendums which might be proposed by the Charter Review Board. It's sort of a gray area. I raise this question because it gets into the issue of how long is this Charter Review Board going to be in operation and are they going to have a deadline for submitting their recommendations to us, which takes into account either a 90 day lag period before it can go on a referendum, or are we not going to assume that they are going to come up with anything. The one example that pops into my mind right away is the one on the Mayor's term. Let's say that the Charter Review Board decides to change the Mayor from a 2 year term to a 4 year term, you would probably want to have that up for referendum this November when we have an election scheduled, and then it would be able to take effect in time for the next Municipal election. On the other hand, if there is no time constraint on doing that, if you want to miss the next election then you don't have to worry about it. I think we need to clarify how long this board has to do its job and when are they required to come back with their report to us, and do they have to come back with their full report before we act, let's say they wanted to single out one provision that they really wanted to get on the ballot in November, could they come to us with that before their report? And just one last thing I want to point out... on 6.6 it talks about forfeiture of office. And on #2 on 6.6 it says "a Commission member or the Mayor shall forfeit the office if the person violates any standard of conduct or code of ethics established by law for public officials". This jumps right into this whole issue we are dealing with now of the County's Ethic Law. If one of us is at an event and we take a bottle of water and take a sip out of it, we have violated the Ethic law, or if one of us has a conversation with somebody, either knowingly or unknowingly, and that person is a registered lobbyist, we violated the law. Under the Town charter it says "violates any standard of conduct or

code of ethics established by law". So I would hope that the Charter Review would look at that language. It's obvious what the intent is, you don't want to have people breaking laws and serving on the Commission, but is it really your intent to throw someone off the Commission because they took a sip of water at a public meeting? I just hope that you would be able to clarify that. Those would be my only requests. Thank you.

Mayor Minnet: Thank you, Commissioner Brown. Commissioner Dodd.

Commissioner Dodd: Yes, since you are inviting other topics to be added to the list here, I personally would actually like to see the Review Board grapple with the height limit, and consider mapping a geographical area within the Town within which 3 over 1 is the legal maximum construction height. I doubt if anybody, other than a land attorney could really tell you on reading the code whether the west side of El Mar Drive qualifies as 33 or 44 feet, and it's got so confused with the coastal construction line and all the other issues there, that I would just like to see the Charter Review Board look at the Town and draw an area and say anything within that area is 3 over 1 compliance. And that I think would simplify the code enormously I don't want to change the height..... I am just trying to make it easier for somebody that comes into Town and wants to buy property, and wants to look at the redevelopment that they know immediately, very simply, within this area this is what is allowed, within everywhere else in Town it's 32 feet. I think that would simplify the job and the code in a lot of areas. That is something I would like them to look at.

Mayor Minnet: Yes, the language certainly needs to be clarified and the definitions on the height limit. Thank you for bringing that up again. Commissioners, Vice Mayor, any other items? I think we hit on quite a few, but I do think it would be up to the Charter Review Board to analyze this and bring their recommendations to this body. I know we had a few items and I believe the Town Manager put them together on items that we had come through in a year

Town Attorney Trevarthen: There were procedural matters. do you want me to address those?

Mayor Minnet: Sure.

Town Attorney Trevarthen: The short version is basically yes to pretty much anything in the sense that our Charter doesn't constrain it. Commissioner Brown is correct in pointing out that there's one regime that applies to a citizen referendum and that there's not similar language that applies to when the Commission brings forth referenda and that's the one correction I would make. This is not the Charter Review Board putting something on the ballot. This will be an advisory committee making recommendations to this body and the Town Commission will decide whether or not to put something on the

ballot. It's not that there are not constraints, those constraints come from the Supervisor of Elections. I'm working on memory from 2010 when we looked at this issue. My guess is that somewhere around September we absolutely have to finalize, I think we may have gone to second reading, we planned to go to second reading in October, maybe early October, and we were just under the wire for the Supervisor's deadline. But there's a period of time that's necessary to actually print the ballot and make it possible for it to be on the election. So, the general idea is correct that we have to map that out and back into it, but it comes more from the election process itself rather than from our charter. And then whether you want to split it up, or whatever you want to charge the Charter Review Board to do, that's really at the discretion of this Town Commission.

Mayor Minnet: Commissioner Brown, does that answer your question?

Commissioner Brown: Yes.

Mayor Minnet: Town Manager, I think we've added the items we need to add to submit to the Charter Review Board.

Town Manager Hoffmann: Mayor, I believe we need, as a Commission to outline the time frame that you want the recommendations to come back from the Charter Review Board.

Mayor Minnet: Can you find out how long the first Charter Review Board was in session?

Town Clerk White: It was 8 months.

Mayor Minnet: It took a long time because it was chapter by chapter. It didn't seem like a long time, because there was so much to go over. We looked at the language in the Charter... we looked at do you want to make the charter so constrictive, or how do you want to work with it? It's a very lengthy process. There are good people on the Board that would bring good ideas. So I would say 8 months is the time they would need.

Commissioner Dodd: I think we should leave it to the Charter Review Board to have their first meeting, because I agree that there will be issues that we might get onto the ballot for the next election, and they might want to come back to us with a recommendation for a few items that we can do at the next election and as you say, the Charter Review is going to take a length of time in order for them to study it in the depths that we are asking them to do, and it may well take longer, so we got to be aware that we may get something for this ballot and something for the next ballot.

Mayor Minnet: That's fine, if you want to leave it up the Charter Review Board and maybe give them the outline from the original Charter Review Board so they know how that was designed.

Mayor Minnet: Town Manager does that complete the information?

Town Manager Hoffmann: Yes.

End of discussion

Item No. 17a 86**AGENDA ITEM MEMORADUM****Town Manager**

Department

Connie Hoffmann

Department Director

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
☐ Feb 28, 2012	Feb 17
☒ Mar 13, 2012	Mar 2
☐ Mar 27, 2012	Mar 16
☐ April 10, 2012 *	Mar 30
☐ April 24, 2012	Apr 13

***Subject to Change**

- | | | | |
|---------------------------------------|---|---------------------------------------|--|
| ☐ Presentation | ☐ Reports | ☐ Consent | ☐ Ordinance |
| ☐ Resolution | ☐ Quasi-Judicial | ☐ Old Business | ☒ New Business |

☐ **FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC****SUBJECT TITLE: DISCUSSION OF POSSIBLE TOPICS FOR CHARTER REVIEW BOARD TO CONSIDER**

EXPLANATION: The Commission had asked the Town Attorney and I to keep lists of topics for possible review by the Charter Review Board. Below is our combined list, the majority of which were supplied by the Town Attorney.

- Review certain land use provisions, including:
 - Clarify how to measure height
 - Clarify what it means to "rezone for any other use"
 - Changes that would support our Comprehensive Plan goals to support hotels and discourage the conversion of hotels to residential uses.
- Add procedure for candidate withdrawal following qualification per statute.
- Determine whether to sunset residential electoral districts (as in ballot question in 2004). If not, future redistricting needs to be addressed. On the latter point, consider changing Charter language that dictates that a university must be used to do the districts study.
- Broaden qualifications for Town Manager.
- Remove residential uses from prime hotel areas – or revise language to be clear that we can remove uses by ordinance without a referendum.
- Consider not specifying that the Vice Mayor must be selected on a particular date.
- Length of Mayoral term of office.

This list is simply provided as food for thought for the Commission in developing specific assignments to the Charter Advisory Board, if you wish to take that route.

Reviewed by Town Attorney

☐ Yes ☐ No

Town Manager Initials

CH

Topics for the Charter Review Board to Consider:

1. Clarify the meaning of the language in 6.6 (2) of the Town Charter (forfeiture of office with regards to ethics)
2. Clarify the height limit as it is difficult to interpret. Consider mapping a geographical area within the Town, within which 3 over 1 is the legal maximum construction height, and everywhere else is 32 feet.
3. Review and clarify what it means to “rezone for any other use”.
4. Review land use changes that would support our Comprehensive Plan goals to support hotels and discourage the conversion of hotels to residential uses.
5. Add procedure for candidate withdrawal following qualification per statute.
6. Determine whether to sunset residential electoral districts (as in ballot question 2004, attached). If not, future redistricting needs to be addressed. On the latter point, consider changing Charter language that dictates that a university must be used to do the districts study.
7. Broaden qualifications for Town Manager.
8. Remove residential uses from prime hotel areas – or revise language to be clear that we can remove uses by ordinance without a referendum.
9. Consider not specifying that the Vice Mayor must be selected on a particular date.
10. Length of Mayoral term of office.

**LAUDERDALE-BY-THE-SEA
SAMPLE BALLOT**

**OFFICIAL MUNICIPAL GENERAL ELECTION
BROWARD COUNTY, FLORIDA
MARCH 9, 2004**

**MAYOR
LAUDERDALE-BY-THE-SEA
(Vote for ONE)**

Susan Mary BEATTY
Beverly KENNEDY
Oliver PARKER

**TOWN COMMISSIONER
LAUDERDALE-BY-THE-SEA
(Vote for TWO)**

Chuck CLARK
Cindy GEESEY
John THOMPSON
John YANNI

LAUDERDALE-BY-THE-SEA – 1

DESIGNATION OF TOWN COMMISSIONER SEATS ONE THROUGH FOUR BY DISTRICT

The Charter provides for electing Commissioners without regard to where they live in the Town. Should the Charter be amended to establish four seats elected at large but from districts; Seat 1 representing the northern district and Seat 2, representing the southern district, elected in 2006; and seats three, representing a northern district and seat four, representing the southern district, elected in 2008; with district residency requirements ending in 2018?

YES
NO

LAUDERDALE-BY-THE-SEA – 2

INCREASE THE TERM OF OFFICE FOR MAYOR-COMMISSIONER FROM TWO YEARS TO FOUR YEARS

The current Town Charter provides that the Mayor-commissioner serves a term of two years. Should the Town Charter be amended to provide that the Mayor-commissioner shall serve a four-year term, consistent with the four-year term of Commissioners, commencing with the General Municipal Election of 2004?

YES
NO

Page 1 of 2
Public Count: 0

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ORDINANCE NO. 2013-13

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, FOLLOWING TOWN COMMISSION REVIEW AND CONSIDERATION OF CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW BOARD IN ACCORDANCE WITH SECTION 2.7 OF THE TOWN CHARTER; SUBMITTING PROPOSED CHARTER AMENDMENTS CONCERNING AMENDMENT OF SECTION 5.3 "TOWN MANAGER-APPOINTMENT, QUALIFICATIONS AND COMPENSATION," SECTION 6.2 "VICE MAYOR AND ACTING MAYOR PRO-TEM," SECTION 6.3 "QUALIFICATIONS OF MEMBERS OF TOWN COMMISSION," SECTION 6.6 "FORFEITURE OF OFFICE," SECTION 6.7 "FORFEITURE HEARING AND PROCESS," AND CREATION OF SECTION 6.10 "VACANCY IN CANDIDACY FOR MAYOR-COMMISSIONER OR COMMISSIONER;" CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 11TH DAY OF MARCH 2014, 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.

33 **WHEREAS,** pursuant to Section 2.7 of the Town Charter, the Charter Review Board has
34 determined that certain revisions are needed to the Town Charter and has submitted its
35 recommendation of proposed amendments to the Town Charter to the Town Commission; and

36 **WHEREAS,** pursuant to Section 2.7 of the Town Charter and Section 166.031, Florida
37 Statutes, the Town Commission has considered the recommendation of the Charter Review
38 Board and has determined, at the Town Commission's discretion, to submit to the electors of the

39 Town for approval or rejection only those amendments to the Town Charter (the "Charter
40 Amendments") that are set forth herein.

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

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

45 **Section 2. Charter Amendments.** Pursuant to Section 2.7 of the Town Charter and
46 Section 166.031, Florida Statutes, and subject to the approval of the electors as described in
47 Section 8 below, the Town Charter of the Town of Lauderdale-By-The-Sea, Florida, is hereby
48 amended as follows:¹

49 * * *

50
51 **ARTICLE V. – TOWN OFFICERS AND EMPLOYEES**

52
53 * * *

54 **Sec. 5.3. - Town Manager—Appointment, qualifications and compensation.**

55
56 The Town Commission shall appoint a Town Manager who shall be the
57 administrative head of the municipal government under the direction and supervision of
58 the Town Commission. The Town Manager shall hold office at the pleasure of the Town
59 Commission. The Town Manager shall receive such compensation as determined by the
60 Town Commission through the adoption of an appropriate resolution. The Town Manager
61 shall be appointed by resolution approving an employment contract between the Town
62 and the Town Manager. The Town Manager shall be appointed solely on the basis of
63 education and experience in the accepted competencies and practices of local public
64 management including, a graduate degree with a concentration in public administration,
65 public affairs, public policy, or public finance and two (2) years' experience as an
66 appointed city manager or county manager, or four (4) years' experience as an assistant or
67 deputy city manager or assistant or deputy county manager. Alternatively, the Town

¹ Proposed additions to existing Town Charter text are indicated by underline; proposed deletions from existing Town Charter text are indicated by ~~strike through~~. Changes from first reading are indicated by double underline and ~~double strike through~~, and highlighted in [REDACTED].

68 Manager shall be appointed on the basis of education and experience in the accepted
69 competencies and practices of local public management that is determined by the Town
70 Commission to be commensurate to those listed in the prior sentence.
71

72 * * *

73
74 **ARTICLE VI. – ELECTIONS**
75

76 * * *

77 **Sec. 6.2. - Vice Mayor and acting Mayor Pro-Tem.**

78 No later than ~~On~~ the second regularly scheduled Town Commission meeting to occur Tuesday
79 following each regular election, one (1) member of the Town Commission may be designated, by
80 resolution, as Vice Mayor to preside in the absence of the Mayor-Commissioner. In the event
81 that the designated Mayor-Commissioner and the Vice Mayor are absent at any meeting of the
82 Town Commission, any member of the Town Commission may be designated by the Town
83 Commission to act as Mayor Pro-Tem for such meeting.

84 **Sec. 6.3. - Qualifications of members of Town Commission.**

85 (1) To be eligible to hold the office of Mayor-Commissioner or Commissioner of the Town of
86 Lauderdale-By-The-Sea, or to qualify for candidacy for Mayor-Commissioner or Commissioner,
87 the individual shall be a bona fide resident and citizen of the Town of Lauderdale-By-The-Sea,
88 shall have resided in the said town for the six (6) months immediately preceding the date of
89 election, shall be a registered voter pursuant to Florida law, and shall be otherwise qualified as
90 provided for in the Charter.

91 (2) No person may be a candidate for Commissioner, nor may be appointed to fill a vacancy as
92 a Commissioner, if that person has served during both of the two preceding consecutive
93 Commission terms for that seat as a Commissioner ~~or a Mayor-Commissioner or both~~, without a
94 two year break in service.

95 (3) No person may be a candidate for Mayor-Commissioner, nor may be appointed to fill a
96 vacancy as the Mayor-Commissioner, if that person has served during each of the three
97 preceding consecutive Mayor-Commissioner terms as a Mayor-Commissioner.

98 (4) Service of one year or less of a term by a person who had not previously served as either a
99 Commissioner or Mayor-Commissioner shall not be considered for purposes of term limits.

100 (5) Service for purposes of term limits shall be determined as of the time the person would take
101 office.

102 (6) No person may be a candidate for Mayor-Commissioner or Town Commissioner, nor may be
103 appointed to fill a vacancy as the Mayor-Commissioner or Town Commissioner, if that person
104 has consecutively served fourteen (14) years in any combination of offices without a two year
105 break in service.

106
107

* * *

108 **Sec. 6.6. - Forfeiture of office.**

109 A Commission member, or the Mayor-Commissioner, ~~shall forfeit the~~ is subject to penalties
110 including forfeiture of office if the person:

111 (1) Lacks, at any time during a term of office, any qualification for the office prescribed
112 by this Charter or general law;

113 (2) Violates any standard of conduct or code of ethics established by law for public
114 officials;

115 (3) Is convicted of a felony while in office;

116 (4) Fails to attend four (4) consecutive regular meetings of the Town Commission without
117 being excused by the Town Commission by formal action entered upon the minutes; or

118 (5) Becomes incapable of performing the duties of the office for a period of more than
119 three (3) months.

120 In all circumstances arising under this section, the Town Commission shall be the judge of its
121 own membership.

122 **Sec. 6.7. - Forfeiture hearing and process.**

123 A member of the Town Commission charged with conduct constituting grounds for forfeiture of
124 his office shall be entitled to a public hearing on demand, and notice of such hearing shall be
125 published in one or more newspapers of general circulation in the Town at least thirty days
126 before the scheduled hearing. At that public hearing, the Commissioner in question is entitled to
127 present evidence and must be afforded due process. The Town Commission shall be the sole
128 judge of the qualifications of its members and shall hear all questions relating to forfeiture of a
129 Commissioner's or Mayor-Commissioner's office, including whether or not good cause for
130 absence has been, or may be, established. The Commissioner in question shall have the burden of
131 establishing good cause for absence; provided, however, that any Commissioner may at any time
132 during any duly held meeting move to establish good cause for his or her absence or the absence
133 of any other Commissioner, from any past, present, or future meeting(s), which motion, if
134 carried, shall be conclusive. A Commissioner whose qualifications are in question, or who is
135 otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The Town
136 Commission may order one or more of the following penalties at a hearing based on Section
137 6.6(2) or Section 6.6(5): forfeiture of office, censure, and a letter of instruction for the future
138 conduct of the Commissioner. The Town Commission may order forfeiture at a hearing based
139 on Section 6.6(1), (3) or (4). Any final determination by the Town Commission that a
140 Commissioner or the Mayor-Commissioner has forfeited his or her office, or to censure or issue
141 a letter of instruction to the Commissioner in question, shall be made by resolution approved by
142 a unanimous vote of the remaining members of the Town Commission. All votes and other acts

of the Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

* * *

Sec. 6.10. - Vacancy in candidacy for Mayor-Commissioner or Commissioner.

(a) Withdrawal. A candidate for Mayor-Commissioner or Commissioner may withdraw at any time prior to the election by filing a sworn, executed statement of withdrawal with the Town Clerk.

(b) Effect of death, withdrawal or removal where candidate remains on the ballot.

(1) ~~No supplemental qualifying period.~~ (i) If the death, withdrawal or removal from the ballot of a qualified candidate or candidates for office following the end of the qualifying period leaves less than two candidates for that office, and at least twenty five (25) days remain before the election, the qualifying period for that office shall be reopened for five (5) days. The supplemental qualifying period shall begin on the day following the day that the vacancy occurs. Notice of the supplemental qualifying period shall be posted by the Town Clerk.

~~(ii) If fewer than twenty five (25) days remain before the election, no supplemental qualifying period shall be provided. The remaining candidate shall be declared elected and no election shall be held for that office.~~

(2) Changes in ballot. The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void. All candidates qualified during a supplemental qualifying period shall be placed on the ballot along with the remaining candidate, if possible.

(3) Treatment of any remaining candidate. Where a single candidate remains for an office, the remaining candidate for that office shall not be required to re-qualify for election or pay a second qualifying fee. The remaining candidate shall not be declared an unopposed candidate by the Town Clerk unless no additional candidate qualifies for election during the supplemental qualifying period. If declared unopposed, the remaining candidate shall be declared elected by operation of law.

(c) Effect of death, withdrawal or removal where no candidate remains on the ballot. Should a vacancy in candidacy leave no candidate remaining for an office after the conclusion of the qualifying period and any supplemental qualifying period but before the election, the resulting vacancy shall be handled as provided in Section 6.8 of the Charter.

* * *

Section 3. Election Called. A special election is hereby called for Tuesday, March 11, 2014, in conjunction with the general election being held on said date, to present to the qualified electors of the Town of Lauderdale-By-The-Sea (the "Town"), each of the ballot questions 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:

(1) CREATE ALTERNATIVE STANDARD FOR TOWN COMMISSION TO DETERMINE TOWN MANAGER QUALIFICATIONS

The Charter currently identifies qualifications for the Town Manager, including specifically identified levels of education and experience establishing acceptable competencies and practices of local public management experience.

Shall the Charter be amended to give the Town Commission the option to determine that other levels of education and experience are acceptable because they are comparable to the identified levels?

YES []

NO []

(2) CHANGE TIME FOR TOWN COMMISSION TO DESIGNATE THE VICE-MAYOR

The Charter currently provides that the Town Commission must designate a Vice Mayor on the second Tuesday following each regular election.

Shall the Charter be amended to provide that the Town Commission designate a Vice-Mayor no later than the second regularly scheduled Town Commission meeting following each regular election?

YES []

218
219 NO []
220
221

222 (3) ALLOW MAYOR-COMMISSIONER TO RUN FOR
223 TOWN COMMISSIONER AFTER REACHING TERM
224 LIMIT AS MAYOR-COMMISSIONER
225

226 The Charter currently prohibits a Mayor-Commissioner from
227 running for Town Commissioner immediately following three
228 consecutive terms of service as Mayor-Commissioner.
229

230 Shall the Charter be amended to allow future Mayor-
231 Commissioners to run for Town Commissioner without a two-year
232 break in service?
233

234 YES []
235

236 NO []
237
238

239 (4) ESTABLISH MAXIMUM CONSECUTIVE TERM
240 LIMIT FOR SERVICE AS MAYOR-COMMISSIONER
241 AND TOWN COMMISSIONER
242

243 The Charter currently limits service as a Mayor-Commissioner to
244 three terms and service as a Town Commissioner to two terms, but
245 does not limit continuous service alternating between the two
246 offices.
247

248 Shall the Charter be amended to provide that no person may be
249 elected or appointed as Mayor-Commissioner or Town
250 Commissioner if that person has served a total of fourteen years in
251 any combination of offices, without a two year break in service?
252

253 YES []
254

255 NO []
256
257

258 (5) AMEND PROCEDURES AND PENALTIES
259 APPLICABLE TO ALLEGED COMMISSIONER
260 VIOLATIONS
261

The Charter currently provides that, if the Town Commission finds that one of its members has committed certain acts, that Commissioner shall forfeit office.

Shall the Charter be amended to clarify the due process requirements for such hearings, and to allow the Commission to consider lesser penalties (censure and a letter of instruction) for violation of any standard of conduct or code of ethics established by law and for incapacity for three or more months?

YES []

NO []

(6) CREATE PROCEDURES FOR VACANCIES IN CANDIDACY FOR TOWN ELECTED OFFICE

Section 166.031(6), Florida Statutes, requires that local governments create a procedure to address vacancies in candidacy before an election.

Shall the Charter be amended to add procedures related to candidate vacancies including procedures for withdrawal, supplemental qualifying periods, treatment of remaining candidates, and effects of death, withdrawal or removal of candidates?

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 February 10, 2014, 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, February 2, 2014), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, February 16, 2014), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT, PURSUANT TO ORDINANCE NO. 2013-13 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 11TH DAY OF MARCH 2014, BETWEEN THE HOURS OF 7 A.M. AND 7 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

- (1) CREATE ALTERNATIVE STANDARD FOR TOWN COMMISSION TO DETERMINE TOWN MANAGER QUALIFICATIONS

The Charter currently identifies qualifications for the Town Manager, including specifically identified levels of education and experience establishing acceptable competencies and practices of local public management experience.

Shall the Charter be amended to give the Town Commission the option to determine that other levels of education and experience are acceptable because they are comparable to the identified levels?

YES []

NO []

(2) CHANGE TIME FOR TOWN COMMISSION TO DESIGNATE THE VICE-MAYOR

The Charter currently provides that the Town Commission must designate a Vice Mayor on the second Tuesday following each regular election.

Shall the Charter be amended to provide that the Town Commission designate a Vice-Mayor no later than the second regularly scheduled Town Commission meeting following each regular election?

YES []

NO []

(3) ALLOW MAYOR-COMMISSIONER TO RUN FOR TOWN COMMISSIONER AFTER REACHING TERM LIMIT AS MAYOR-COMMISSIONER

The Charter currently prohibits a Mayor-Commissioner from running for Town Commissioner immediately following three consecutive terms of service as Mayor-Commissioner.

Shall the Charter be amended to allow future Mayor-Commissioners to run for Town Commissioner without a two-year break in service?

374 YES []

375
376 NO []

377
378
379 (4) ESTABLISH MAXIMUM CONSECUTIVE TERM
380 LIMIT FOR SERVICE AS MAYOR-COMMISSIONER
381 AND TOWN COMMISSIONER
382

383 The Charter currently limits service as a Mayor-Commissioner to
384 three terms and service as a Town Commissioner to two terms, but
385 does not limit continuous service alternating between the two
386 offices.
387

388 Shall the Charter be amended to provide that no person may be
389 elected or appointed as Mayor-Commissioner or Town
390 Commissioner if that person has served a total of fourteen years in
391 any combination of offices, without a two year break in service?
392

393 YES []

394
395 NO []

396
397
398 (5) AMEND PROCEDURES AND PENALTIES
399 APPLICABLE TO ALLEGED COMMISSIONER
400 VIOLATIONS
401

402 The Charter currently provides that, if the Town Commission finds
403 that one of its members has committed certain acts, that
404 Commissioner shall forfeit office.
405

406 Shall the Charter be amended to clarify the due process
407 requirements for such hearings, and to allow the Commission to
408 consider lesser penalties (censure and a letter of instruction) for
409 violation of any standard of conduct or code of ethics established
410 by law and for incapacity for three or more months?
411

412 YES []

413
414 NO []

(6) CREATE PROCEDURES FOR VACANCIES IN
CANDIDACY FOR TOWN ELECTED OFFICE

Section 166.031(6), Florida Statutes, requires that local governments create a procedure to address vacancies in candidacy before an election.

Shall the Charter be amended to add procedures related to candidate vacancies including procedures for withdrawal, supplemental qualifying periods, treatment of remaining candidates, and effects of death, withdrawal or removal of candidates?

YES []

NO []

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

Town Clerk

Section 7. Copies. Copies of this Ordinance proposing the Charter Amendments are on file at the offices of the Town Clerk located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308, and are available for public inspection during regular business hours.

Section 8. Effectiveness. Each Charter Amendment provided for in Section 2 of this Ordinance shall become effective if the majority of the qualified electors voting on that specific Charter Amendment, as described in the ballot summaries of Section 4 of this Ordinance, vote for its adoption. Each Charter Amendment shall be considered adopted and effective upon certification of the election results. Following adoption of the Charter Amendment(s), the Town Clerk shall incorporate the adopted Charter Amendment(s) into the Town Charter and shall file

the revised Town Charter with the Office of the Secretary of State as required by Section 166.031, Florida Statutes.

Section 9. Inclusion in the Town Charter. Subject to the requirements of Section 8 above, it is the intention of the Town Commission and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the Town of Lauderdale-By-The-Sea, Florida, and that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 10. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the 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 10th day of September, 2013.

PASSED AND FINALLY ADOPTED on Second Reading this 22nd day of October, 2013.

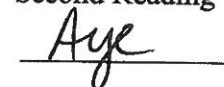

Mayor Roseann Minnet

Mayor Minnet

First Reading

Second Reading





478 Vice-Mayor Sasser
479 Commissioner Brown
480 Commissioner Dodd
481 Commissioner Vincent

Aye
Aye
Aye
Aye

Aye
Aye
Aye
Aye

482
483 Attest:

484 Vanessa Castillo
485
486
487 Town Clerk Vanessa Castillo, CMC

488
489 Approved as to form:

490 Susan L. Trevarthen
491
492
493 Susan L. Trevarthen, Town Attorney

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

1st day of April, 20 14
Jecha Smith Deputy Town clerk

Charter Amendments That Passed:

(1) CREATE ALTERNATIVE STANDARD FOR TOWN COMMISSION TO DETERMINE TOWN MANAGER QUALIFICATIONS

The Charter currently identifies qualifications for the Town Manager, including specifically identified levels of education and experience establishing acceptable competencies and practices of local public management experience.

Shall the Charter be amended to give the Town Commission the option to determine that other levels of education and experience are acceptable because they are comparable to the identified levels?

Sec. 5.3. - Town Manager—Appointment, qualifications and compensation.

. . . . The Town Manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local public management including, a graduate degree with a concentration in public administration, public affairs, public policy, or public finance and two (2) years' experience as an appointed city manager or county manager, or four (4) years' experience as an assistant or deputy city manager or assistant or deputy county manager. Alternatively, the Town Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local public management that is determined by the Town Commission to be commensurate to those listed in the prior sentence.

(2) CHANGE TIME FOR TOWN COMMISSION TO DESIGNATE THE VICE MAYOR

The Charter currently provides that the Town Commission must designate a Vice Mayor on the second Tuesday following each regular election.

Shall the Charter be amended to provide that the Town Commission designate a Vice Mayor no later than the second regularly scheduled Town Commission meeting following each regular election?

Sec. 6.2. - Vice Mayor and acting Mayor Pro-Tem.

No later than ~~On~~ the second regularly scheduled Town Commission meeting to occur ~~Tuesday~~ following each regular election, one (1) member of the Town Commission may be designated, by resolution, as Vice Mayor to preside in the absence of the Mayor-Commissioner. . . .

(4) ESTABLISH MAXIMUM CONSECUTIVE TERM LIMIT FOR SERVICE AS MAYOR-COMMISSIONER AND TOWN COMMISSIONER

The Charter currently limits service as a Mayor-Commissioner to three terms and service as a Town Commissioner to two terms, but does not limit continuous service alternating between the two offices.

Shall the Charter be amended to provide that no person may be elected or appointed as Mayor-Commissioner or Town Commissioner if that person has served a total of fourteen years in any combination of offices, without a two year break in service?

Sec. 6.3. - Qualifications of members of Town Commission.

* * * * *

(6) No person may be a candidate for Mayor-Commissioner or Town Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner or Town Commissioner, if that person has consecutively served fourteen (14) years in any combination of offices without a two year break in service.

(6) CREATE PROCEDURES FOR VACANCIES IN CANDIDACY FOR TOWN ELECTED OFFICE

Section 166.031(6), Florida Statutes, requires that local governments create a procedure to address vacancies in candidacy before an election.

Shall the Charter be amended to add procedures related to candidate vacancies including procedures for withdrawal, supplemental qualifying periods, treatment of remaining candidates, and effects of death, withdrawal or removal of candidates?

Sec. 6.10. - Vacancy in candidacy for Mayor-Commissioner or Commissioner.

(a) Withdrawal. A candidate for Mayor-Commissioner or Commissioner may withdraw at any time prior to the election by filing a sworn, executed statement of withdrawal with the Town Clerk.

(b) Effect of death, withdrawal or removal where candidate remains on the ballot.

(1) No supplemental qualifying period. If the death, withdrawal or removal from the ballot of a qualified candidate or candidates for office following the end of the qualifying period leaves less than two candidates for that office, the remaining candidate shall be declared elected and no election shall be held for that office.

(2) Changes in ballot. The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.

(c) Effect of death, withdrawal or removal where no candidate remains on the ballot. Should a vacancy in candidacy leave no candidate remaining for an office after the conclusion of the qualifying period, the resulting vacancy shall be handled as provided in Section 6.8 of the Charter.

Charter Amendments That Failed:

(2) ALLOW MAYOR-COMMISSIONER TO RUN FOR TOWN COMMISSIONER AFTER REACHING TERM LIMIT AS MAYOR-COMMISSIONER

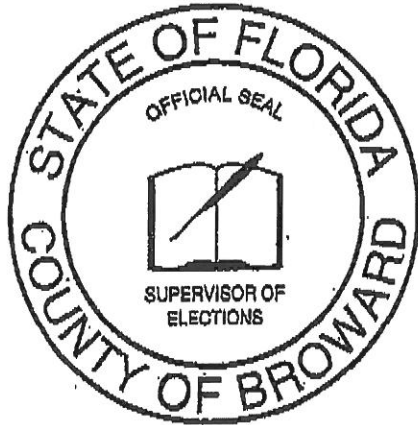
The Charter currently prohibits a Mayor-Commissioner from running for Town Commissioner immediately following three consecutive terms of service as Mayor-Commissioner.

Shall the Charter be amended to allow future Mayor-Commissioners to run for Town Commissioner without a two-year break in service?

(5) AMEND PROCEDURES AND PENALTIES APPLICABLE TO ALLEGED COMMISSIONER VIOLATIONS

The Charter currently provides that, if the Town Commission finds that one of its members has committed certain acts, that Commissioner shall forfeit office.

Shall the Charter be amended to clarify the due process requirements for such hearings, and to allow the Commission to consider lesser penalties (censure and a letter of instruction) for violation of any standard of conduct or code of ethics established by law and for incapacity for three or more months?



DR. BRENDA C. SNIPES

SUPERVISOR OF ELECTIONS

BROWARD COUNTY

BROWARD COUNTY GOVERNMENTAL CENTER

FORT LAUDERDALE, FLORIDA 33301

Phone: (954) 712-1950

Fax: (954) 357-7070

VOTE WITH CONFIDENCE

FAX TRANSMISSION COVER SHEET

TO: Municipal Clerks FAX#: _____

FROM: Andrea C. Perri NUMBER OF PAGES: _____ DATE: 03/13/14
INCLUDING COVER SHEET

REGARDING: Official Results for the March 11, 2014 Municipal Election.

COMMENTS: _____

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SUMMARY REPT-GROUP DETAIL

MUNICIPAL GENERAL
BROWARD COUNTY, FLORIDA
MARCH 11, 2014

LAUDERDALE BY THE SEA

RUN DATE:03/13/14 04:24 PM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	EDAY 200	EDAY IVO	ABSENTEE	PROVISION
PRECINCTS COUNTED (OF 2)	2	100.00				
REGISTERED VOTERS - TOTAL	5,170					
BALLOTS CAST - TOTAL	1,154		715	0	439	0
VOTER TURNOUT - TOTAL		22.32				
COMMISSIONER SEAT 1 DISTRICT 1 LAUD-BY-THE-SEA						
Vote for 1						
Birute Ann Clotney	445	39.24	272	0	173	0
Elliot Sokolow	486	42.86	284	0	202	0
Eric Yankwitt	203	17.90	153	0	50	0
LAUDERDALE-BY-THE-SEA 1						
Vote for 1						
YES/SI/NI	703	63.11	457	0	246	0
NO/NO/NON	411	36.89	230	0	181	0
LAUDERDALE-BY-THE-SEA 2						
Vote for 1						
YES/SI/NI	658	60.59	387	0	271	0
NO/NO/NON	428	39.41	289	0	139	0
LAUDERDALE-BY-THE-SEA 3						
Vote for 1						
YES/SI/NI	372	35.16	236	0	136	0
NO/NO/NON	686	64.84	429	0	257	0
LAUDERDALE-BY-THE-SEA 4						
Vote for 1						
YES/SI/NI	737	67.49	420	0	317	0
NO/NO/NON	355	32.51	262	0	93	0
LAUDERDALE-BY-THE-SEA 5						
Vote for 1						
YES/SI/NI	485	44.66	316	0	169	0
NO/NO/NON	601	55.34	364	0	237	0
LAUDERDALE-BY-THE-SEA 6						
Vote for 1						
YES/SI/NI	902	83.13	560	0	342	0
NO/NO/NON	183	16.87	119	0	64	0

COUNTY JUDGE

COUNTY COMMISSIONER

SUPERVISOR OF ELECTIONS

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

SPECIAL COMMISSION MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Monday, June 10, 2013

6:30 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 6:30 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan, Municipal Services Director Don Prince and Town Clerk Vanessa Castillo.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Minnet recognized and thanked the members of the Charter Review Board (CRB) for the time, dedication and effort that they invested in their assigned task, as these were not easy subjects; they required lengthy thought, discussions and decisions. At the end of the day, the aim was to make the Town a better place.

3. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Laurence Campbell presented copies of a prepared statement to the Town Commission and read portions of the statement into the record, noting that he was intimately involved in passing the original amendments in 2006. He said that the last page of the statement showed his recommended positions on the 17 CRB recommendations, some of which he agreed with.

Birute Ann Clotey thanked the CRB for their work in the Charter Review process, stating it appeared some Board members thought that their job was to undo some of the past referendums, hence the end result reflected in some CRB recommendations. Some of the proposed recommendations appeared to take the power away from residents and convey to the Town Commission, and that potentially exposed the Commission to undue pressure by developers.

Mark Furth, Chairperson for the Citizens Initiative Committee (CIC), stated the consensus of the CIC was that there was no resident support for the height, zone or

term limits changes the CRB recommended. He elaborated on reasons that he felt the Commission should leave such issues unchanged in the Charter, suggesting they focus on approving the noncontroversial items.

Cristie Furth thanked the CRB for listening to the concerns that were voiced by members of the public at its meetings, adding that the CRB could not come to a consensus on maximizing height limits and transferring zoning powers to the Commission. She disagreed that placing such items on a referendum allowed voters to decide, as the Commission's forwarding the items for a referendum created an impression of support of those items and influenced the public. She read into the record her statement of objections to changes to the Charter as put forth by the CRB, urging the Commission to encourage Town beautification and increased pedestrian activity.

Eric Yankwitt thought it was premature for the Commission to make any decision on the CRB's recommended changes without the results of the marketing survey. The opportunity to take away from residents the ability to change such matters through referendum violated the separation of powers to some degree.

With no one else wishing to speak, Mayor Minnet closed the public comments.

4. CHARTER REVIEW BOARD RECOMMENDATIONS

Vice Mayor Sasser indicated the changes under sections 6.3 and 7.1 appeared to be the most contested of the proposed changes and, were they to go on a ballot, they should do so alone. He preferred to consider those first, as it might affect how he voted on other issues, specifically for items 6.3(2), 6.3(6), and all the 7.1 issues.

Mayor Minnet asked Town Attorney Trevarthen to address the residents' expressed concerns, such as those related to the overlay districts, and whether or not the claims made were included in any of the CRB's recommended Charter changes. These included comments by the public related to "overlay districts", "undoing" past amendments, "unfair", etc. She asked if the Town Attorney thought that there had been any pressure felt by members of the CRB to recommend any of the changes shown in the backup.

Town Attorney Trevarthen answered no. She noted many of the residents present attended the CRB meetings and had firsthand knowledge of those discussions, but that there were some residents present who had not, so she hoped her explanations would achieve a common understanding. She explained The Town's Charter required a Charter Review every 12 years, similar to other cities, some of the issues mentioned in the public comments were topics of CRB conversation, but not all were brought forward to the Commission. On the matter of changes to section 7.1, the CRB looked at the current Charter's prohibitions on Town Commission power, and they felt the present and specific Charter provisions went beyond the background law. She noted that the Charter stated that the Town Commission had no right to create zoning districts, change the uses allowed in those zoning districts, or to change the height limits in the zoning

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districts. Town Attorney Trevarthen stated that after several months of deliberation on the powers issues, including considering what the Commission might use those powers to do, the CRB recommended no changes, so that matter was not before the Commission.

However, she noted, there was a specific CRB change that was before the Town Commission that was related to a comment by a member of the public about the Town Commission not having the power to alter the Charter or to grant variances from the Charter. She indicated the reason the CRB recommended the removal of these statements about the Commission not amending the Charter was that they were true as a matter of law, regardless of whether they were stated in the Charter or not. Thus, they were recommended to be removed as redundant provisions, since they were listed four or five times throughout the Charter, and were felt by some to impede the legibility and ability to follow that section of the Charter.

Town Attorney Trevarthen clarified that the CRB concluded its work after a little over a year, and the end result was to bring forward recommendations; the decision to approve or disregard them was totally at the Town Commission's discretion. Where the Town Commission decided to move a CRB recommendation forward, the next step would be to draft ordinances, and there were specific procedural requirements on how to proceed. She emphasized that the only way changes to the Charter could take effect was if the voters voted them into existence, so any ordinance that supported CRB recommendations was subject to at least two readings and, if approved, it would be placed on the ballot.

On the issue of overlays, the Town Attorney indicated that Mr. Campbell was referring specifically to pages 10 to 11 of the analysis document of the plain English version of the Charter on section 7.1. She said the statement was in the current Charter, and it was not 100 percent clear if that ban on creating new categories of zoning included overlay districts. As the plain English version merely spoke about zoning districts, if there was a desire to clearly state that included overlay districts, the language could be included. The CRB neither questioned nor discussed that issue.

Mayor Minnet asked the Commissioners if they wished to make an opening statement.

Commissioner Brown inquired if there was any time limitation for the Town Commission to act on the CRB's recommendations.

Town Attorney Trevarthen answered no; the Charter Review requirement had been met, and the Commission could choose to do nothing further.

Commissioner Brown questioned if, at the present time, there were differences between the Town Charter and the Town Code when it came to the Town's height limits.

Town Attorney Trevarthen replied that there were and that it was important for people to understand this in the present conversation. It had been a frequent point of confusion

among members of the public and the CRB, as well as Town staff at various times, but there were differences between Charter height limits and Town code height limits. She mentioned an example of one of the zoning districts that was most frequently discussed was the RM25 zoning district that was mapped along El Mar Drive in the eastern side of the Town. At present, Charter height limits were determined by time; that is, if a building existed prior March 2006, there was a 44-foot height limit, and if it came into existence later, then the building was subject to a 33-foot height limit. She explained that the zoned height limit in the RM25 district was 33 feet regardless of time. Due to the limitations on Town Commission power, the only way to change that zoned height limit of 33 feet would be by a separate vote of the people.

Commissioner Brown asked if the plain English version of the Charter put forth for approval by the CRB would in any way unify the Town Charter and the Town Code when it came to the differences in each as to height limits.

Town Attorney Trevarthen answered no, the plain English version was not designed to accomplish unification of the two. When the CRB first decided to tackle Article VII, in an effort to simplify the language, she was charged by the CRB to bring them a translation. To the best of her ability, the plain English version was worded to preserve the current Charter in a way that made it easier to understand.

Commissioner Brown expressed disappointment in the way the Charter Review process unfolded, though this disappointment was not directed at the CRB, as they worked very hard and held numerous hearings that always included public input. He had high hopes going into the Charter Review process that good things would be accomplished based upon the cooperation and support from the Town residents over the past year for the renovation projects along Commercial. The hope had been for the same type of cooperation to be extended to the CRB, but this had not happened. It was a shame that the public could not support the CRB, as there were problems in the Charter that needed to be fixed. Commissioner Brown mentioned the misinformation that was spread around the Town about the CRB, some of which residents at the present meeting continued to voice, and he received examples of the misinformation via email in recent days. For example, one of the questions asked of him was why the CRB was recommending increases in the height limits, which they had not. The same misunderstanding applied to the public's questions on what they thought the CRB was recommending for term limits and giving zoning power back to the Commission. He said this was all make believe, and putting all that false information out into the community poisoned the "well" as, in the Town, perception was reality. There seemed to be no reason to put any issues up for referendum in 2014, as the situation lacked a serious demonstration of public support for any of the changes recommended by the CRB. Given the fact that there was no sense of urgency for the Commission to approve any of the CRB's recommendations, he was inclined to defer any decisions to a day when a fair and honest discussion about the Charter could be held in the Town. He might be willing to support some of the lesser changes, but he was more inclined to approve none of the changes.

Commissioner Vincent mentioned attending the last CRB meeting, at which he expressed his gratitude to the CRB members for their work on the Charter review. The CRB was put together by the Commission to define/examine certain issues in the Charter that might require a cleanup via minor changes for clarification, etc. He believed the CRB accomplished that task, noting those individuals who served on the CRB were Town residents chosen through a fair selection process.

Commissioner Dodd echoed appreciation to the CRB for their hard work and diligence, studying the intricacies of the Charter and making recommendations accordingly. He was very disappointed that the CRB was subjected to so much pressure from an organization whose aim appeared to be to stop progress and not to consider certain issues as either relevant or in need of tweaking. A number of persons approached him, asking what were the problems with the heights and term limits, and why the Commission sought to raise building heights, though he never heard any member of the Town Commission voice such a desire. When inquiring residents were given the true explanation and history as to why the Town was faced with a problem, they were unable to understand the irrational fears expressed by a select minority and their seeming opposition to any changes to the Charter. He stated if there were trust issues in the past, he was disappointed that the organization failed to reach out to the Commission or examine the achievements over the last four years before issuing the rallying calls to arms. A unified Town was important and the current situation did not set a good example for anyone thinking about volunteering to serve on Town boards.

Vice Mayor Sasser restated commendations to the CRB for the difficult task they embarked upon in the Charter review process. His reason for requesting that certain changes be taken first in the discussion was due to his belief that there had been significant work done by the CRB that could be completed at the present meeting, as there were a number of recommendations he was prepared to put forward to a referendum. When he ran for office four years prior, height limits were a top priority for everyone, and he realized no one supported raising height limits, so he gave his word that, if he were elected, he would not support raising height limits. He felt it was important for the Commission not to consider issues surrounding height limits at present, due to the controversy surrounding the CRB over the past year. Section 6.3, the Mayor/Commissioner running for Town Commissioner, and the ensuing item that went with it were also very controversial, and they needed further discussion to clarify the reasons they should be changed. Vice Mayor Sasser felt optimistic that if the Town took the right approach and earned one another's trust over time, it was possible to later consider issues that needed to be addressed to ensure that the Town remained a low-rise community as desired, while meeting the demands of change. He thought that neither sections 6.3 nor 7.1 belonged on the ballot with the other changes he supported, as he preferred that the items going to a referendum were changes that the majority of the Town could comfortably support.

Mayor Minnet thought the members of the Commission summed things up very well and thanked the CRB for all their work. She went on to open the discussion, as requested by Vice Mayor Sasser, on sections 6.3(2) and 6.3(6).

Vice Mayor Sasser sought clarification on 6.3(6) that stated: create maximum consecutive term limit of two Commission terms and three Mayoral terms, which he thought went along with section 6.3(2) that sought to allow future Mayor/Commissioners to run for Town Commissioner without a two-year break in service.

Town Attorney Trevarthen affirmed they were tied together, explaining that she interpreted the current Charter to mean that the Mayor/Commissioner could not qualify to run for election as a Commissioner immediately following service as Mayor. The CRB, by a 6-1 vote, recommended that this be changed, so that a Mayor/Commissioner had the same rights as a Commissioner; that is, he/she could run for Commissioner immediately after serving as Mayor. Under the present Charter, a Commissioner could run for Mayor/Commissioner immediately after serving as a Commissioner. It was the recommendation of the CRB that three Mayoral terms plus two Commission terms was sufficient, and at that point, a two-year break in service was needed.

Vice Mayor Sasser restated his objections to putting 6.3(2) and 6.3(6) on the ballot.

Commissioner Brown felt it was unfair for a Commissioner to be able to serve two terms on the Commission and immediately run for Mayor, yet the Mayor could not serve three terms as Mayor and then immediately run for Commissioner. But there appeared to be no public support for the recommended changes, and he had no desire to see a ballot with controversial issues, so he concurred with the views of Vice Mayor Sasser.

Commissioner Dodd commented the recommended change benefited no one presently in office, noting no one thought anyone would run for Mayor without having served as a Commissioner. As all members of the Town Commission were equal, it was only fair that any candidate wishing to serve on the Commission could run for any office up to a maximum of 14 years without a break. He stated the last eligible election should be the one that allowed the member of the Commission to reach the 14 years without exceeding that limit. He believed if it were presented in the correct form that anyone would understand the original intention regarding setting term limits.

Vice Mayor Sasser emphasized that, regardless of the outcome of the subject issue, the current Mayor would not be affected. Thus, Mayor Minnet would be voting her conscience and not her seat.

Commissioner Vincent stated he had heard no public opposition to the subject issue and he received some positive feedback, so supported the recommended changes. When the subject matter was first raised that a Mayor could run for four years, he was vehemently against it, as he felt that it was important to have an opportunity to pull a majority by the voters every two years.

Mayor Minnet quoted from Mr. Campbell's statement that he distributed to the Commission, as she felt it summed up the two items very well. Specifically, she agreed that the proposed changes righted an inequity and allowed for three seats to be voted

on every two years. She recalled when she served on the CRB, this issue was debated, and she recommended the Town maintain elections every two years, and that the Mayor's position remain at two years, so the majority of the Commission was voted on every two years. Mr. Campbell's comment that the change would not violate the existing Charter was significant, as it was all about parity. She supported moving forward with these CRB recommendations.

Commissioner Dodd made a motion to approve section 6.3(2) to allow Mayor/Commissioners to run for Town Commission without a two year break in service, as well as section 6.3(6) to create a maximum consecutive term limit of two Commission terms and three Mayoral terms. The motion was seconded by Commissioner Vincent. The motion carried 3-2. Vice Mayor Sasser and Commissioner Brown voted no.

Commissioner Dodd emphasized that, with the approval of the CRB recommendations and the drafting of the ordinances, the public would have at least two opportunities at the first and second reading to voice their views to the Commission. It was a very democratic process that could prevent the ordinances from passing.

Mayor Minnet reiterated the outcome on these items would not affect her, noting some of the letters she received and some the comments emailed to her were disheartening, but that was evidence of how passionate the Town was and why she loved it. She moved the discussion onto the issue of height limits contained under section 7.1.

Vice Mayor Sasser stated his hope that the Town would choose a longer process, as he felt very strongly that the matter should not be included on the March 2014 ballot. The Town was presently very busy with various capital improvement projects, and it was important that they be done correctly and they needed everyone's full attention. He said the issue of height limits would remain a controversial issue.

Commissioner Brown was unsure what it was that Vice Mayor Sasser did not wish placed on the ballot, as 7.1(1) recommended all options for change considered by the CRB to be sent to the Town Commission. He sought clarification that if it was the Vice Mayor's suggestion that the Commission should not review any of the CRB options as stated in the backup.

Vice Mayor Sasser concurred, stating one recommendation was to send all the options to the Commission for discussion, so that item could not go on the ballot. However, referring specifically to 7.1, 7.1(1), 7.1(1)(d), 7.1(1)(f), 7.1(2)(b)-(d), 7.1(3)(b)(VIII to IX), should not be put forward in any form on the March 2014 ballot. He indicated they were all related to the height limit issue that many were strongly protesting, and so they should be dealt with at a later time.

Commissioner Brown concurred.

Commissioner Dodd stated his agreement with the statements made in Mark Furth's commentary on height limits and the resulting "big box". He continued to look for an answer as to why 44 feet did not turn out to be 44 feet, and he had been fighting for a long time to maintain the 44-foot height limit, and to go back to the original setbacks, so it would be possible to have views of the ocean. It was still a puzzle as to why Minto was built with a gazebo blocking the side corridor that was supposed to give a view of the ocean. He understood that, in view of such results, there had been a loss in trust by members of the public. He recalled being one of the first during public comments to suggest tearing Oriana down because it was too big and too close to the road. Commissioner Dodd believed there was a problem, and if the videos of most meetings in 2009 were viewed, it would be abundantly clear that everyone on the dais, including the Town Attorney, believed the height limit on beach front property on El Mar Drive was 44 feet. That is, it was three over one, so the bottom floor could be washed out, and this was believed to be due to the flood regulations. He said the state had now lowered the height limit by saying the flood regulations were no longer needed, so the height limit on the ocean front was now 33 feet. It was a question of perception, where the belief was either that if the Commission moved the subject changes forward, the aim was to raise the height limit, or it was believed that the aim was to put the height limit back to where it was agreed on by the voters in 2006, that three over one was an acceptable height limit. Commissioner Dodd stated what went wrong with the overlay districts was the setbacks, the density, using the beach area to calculate the density of the building, and the amount of land that was given away. He did not feel that it was a question of raising height limits, which was what was being told to the public, making it politically unacceptable for the Commission to move forward in its attempt to rectify the problem created by the state changing the flood regulations. This was not the time to go forward with the issue, and he supported postponing it for a finite period, perhaps revisiting it in five years.

Commissioner Vincent recommended the Commission not move forward with the changes recommended under section 7.1, as the level of controversy, confusion and opposition revealed the Town was not ready to tackle this matter.

Mayor Minnet thought it at a wise choice not to move 7.1 forward, though she was unsure a time limit should be put as to when next to revisit the matter. It was better to state that the Commission preferred to take no action on any of the 7.1 items at present.

Commissioner Dodd made a motion not to consider any of the CRB's recommended changes under section 7.1 for the present. The motion was seconded by Vice Mayor Sasser. The motion passed 5-0.

Mayor Minnet moved the discussion to the CRB recommendations under section 5.2: Remove the language that called for the Mayor to vote last on a roll call vote, which the CRB approved with a vote of 4-3. She asked the Commission if they wished to move the item forward.

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Commissioner Dodd was happy either way, as he liked the electronic voting. He supported taking the language out of the Charter, as it was better for members of the Commission to stop, think and press the button to vote their opinion.

Vice Mayor Sasser supported leaving the language as is. After speaking with the Town Attorney, he learned that leaving the language in the Charter did not prevent the Commission from utilizing the electronic voting system. At the last Commission meeting when the electronic voting system failed, the Mayor voted last and everything went smoothly.

Commissioner Vincent stated he was comfortable leaving the language in.

Commissioner Brown remarked if he heard public support for the subject change over the next few meetings, he could approve putting it on the ballot, though he was not inclined to put small changes to a referendum unless they accompanied bigger change(s). This was a very low priority issue.

Mayor Minnet asked for and received no motion to move forward with the recommended change to section 5.2 of the Town Charter. The next item was section 5.3: Provide alternative standards for the Town Manager qualifications, for which there was a unanimous recommendation of approval by the CRB.

Commissioner Dodd asked what action could be taken or what penalty could be imposed if the Town Commission selected a candidate for Town Manager who was not qualified according to the Charter's language.

Town Attorney Trevarthen recalled giving the Town Commission the opinion that the present Town Manager's qualifications satisfied the Town Charter, the difference being between a public policy degree and a political science degree. There might be situations where there was a greater deviation from the listed standards, and the recommended language would remove the need to question it. The CRB felt that it was not helpful in the hiring process to debate whether a person met the qualifications, as a candidate might appear amply qualified in the eyes of the Commission.

Commissioner Vincent believed that the CRB wished to allow future Commissions the flexibility to make the correct decision. He supported the item moving to a referendum.

Commissioner Brown reiterated if over the course of the various public hearings he heard support for the subject change, he would support moving forward to a referendum. At present, he had yet to hear any such support from the public other than Mr. Campbell and, until that time, he did not support moving forward at present. This would be his response for the rest of the items the Commission would be voting on.

Vice Mayor Sasser made a motion to move section 5.3 to a referendum item. The motion was seconded by Commissioner Dodd. The motion passed 4-1. Commissioner Brown voted no.

Mayor Minnet pointed out the next items were in reference to the residential electoral districts, 6.1(2): The recommendation from the CRB was unanimous to preserve electoral seats in the absence of electoral districts.

Town Attorney Trevarthen noted the Mayor skipped over a recommendation: the removal of the requirement for residential electoral districts. At present, some candidates had to run from the north, while others ran from the south. The recommendation of the CRB was to remove that requirement.

Mayor Minnet received no Commission consensus on 6.1(2). Though she understood Commissioner Brown's stated position, she stated the CRB was charged with reviewing and amending the Town Charter, and nine of their recommendations were unanimous and aimed at improving the Town.

Commissioner Brown concurred with Mayor Minnet in principle, stating he felt bad that he was voting "no" on some of the CRB recommendations, as he supported some of them. He was willing to put them to a referendum, but he wanted to see more public support to justify placing them on the March 2014 ballot.

Mayor Minnet felt Commissioner Brown had received positive feedback, as the CRB was comprised of residents who studied the Charter and made their recommendations, and all their meetings allowed public input. It was sad that the Town Commission appeared not to be listening to the CRB because some decisions were not easy.

Commissioner Dodd supported the recommended change to 6.1(2-7), as the CRB held lengthy debates, and it was time to recognize that this was one Town, regardless of where one lived, and members of the Commission were representatives of the people.

Commissioner Dodd made a motion to approve the recommended changes to 6.1(2-7) and 3.3, removing the residential electoral districts. The motion died due to lack of a second.

Vice Chairperson Sasser inquired, since 6.1(2-7) died for lack of a second, if this immediately disqualified 6.1(2).

Town Attorney Trevarthen responded it made 6.1(2) moot. However, 6.1(5) was the fallback unanimous recommendation of the CRB that, in the event the Commission preserved the residential electoral districts, the Commission should remove the university study and adopt the current district boundaries into the Charter.

Vice Chairperson Sasser asked, as the Commission chose to preserve the residential electoral districts, if the removal of the required university study were approved, would this prevent the Town from having another study done at a later time? As times changed, including demographic changes, etc., there might come a time when the Town wished to do a study, such as east versus west.

Town Attorney Trevarthen stated that the Commission's removal of the requirement for a university study would not preclude the Town from doing studies in the future. However, the Commission might wish to consider not putting the current districts in the Charter, as it would require a referendum to change them at a future date if desired.

Vice Chairperson Sasser remarked he was not in favor of moving forward with the subject recommendation, as it would limit the flexibility to take such action in the future.

Commissioner Vincent understood the university study involved taking into account population changes to ensure there was an equitable balance among the districts.

Town Attorney Trevarthen replied the current Charter contained demanding language with regard to the university study and the standard that had to be met. The origin of that standard did not relate to the Town's situation: rather it was the standard that applied when there were single-member districts. When there were single-member districts in a government, the people living in a district voted only for the commissioner of that district. She believed that in that setting, this type of study, this type of rigor, was absolutely essential or the whole system of voting could be stricken by the courts. This was not the Town's situation, as the Town had voting at-large where everyone voted for all candidates, and candidates running for Commission seats, not Mayor, were only required to reside in one of the two districts. The subject issue arose at the time of the recent Decennial Census, and when Phase I of the university study came forward, it showed some significant population changes due to annexations.. At that time, she advised the Commission she felt this standard was unnecessary because the Town did not engage in at-large voting, and that issue was also discussed by the CRB.

Commissioner Vincent concurred with not moving forward the item.

Commissioner Dodd noted the Town abided by the present requirement to do a study and wondered if there would be a future requirement to do a further study, since the Town elected to do nothing when the Commission ignored the results of the last study. The question was whether the debate was about something that might cost more to remove it from the Charter in terms of ordinances and legal fees, or to do nothing if there was no future requirement that the Town do a study. He questioned if it was stated in the Charter when a study had to be done.

Town Attorney Trevarthen commented the Charter's language spoke about first doing it in 2004 and then again in 2012, but it had no other future dates; this was an interesting point that had not come up in the CRB discussions. As a lawyer, it was not good to have obsolete language lying around, but she understood the Town was balancing many concerns beyond these.

Mayor Minnet thought it sounded as though the subject items were moot points.

Commissioner Dodd remarked it sounded as if the Commission preferred to leave it.

No action was taken on the CRB recommendation to eliminate the requirement of the university study and amend the standard for establishing the residential electoral districts in Section 6.1(5)

Mayor Minnet stated the next item was section 6.6 - 6.7, that allowed the Commission to consider penalties other than forfeiture of office for the violation of a standard of conduct or code of ethics established by law or incapacity. It required that due process be provided in hearings under section 6.7. This was a unanimous CRB recommendation.

Town Attorney Trevarthen briefly reviewed the CRB recommended changes to sections 6.6 and 6.7. She noted that this dealt with what happened if a Commissioner either became incapable of performing his/her duties or committed certain acts that suggested they were no longer fit for service. The grounds were listed in the Charter, and a hearing was held before the remaining members of the Commission. The Commission acted as a judge of its own membership as to whether there was a violation and/or if something should be done. Presently, those provisions in the Charter had only one potential consequence -- forfeiture of office. Of the events that could trigger such a hearing included activities such as committing a felony, incapacity for a certain number of consecutive meetings, for example, due to illness. The second issue the CRB singled out was the provision that said, "... violates any legally required standard of conduct or code of ethics." She said the CRB felt it was appropriate to consider lesser penalties, as minor violations could result in a very disproportionate outcome (forfeiture). The CRB's proposal was that, if the basis for a forfeiture hearing was triggered, the Commission should have more options, including a letter of instruction or reprimand to the Commissioner, as lesser penalties than losing one's office. Some of the proposed changes stemmed from the concern that the forfeiture hearing before the remaining members of the Town Commission should be handled appropriately with all due process rights being provided to the Commissioner at issue. The Commissioner should be allowed to present evidence in his/her defense. These were all part of the changes to sections 6.6 and 6.7.

Commissioner Brown liked the subject recommendation, noting he asked the CRB to put the matter on their agenda. The County's Ethics Code had a zero tolerance with regard to accepting free items, such as a bottle of water, and if a Commissioner were to accept a bottle of water, under the current Charter, that presented grounds for removal from office. He doubted this was the intent of the Charter's language.

Vice Mayor Sasser remarked the need for due process stuck out with him, making this was a good ballot item. He asked why the subject changes might be important; did the County Ethics Code provide no due process.

Town Attorney Trevarthen responded the County Ethics Code was certainly not within the control of the Town Commission. There was an Inspector General (IG) with wide ranging powers to launch an inquiry, not only under the County Code of Ethics, but also any applicable ethics regulation to launch an inquiry. She mentioned that there were some expressed concerns as to whether that process had the full range of due process

Town Commission Special Meeting Minutes
June 10, 2013

that many Commissioners wished to see. The Town had no power to affect the process provided by the Inspector General's work; the Town only had the power to look at the hearings created under the Town Charter and specify how they were handled.

Vice Mayor Sasser questioned if under the County Code of Ethics, a decision of guilt could be imposed without the Commissioner allegedly at fault being allowed to properly defend himself/herself. This IG decision could then trigger their removal from office, when the Commission might not desire such action.

Town Attorney Trevarthen replied that issue could come up through an IG proceeding. The CRB's recommended change would give the Commission another option other than forfeiture of office.

Vice Mayor Sasser supported the subject item, as it just made sense, knowing that there was no proper due process provided in the County Code of Ethics.

Commissioner Vincent asked when would the Commission be able to move forward with due process on any type of ethics violation, wondering if there was ever a time when the Town had to discuss the matter with the IG first. He questioned where it all started and stopped, as far as who had protocol.

Town Attorney Trevarthen believed that the easiest way to think about the matter was as concurrent jurisdiction. The question presupposed that everything happened in a linear way, but it was not the case, as all the entities had their own sphere of jurisdiction over which they exercised control. The Town could do nothing about the state's Ethics Commission decisions or the County IG's actions or the County's Ethics Code, as these dictates were imposed on the Town from above. Here, the Town was proposing to amend the procedures required by the Charter that could be triggered by a finding under the State or County law. She noted, though it was not stated, the Governor, the Ethics Commission, the IG and all other ethics regulatory regimes had proportionate penalties of a wide variety, including a letter of reprimand, a letter of instruction, a fine, etc. Only the most severe infraction led to the removal from office. She commented the action advocated by the CRB's recommendation was in the spirit of what existed in other ethics regulatory schemes, and it allowed the Town Commission to choose the right penalty for the offense.

Commissioner Dodd felt immediate forfeiture without due process was too harsh, as in many instances an elected official might not be aware that someone that they were speaking with was a lobbyist, for example.. The punishment should fit the crime, and he fully supported putting the subject recommendation forward for a referendum.

Commissioner Dodd made a motion to approve moving forward CRB recommendations under sections 6.6 and 6.7. The motion was seconded by Commissioner Vincent. The motion passed 4-1. Commissioner Brown voted no.

Mayor Minnet noted she skipped an item, section 6.2, changing the time of designating the Vice Mayor after an election, which was unanimously recommended by the CRB.

Commissioner Dodd made a motion to approve moving forward with the CRB recommendation under section 6.2. The motion was seconded by Vice Mayor Sasser. The motion passed 4-1. Commissioner Brown voted no.

Mayor Minnet stated the next recommended change to the Charter was under section 6.10 that dealt with creating a procedure for vacancies and in candidacy. The CRB unanimously approved the proposed recommendation.

Commissioner Dodd made a motion to approve moving forward with the CRB recommendation under section 6.10. The motion was seconded by Vice Mayor Sasser. The motion passed 4-1. Commissioner Brown voted no.

Mayor Minnet indicated the next recommended CRB change was to section 6.11, specifying that the Town's elected officials served part-time and their ability to engage in outside employment and charitable fundraising would be controlled by state law, not the County Code of Ethics.

Town Attorney Trevarthen reviewed the details of this recommendation, noting there were four cities in Broward County to date that took action on the applicability of the Broward County Code of Ethics to their elected officials. Specifically, the municipalities were: Sea Ranch Lakes, Pompano Beach, Hillsboro Beach and Wilton Manors. They asked the voters whether their charters should be changed so the regulation disclosures and limitations of elected officials' outside employment follow state law and not the new County Code of Ethics. She said, in each of those cities, those ballot questions passed, and were now part of their charters. Other Broward municipalities, including the Town, were subject to the Broward County Code of Ethics that had additional restrictions on the type of employment in which elected officials could engage in and the type of disclosures that were necessary. The CRB examined the situation and recommended the Town Commission proceed with their suggested change. Town Attorney Trevarthen added one of the four cities, Hillsboro Beach also asked their voters whether their elected officials could opt out of the County law as it affected charitable fundraising activities, which the County Code of Ethics required to be reported, and that change passed. She noted both versions were offered to the CRB, and they recommended the Commission consider the Hillsboro Beach version with both changes; all other dictates of the County's Code of Ethics would remain in effect for the Town.

Mayor Minnet questioned if the IG gave any indication that the County would in any way pursue the four above-mentioned cities for opting out of these particular regulations.

Town Attorney Trevarthen responded that when the first three cities took this action, the County discussed challenging them and, after several months of discussions, they decided not to act.

Mayor Minnet noted there appeared to be no Town Commission support for this recommendation, so the proposed CRB change to Section 6.11 would be disregarded. She sought clarification on the next step in the procedure.

Town Attorney Trevarthen summarized the proceedings of the CRB's recommended changes to the Charter and the Commission's decision on whether to move those recommendations forward to a referendum:

- Section 5.3 - approved by the Commission by a vote of 4-1
- Section 6.2 - approved by the Commission by a vote of 4-1
- Sections 6.3(2) and 6.3(6) - approved by the Commission by a vote of 3-2
- Sections 6.6 and 6.7 - approved by the Commission by a vote of 4-1
- Section 6.10 - approved by a the Commission by a vote of 4-1

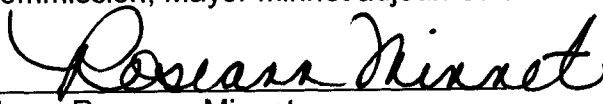
Town Attorney Trevarthen said the next step would be to bring these matters back to the Town Commission in the form of an ordinance. This ordinance would show what the changes would like in terms of putting it on the ballot. This process would take some time, as they had to devise ballot questions that appropriately presented the recommended changes. Then the ordinance would go to first and second reading. She noted the process needed to be complete by mid to late fall in order to make the deadline set by the Supervisor of Elections to make it onto the March 2014 ballot.

Town Manager Hoffmann said that the deadline was January 9, 2014, but the ordinances had to be adopted by December.

Town Clerk Castillo confirmed the ordinances had to be adopted by the Town Commission's last meeting in December 2013.

5. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:45 p.m.


Mayor Roseann Minnet

ATTEST:


Town Clerk Vanessa Castillo

8/21/2013
Date

EXHIBIT 1

SUMMARY OF LBTS CHARTER REVIEW BOARD RECOMMENDATIONS	
Recommended Change	Vote
Section 5.2: Remove Mayor voting last on a roll call vote	4-3 (5/7/13)
Section 5.3: Provide alternative standard for Town Manager qualifications	Unanimous (5/7/13)
Sections 6.1(2)-(7) and 3.3: Remove residential electoral districts	5-1 (1/9/13)
Section 6.1(2): Preserve electoral seats in the absence of electoral districts	Unanimous (1/9/13)
Section 6.1(5): If Commission preserves residential electoral districts, remove requirement for university study and adopt current districts in the Charter	Unanimous (1/9/13)
Section 6.2: Change time of designating the Vice-Mayor	Unanimous (1/9/13)
Section 6.3(2): Allow future Mayor-Commissioners to run for Town Commissioner without a two-year break in service	6-1 (2/7/13)
Section 6.3(6): Create maximum consecutive term limit of two Commission terms and three Mayoral terms (14 years)	5-1 (3/21/13)
Sections 6.6-6.7: Allow the Commission to consider penalties other than forfeiture of office for (i) violation of any standard of conduct or code of ethics established by law and (ii) incapacity, and require that due process be provided in hearings under Section 6.7	Unanimous (1/9/13)
Section 6.10: Create a procedure for vacancies in candidacy	Unanimous (1/9/13)
Section 6.11: Specify that Town elected officials serve part time, and that their ability to engage in outside employment and in charitable fundraising will be controlled by state law (and not the County Code of Ethics)	5-1 (1/9/13)
Section 7.1: Adopt the plain English version of this section	Unanimous (1/9/13)
Section 7.1(1): Charter height limits – Send Town Commission all options for change considered by the Board	4-3 (5/7/13)
Section 7.1(1)(d): Amend plain English version to allow solar panels to exceed four-foot rooftop structure height limit	Unanimous (1/9/13) (1 abstention)
Section 7.1(1)(f): Amend plain English version to remove redundant provisions that are true as a matter of law	Unanimous (1/9/13)
Section 7.1(2)(b)-(d): Amend plain English version to allow any nonhabitable use allowed under the zoning on the first floor	Unanimous (3/21/13)
Section 7.1(3)(b)(viii)-(ix): Amend plain English version to allow nonconforming buildings to be replaced with the original setbacks	5-1 (1/9/13)

Statement of Laurence Campbell

To the LBTS Commission Special Meeting, June 10, 2013

Ten of the recommendations are narrowly stated, specific to a problem, easily understood, and *don't overturn the intent of the original charter amendments*. I recommend that the Commission support these. I'm including a marked up version of the "Summary of Recommendations" indicating a position on each: YES for support and NO for oppose.

Specifically, I recommend that the Commission **SUPPORT** the recommendations to: remove the Mayor voting last on a roll call vote (Sec. 5.2); provide an alternative standard for Town Manager qualifications (Sec. 5.3); adopt the current electoral districts in the Charter (Sec. 6.1.(2)); change the time of designating the Vice Mayor (Sec. 6.2); allow the Commission to consider penalties other than forfeiture of office (Sec 6.6-7); create a procedure for vacancies in candidacy (Sec. 6.10); and specify that Town elected officials serve part time and that their outside employment and charitable fundraising will be controlled by state law, not the County code (Sec. 6.11).

I recommend that the Commission **SUPPORT** direct amendments to the Charter that would: allow solar panels to exceed the four foot rooftop structure height limit (Sec 7.1.(1)(d and allow nonconforming buildings to be replaced with the original setbacks (Sec. 7.1(3)(b)(viii)-(ix).

I also recommend **SUPPORT** for the amendment to allow future Mayor-Commissioners to run for Commissioner without a two-year break in service (Sec. 6.3.(2)); and to create a maximum consecutive term limit of two Commission terms and three Mayoral terms (14 years) (Sec. 6.3.(6)); *Some who supported the original term limits proposal may disagree with me.* However, my personal view is that this amendment, if adopted, would right an inequity and preserve the basic feature, which is to force at least three seats to come up for election every two years and defined term limits.

In my view the remaining recommendations involve major policy changes that would overturn the will of the people expressed in 2006. I recommend that you oppose these.

Specifically, I recommend that the Commission **OPPOSE** the recommendation to remove residential electoral districts (Sec 6.1(2)-(7) and 3.3. The existing residential electoral district system is working well. I can see no reason to change it.

I recommend that the Commission **OPPOSE** allowing any non-habitable use allowed under the zoning on the first floor (Sec 7.1(2)(b)-(d). As the analysis states: "...that clarification would broaden the scope of the listed uses for residential zoning districts." (Exh 3, p.3) I don't see any

showing of why that allowed list should be broadened in residential areas , or what it would include.

The Commission should **OPPOSE** any change in the Charter's existing height limits. Proposing any such changes will reopen the rancorous debate over our identity as a low-profile town—the very thing that makes us special in a wall of condo canyons to our south and north. It would divert the Commission from its important work overseeing the complex development projects already underway.

Similarly, the Commission should **OPPOSE** the wholesale rewriting of Section 7.1. Unlike the recommendations I supported, this wholesale change is not narrowly drawn and introduces new policy that goes against the intent of the original charter amendments.

For example, in Section 5, "Limits on Town Commission power to amend land development regulation," the analysis states that "the Plain English Version applies the interpretation that a new category is a regular zoning district and not an overlay district." (Exhibit 3, p. 11) Actually, it was the explicit intent of the original amendments to remove from the Commission the power to create new overlay districts without voter approval because of the potential for abuse.

Similarly, the Plain English Version proposes to delete in several places the statement that "The Town Commission may not increase by ordinance or by variance, the height limits established herein." But these statements were included in the original amendments specifically to prevent any future Commission from ignoring the stated intent of the will of the voters, as had happened in the past.

It is also my understanding that no owner, citizen, or developer testified to the CRB and that no one has requested a wholesale rewrite or a higher height limit. I certainly haven't seen any demand from the people for a change in these areas—in fact—I've seen exactly the opposite. Proposing either of these can only put uncertainty and fear into the hearts of the voters whose approval you will be seeking.

Walking around town in the last several weeks I see lots of redevelopment of properties underway. This tells me, that taken as a whole, the amendments and height limits adopted in 2006 are working, the town is redeveloping, and there is no need to reopen those debates.

If the Commission sticks to proposing narrowly drawn, understandable recommendations I think it will have chance for success without reopening old battles.

Thank you for the opportunity to comment.

Recommended positions from Laurence Campbell

EXHIBIT 1

SUMMARY OF LBTS CHARTER REVIEW BOARD RECOMMENDATIONS		
	Recommended Change	Vote
YES	Section 5.2: Remove Mayor voting last on a roll call vote	4-3 (5/7/13)
YES	Section 5.3: Provide alternative standard for Town Manager qualifications	Unanimous (5/7/13)
NO	Sections 6.1(2)-(7) and 3.3: Remove residential electoral districts	5-1 (1/9/13)
NO	Section 6.1(2): Preserve electoral seats in the absence of electoral districts	Unanimous (1/9/13)
YES	Section 6.1(5): If Commission preserves residential electoral districts, remove requirement for university study and adopt current districts in the Charter	Unanimous (1/9/13)
YES	Section 6.2: Change time of designating the Vice-Mayor	Unanimous (1/9/13)
YES	Section 6.3(2): Allow future Mayor-Commissioners to run for Town Commissioner without a two-year break in service	6-1 (2/7/13)
YES	Section 6.3(6): Create maximum consecutive term limit of two Commission terms and three Mayoral terms (14 years)	5-1 (3/21/13)
YES	Sections 6.6-6.7: Allow the Commission to consider penalties other than forfeiture of office for (i) violation of any standard of conduct or code of ethics established by law and (ii) incapacity, and require that due process be provided in hearings under Section 6.7	Unanimous (1/9/13)
YES	Section 6.10: Create a procedure for vacancies in candidacy	Unanimous (1/9/13)
YES	Section 6.11: Specify that Town elected officials serve part time, and that their ability to engage in outside employment and in charitable fundraising will be controlled by state law (and not the County Code of Ethics)	5-1 (1/9/13)
NO	Section 7.1: Adopt the plain English version of this section	Unanimous (1/9/13)
NO	Section 7.1(1): Charter height limits – Send Town Commission all options for change considered by the Board <i>OPTION D - No change</i>	4-3 (5/7/13)
YES	Section 7.1(1)(d): Amend plain English version to allow solar panels to exceed four-foot rooftop structure height limit	Unanimous (1/9/13) (1 abstention)
NO	Section 7.1(1)(f): Amend plain English version to remove redundant provisions that are true as a matter of law	Unanimous (1/9/13)
NO	Section 7.1(2)(b)-(d): Amend plain English version to allow any nonhabitable use allowed under the zoning on the first floor	Unanimous (3/21/13)
YES	Section 7.1(3)(b)(viii)-(ix): Amend plain English version to allow nonconforming buildings to be replaced with the original setbacks	5-1 (1/9/13)

5/30/13 6/10/13 *see*

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

ATTORNEYS AT LAW

A PROFESSIONAL LIMITED LIABILITY COMPANY
INCLUDING PROFESSIONAL ASSOCIATIONS

BROWARD OFFICE

200 EAST BROWARD BOULEVARD
SUITE 1900
FORT LAUDERDALE, FLORIDA 33301

TELEPHONE 954-763-4242

FACSIMILE 954-764-7770

WWW.WSH-LAW.COM

MIAMI-DADE OFFICE

2525 PONCE DE LEON BOULEVARD • SUITE 700
CORAL GABLES, FLORIDA 33134
TELEPHONE 305-854-0800 • FACSIMILE 305-854-2323

*OF COUNSEL

April 14, 2014

MITCHELL BIERMAN, P.A.
NINA L. BONISKE, P.A.
MITCHELL J. BURNSTEIN, P.A.
JAMIE ALAN COLE, P.A.
STEPHEN J. HELFMAN, P.A.
GILBERTO PASTORIZA, P.A.
MICHAEL S. POPOK, P.A.
JOSEPH H. SEROTA, P.A.
SUSAN L. TREVARTHEN, P.A.
RICHARD JAY WEISS, P.A.
DAVID M. WOLPIN, P.A.

DANIEL L. ABBOTT
LILLIAN M. ARANGO
GARY L. BROWN
JONATHAN M. COHEN
IGNACIO G. DEL VALLE
JEFFREY D. DECARLO
CHAD S. FRIEDMAN
ALAN L. GABRIEL
DOUGLAS R. GONZALES
EDWARD G. GUEDES
JOSEPH HERNANDEZ
ROGER S. KOBERT
JOSHUA D. KRUT
MATTHEW H. MANDEL
JOHN J. QUICK
ANTHONY L. RECIO
BRETT J. SCHNEIDER
CLIFFORD A. SCHULMAN
MARC SOLOMON
LAURA K. WENDELL
JAMES E. WHITE

SARA E. AULISIO
SONJA C. DARBY
ROBERT H. DE FLESCO
BROOKE P. DOLARA
RAQUEL ELEJABARRIETA*
ERIC P. HOCKMAN
HARLENE SILVERN KENNEDY*
KAREN LIEBERMAN*
JOHANNA M. LUNDGREN
MIA R. MARTIN
ALEIDA MARTÍNEZ MOLINA*
KATHRYN M. MEHAFFEY
ROBERT A. MEYERS*
MATTHEW PEARL
MARC C. PUGLIESE*
CARLOS M. RODRIGUEZ
AMY J. SANTIAGO
GAIL D. SEROTA*
JONATHAN C. SHAMRES
ALISON F. SMITH*
ANTHONY C. SOROKA
EDUARDO M. SOTO
JOANNA G. THOMSON
PETER D. WALDMAN*
ALICIA H. WELCH
SAMUEL I. ZESKIND

VIA EMAIL TO SecretaryofState@DOS.MyFlorida.com AND FIRST CLASS U.S. MAIL

Secretary of State Ken Detzner
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Re: 2014 Amended Charter of the Town of Lauderdale-By-The-Sea

Dear Secretary Detzner:

Enclosed is the Charter of the Town of Lauderdale-By-The-Sea, as amended by the Town's voters at the election dated March 11, 2014. A certified copy of Ordinance No. 2013-13, as approved by the Town Commission on October 22, 2013, the ballot, and the results received from the Broward County Supervisor of Elections are also enclosed for your records.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or need more information.

Very truly yours,



Susan L. Trevarthen

Enclosures

cc: Constance Hoffmann, Town Manager
Gerald Bryan, Acting Town Clerk

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Scot Sasser
MAYOR SCOT SASSER

ATTEST:

Gerald Bryan
Acting Town Clerk Gerald Bryan

APPROVED AS TO FORM:

Susan L. Trevarthen
Susan L. Trevarthen, Town Attorney

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

9th day of April, 20 14
Lecha Smith Deputy Town clerk

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ORDINANCE NO. 2013-13

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, FOLLOWING TOWN COMMISSION REVIEW AND CONSIDERATION OF CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW BOARD IN ACCORDANCE WITH SECTION 2.7 OF THE TOWN CHARTER; SUBMITTING PROPOSED CHARTER AMENDMENTS CONCERNING AMENDMENT OF SECTION 5.3 "TOWN MANAGER-APPOINTMENT, QUALIFICATIONS AND COMPENSATION," SECTION 6.2 "VICE MAYOR AND ACTING MAYOR PRO-TEM," SECTION 6.3 "QUALIFICATIONS OF MEMBERS OF TOWN COMMISSION," SECTION 6.6 "FORFEITURE OF OFFICE," SECTION 6.7 "FORFEITURE HEARING AND PROCESS," AND CREATION OF SECTION 6.10 "VACANCY IN CANDIDACY FOR MAYOR-COMMISSIONER OR COMMISSIONER;" CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 11TH DAY OF MARCH 2014, 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.

33 **WHEREAS**, pursuant to Section 2.7 of the Town Charter, the Charter Review Board has
34 determined that certain revisions are needed to the Town Charter and has submitted its
35 recommendation of proposed amendments to the Town Charter to the Town Commission; and

36 **WHEREAS**, pursuant to Section 2.7 of the Town Charter and Section 166.031, Florida
37 Statutes, the Town Commission has considered the recommendation of the Charter Review
38 Board and has determined, at the Town Commission's discretion, to submit to the electors of the

39 Town for approval or rejection only those amendments to the Town Charter (the "Charter
40 Amendments") that are set forth herein.

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

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

45 **Section 2. Charter Amendments.** Pursuant to Section 2.7 of the Town Charter and
46 Section 166.031, Florida Statutes, and subject to the approval of the electors as described in
47 Section 8 below, the Town Charter of the Town of Lauderdale-By-The-Sea, Florida, is hereby
48 amended as follows:¹

49 * * *
50
51 **ARTICLE V. – TOWN OFFICERS AND EMPLOYEES**

52 * * *
53

54 **Sec. 5.3. - Town Manager—Appointment, qualifications and compensation.**

55
56 The Town Commission shall appoint a Town Manager who shall be the
57 administrative head of the municipal government under the direction and supervision of
58 the Town Commission. The Town Manager shall hold office at the pleasure of the Town
59 Commission. The Town Manager shall receive such compensation as determined by the
60 Town Commission through the adoption of an appropriate resolution. The Town Manager
61 shall be appointed by resolution approving an employment contract between the Town
62 and the Town Manager. The Town Manager shall be appointed solely on the basis of
63 education and experience in the accepted competencies and practices of local public
64 management including, a graduate degree with a concentration in public administration,
65 public affairs, public policy, or public finance and two (2) years' experience as an
66 appointed city manager or county manager, or four (4) years' experience as an assistant or
67 deputy city manager or assistant or deputy county manager. Alternatively, the Town

¹ Proposed additions to existing Town Charter text are indicated by underline; proposed deletions from existing Town Charter text are indicated by ~~strike through~~. Changes from first reading are indicated by double underline and ~~double strike through~~, and highlighted in [REDACTED].

Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local public management that is determined by the Town Commission to be commensurate to those listed in the prior sentence.

* * *

ARTICLE VI. – ELECTIONS

* * *

Sec. 6.2. - Vice Mayor and acting Mayor Pro-Tem.

No later than ~~On~~ the second regularly scheduled Town Commission meeting to occur Tuesday following each regular election, one (1) member of the Town Commission may be designated, by resolution, as Vice Mayor to preside in the absence of the Mayor-Commissioner. In the event that the designated Mayor-Commissioner and the Vice Mayor are absent at any meeting of the Town Commission, any member of the Town Commission may be designated by the Town Commission to act as Mayor Pro-Tem for such meeting.

Sec. 6.3. - Qualifications of members of Town Commission.

(1) To be eligible to hold the office of Mayor-Commissioner or Commissioner of the Town of Lauderdale-By-The-Sea, or to qualify for candidacy for Mayor-Commissioner or Commissioner, the individual shall be a bona fide resident and citizen of the Town of Lauderdale-By-The-Sea, shall have resided in the said town for the six (6) months immediately preceding the date of election, shall be a registered voter pursuant to Florida law, and shall be otherwise qualified as provided for in the Charter.

(2) No person may be a candidate for Commissioner, nor may be appointed to fill a vacancy as a Commissioner, if that person has served during both of the two preceding consecutive Commission terms for that seat as a Commissioner ~~or a Mayor-Commissioner or both~~, without a two year break in service.

(3) No person may be a candidate for Mayor-Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner, if that person has served during each of the three preceding consecutive Mayor-Commissioner terms as a Mayor-Commissioner.

(4) Service of one year or less of a term by a person who had not previously served as either a Commissioner or Mayor-Commissioner shall not be considered for purposes of term limits.

(5) Service for purposes of term limits shall be determined as of the time the person would take office.

(6) No person may be a candidate for Mayor-Commissioner or Town Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner or Town Commissioner, if that person has consecutively served fourteen (14) years in any combination of offices without a two year break in service.

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* * *

108 **Sec. 6.6. - Forfeiture of office.**

109 A Commission member, or the Mayor-Commissioner, ~~shall forfeit the~~ is subject to penalties
110 including forfeiture of office if the person:

111 (1) Lacks, at any time during a term of office, any qualification for the office prescribed
112 by this Charter or general law;

113 (2) Violates any standard of conduct or code of ethics established by law for public
114 officials;

115 (3) Is convicted of a felony while in office;

116 (4) Fails to attend four (4) consecutive regular meetings of the Town Commission without
117 being excused by the Town Commission by formal action entered upon the minutes; or

118 (5) Becomes incapable of performing the duties of the office for a period of more than
119 three (3) months.

120 In all circumstances arising under this section, the Town Commission shall be the judge of its
121 own membership.

122 **Sec. 6.7. - Forfeiture hearing and process.**

123 A member of the Town Commission charged with conduct constituting grounds for forfeiture of
124 his office shall be entitled to a public hearing on demand, and notice of such hearing shall be
125 published in one or more newspapers of general circulation in the Town at least thirty days
126 before the scheduled hearing. At that public hearing, the Commissioner in question is entitled to
127 present evidence and must be afforded due process. The Town Commission shall be the sole
128 judge of the qualifications of its members and shall hear all questions relating to forfeiture of a
129 Commissioner's or Mayor-Commissioner's office, including whether or not good cause for
130 absence has been, or may be, established. The Commissioner in question shall have the burden of
131 establishing good cause for absence; provided, however, that any Commissioner may at any time
132 during any duly held meeting move to establish good cause for his or her absence or the absence
133 of any other Commissioner, from any past, present, or future meeting(s), which motion, if
134 carried, shall be conclusive. A Commissioner whose qualifications are in question, or who is
135 otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The Town
136 Commission may order one or more of the following penalties at a hearing based on Section
137 6.6(2) or Section 6.6(5): forfeiture of office, censure, and a letter of instruction for the future
138 conduct of the Commissioner. The Town Commission may order forfeiture at a hearing based
139 on Section 6.6(1), (3) or (4). Any final determination by the Town Commission that a
140 Commissioner or the Mayor-Commissioner has forfeited his or her office, or to censure or issue
141 a letter of instruction to the Commissioner in question, shall be made by resolution approved by
142 a unanimous vote of the remaining members of the Town Commission. All votes and other acts

of the Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

* * *

Sec. 6.10. - Vacancy in candidacy for Mayor-Commissioner or Commissioner.

(a) *Withdrawal.* A candidate for Mayor-Commissioner or Commissioner may withdraw at any time prior to the election by filing a sworn, executed statement of withdrawal with the Town Clerk.

(b) *Effect of death, withdrawal or removal where candidate remains on the ballot.*

(1) ~~No supplemental qualifying period.~~ (i) If the death, withdrawal or removal from the ballot of a qualified candidate or candidates for office following the end of the qualifying period leaves less than two candidates for that office, ~~and at least twenty five (25) days remain before the election, the qualifying period for that office shall be reopened for five (5) days. The supplemental qualifying period shall begin on the day following the day that the vacancy occurs. Notice of the supplemental qualifying period shall be posted by the Town Clerk.~~

~~(ii) If fewer than twenty five (25) days remain before the election, no supplemental qualifying period shall be provided. The remaining candidate shall be declared elected and no election shall be held for that office.~~

(2) *Changes in ballot.* The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void. ~~All candidates qualified during a supplemental qualifying period shall be placed on the ballot along with the remaining candidate, if possible.~~

~~(3) *Treatment of any remaining candidate.* Where a single candidate remains for an office, the remaining candidate for that office shall not be required to re-qualify for election or pay a second qualifying fee. The remaining candidate shall not be declared an unopposed candidate by the Town Clerk unless no additional candidate qualifies for election during the supplemental qualifying period. If declared unopposed, the remaining candidate shall be declared elected by operation of law.~~

(c) *Effect of death, withdrawal or removal where no candidate remains on the ballot.* Should a vacancy in candidacy leave no candidate remaining for an office after the conclusion of the qualifying period ~~and any supplemental qualifying period but before the election,~~ the resulting vacancy shall be handled as provided in Section 6.8 of the Charter.

* * *

180 **Section 3. Election Called.** A special election is hereby called for Tuesday, March 11,
181 2014, in conjunction with the general election being held on said date, to present to the qualified
182 electors of the Town of Lauderdale-By-The-Sea (the "Town"), each of the ballot questions
183 provided in Section 4 of this Ordinance.

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

186 (1) CREATE ALTERNATIVE STANDARD FOR TOWN
187 COMMISSION TO DETERMINE TOWN MANAGER
188 QUALIFICATIONS
189

190 The Charter currently identifies qualifications for the Town
191 Manager, including specifically identified levels of education and
192 experience establishing acceptable competencies and practices of
193 local public management experience.
194

195 Shall the Charter be amended to give the Town Commission the
196 option to determine that other levels of education and experience
197 are acceptable because they are comparable to the identified
198 levels?
199

200 YES []

201
202 NO []

203
204
205 (2) CHANGE TIME FOR TOWN COMMISSION TO
206 DESIGNATE THE VICE-MAYOR
207

208 The Charter currently provides that the Town Commission must
209 designate a Vice Mayor on the second Tuesday following each
210 regular election.
211

212 Shall the Charter be amended to provide that the Town
213 Commission designate a Vice-Mayor no later than the second
214 regularly scheduled Town Commission meeting following each
215 regular election?
216

217 YES []

218
219 NO []
220
221

- 222 (3) ALLOW MAYOR-COMMISSIONER TO RUN FOR
223 TOWN COMMISSIONER AFTER REACHING TERM
224 LIMIT AS MAYOR-COMMISSIONER
225

226 The Charter currently prohibits a Mayor-Commissioner from
227 running for Town Commissioner immediately following three
228 consecutive terms of service as Mayor-Commissioner.
229

230 Shall the Charter be amended to allow future Mayor-
231 Commissioners to run for Town Commissioner without a two-year
232 break in service?
233

234 YES []
235

236 NO []
237
238

- 239 (4) ESTABLISH MAXIMUM CONSECUTIVE TERM
240 LIMIT FOR SERVICE AS MAYOR-COMMISSIONER
241 AND TOWN COMMISSIONER
242

243 The Charter currently limits service as a Mayor-Commissioner to
244 three terms and service as a Town Commissioner to two terms, but
245 does not limit continuous service alternating between the two
246 offices.
247

248 Shall the Charter be amended to provide that no person may be
249 elected or appointed as Mayor-Commissioner or Town
250 Commissioner if that person has served a total of fourteen years in
251 any combination of offices, without a two year break in service?
252

253 YES []
254

255 NO []
256
257

- 258 (5) AMEND PROCEDURES AND PENALTIES
259 APPLICABLE TO ALLEGED COMMISSIONER
260 VIOLATIONS
261

The Charter currently provides that, if the Town Commission finds that one of its members has committed certain acts, that Commissioner shall forfeit office.

Shall the Charter be amended to clarify the due process requirements for such hearings, and to allow the Commission to consider lesser penalties (censure and a letter of instruction) for violation of any standard of conduct or code of ethics established by law and for incapacity for three or more months?

YES []

NO []

(6) CREATE PROCEDURES FOR VACANCIES IN CANDIDACY FOR TOWN ELECTED OFFICE

Section 166.031(6), Florida Statutes, requires that local governments create a procedure to address vacancies in candidacy before an election.

Shall the Charter be amended to add procedures related to candidate vacancies including procedures for withdrawal, supplemental qualifying periods, treatment of remaining candidates, and effects of death, withdrawal or removal of candidates?

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 February 10, 2014, 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, February 2, 2014), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, February 16, 2014), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT, PURSUANT TO ORDINANCE NO. 2013-13 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 11TH DAY OF MARCH 2014, BETWEEN THE HOURS OF 7 A.M. AND 7 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN:

- (1) CREATE ALTERNATIVE STANDARD FOR TOWN COMMISSION TO DETERMINE TOWN MANAGER QUALIFICATIONS

The Charter currently identifies qualifications for the Town Manager, including specifically identified levels of education and experience establishing acceptable competencies and practices of local public management experience.

Shall the Charter be amended to give the Town Commission the option to determine that other levels of education and experience are acceptable because they are comparable to the identified levels?

YES []

NO []

(2) CHANGE TIME FOR TOWN COMMISSION TO DESIGNATE THE VICE-MAYOR

The Charter currently provides that the Town Commission must designate a Vice Mayor on the second Tuesday following each regular election.

Shall the Charter be amended to provide that the Town Commission designate a Vice-Mayor no later than the second regularly scheduled Town Commission meeting following each regular election?

YES []

NO []

(3) ALLOW MAYOR-COMMISSIONER TO RUN FOR TOWN COMMISSIONER AFTER REACHING TERM LIMIT AS MAYOR-COMMISSIONER

The Charter currently prohibits a Mayor-Commissioner from running for Town Commissioner immediately following three consecutive terms of service as Mayor-Commissioner.

Shall the Charter be amended to allow future Mayor-Commissioners to run for Town Commissioner without a two-year break in service?

374 YES []

375
376 NO []

377
378
379 (4) ESTABLISH MAXIMUM CONSECUTIVE TERM
380 LIMIT FOR SERVICE AS MAYOR-COMMISSIONER
381 AND TOWN COMMISSIONER
382

383 The Charter currently limits service as a Mayor-Commissioner to
384 three terms and service as a Town Commissioner to two terms, but
385 does not limit continuous service alternating between the two
386 offices.
387

388 Shall the Charter be amended to provide that no person may be
389 elected or appointed as Mayor-Commissioner or Town
390 Commissioner if that person has served a total of fourteen years in
391 any combination of offices, without a two year break in service?
392

393 YES []

394
395 NO []

396
397
398 (5) AMEND PROCEDURES AND PENALTIES
399 APPLICABLE TO ALLEGED COMMISSIONER
400 VIOLATIONS
401

402 The Charter currently provides that, if the Town Commission finds
403 that one of its members has committed certain acts, that
404 Commissioner shall forfeit office.
405

406 Shall the Charter be amended to clarify the due process
407 requirements for such hearings, and to allow the Commission to
408 consider lesser penalties (censure and a letter of instruction) for
409 violation of any standard of conduct or code of ethics established
410 by law and for incapacity for three or more months?
411

412 YES []

413
414 NO []

(6) CREATE PROCEDURES FOR VACANCIES IN
CANDIDACY FOR TOWN ELECTED OFFICE

Section 166.031(6), Florida Statutes, requires that local governments create a procedure to address vacancies in candidacy before an election.

Shall the Charter be amended to add procedures related to candidate vacancies including procedures for withdrawal, supplemental qualifying periods, treatment of remaining candidates, and effects of death, withdrawal or removal of candidates?

YES []

NO []

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

Town Clerk

Section 7. Copies. Copies of this Ordinance proposing the Charter Amendments are on file at the offices of the Town Clerk located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308, and are available for public inspection during regular business hours.

Section 8. Effectiveness. Each Charter Amendment provided for in Section 2 of this Ordinance shall become effective if the majority of the qualified electors voting on that specific Charter Amendment, as described in the ballot summaries of Section 4 of this Ordinance, vote for its adoption. Each Charter Amendment shall be considered adopted and effective upon certification of the election results. Following adoption of the Charter Amendment(s), the Town Clerk shall incorporate the adopted Charter Amendment(s) into the Town Charter and shall file

the revised Town Charter with the Office of the Secretary of State as required by Section 166.031, Florida Statutes.

Section 9. Inclusion in the Town Charter. Subject to the requirements of Section 8 above, it is the intention of the Town Commission and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the Town of Lauderdale-By-The-Sea, Florida, and that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 10. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

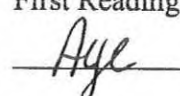
Section 11. Effective Date of Ordinance. This Ordinance shall become effective immediately upon adoption hereof on second reading.

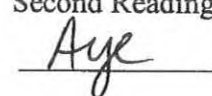
PASSED AND ADOPTED on First Reading this 10th day of September, 2013.

PASSED AND FINALLY ADOPTED on Second Reading this 22nd day of October, 2013.


Mayor Roseann Minnet

Mayor Minnet

First Reading


Second Reading


478 Vice-Mayor Sasser
479 Commissioner Brown
480 Commissioner Dodd
481 Commissioner Vincent

Aye
Aye
Aye
Aye

Aye
Aye
Aye
Aye

482
483 Attest:

484 Vanessa Castillo
485
486
487 Town Clerk Vanessa Castillo, CMC

488
489 Approved as to form:

490
491 Susan L. Trevarthen
492
493 Susan L. Trevarthen, Town Attorney

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

1st day of April, 20 14
Lecha Smith Deputy Town clerk

A	BALLOT STYLE 5	B	C
11	BALLOT INSTRUCTIONS - TO VOTE, COMPLETELY FILL IN THE OVAL NEXT TO YOUR CHOICE. - Use only a black pen to mark the ballot. - If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count. INSTRUCCIONES PARA LA BOLETA - PARA VOTAR, LLENE COMPLETAMENTE EL OVALO JUNTO A SU SELECCION. - Use sólo una pluma de tinta negra para marcar la boleta. - Si se equivoca, pida una nueva boleta. Si borra algo o hace marcas, es posible que su voto no se cuente. ENFOMASYON SOU BILTEN VÒT - POU VOTE, BYEN KOLORE TOUT ANDAN OVAL KI AKOTE RESPONS OU CHWAZI A. - Sèlman sèvi ak yon plim nwa sou biltèn vòt la. - Si w fè yon erè, mande yo ba w yon nouvo biltèn vòt. Si w efase oubyen fè nouvo mak, I ap posib pou vòt ou pa valab ankò.	(1) Create Alternative Standard For Town Commission To Determine Town Manager Qualifications The Charter currently identifies qualifications for the Town Manager, including specifically identified levels of education and experience establishing acceptable competencies and practices of local public management experience. Shall the Charter be amended to give the Town Commission the option to determine that other levels of education and experience are acceptable because they are comparable to the identified levels? (1) Crear Otro Estándar Para Que La Comisión De La Ciudad Determine Las Calificaciones Del Administrador De La Ciudad La Carta Constitucional actualmente identifica las calificaciones del Administrador de la Ciudad y específicamente identifica los niveles de educación y de experiencia estableciendo prácticas competentes y aceptables en la experiencia de administración pública local. ¿Deberá enmendarse la Carta Constitucional para darle a la Comisión de la Ciudad la opción de determinar que otros niveles de educación y experiencia son aceptables, porque son comparables con los niveles identificados? (1) Kreye Yon Altènatif Nòminal Pou Komisyon Vil La Kapab Detèmine Kalifikasyon Manadjè Vil La. Konstitisyon an aktyèlman idantifye kalifikasyon pou Manadjè Vil la ki gen ladan li nivo edikasyon espesyalman idantifye ak eksperyans ki va etabli konpetans akseptab ak pratik eksperyans nan jesyon piblik nivo lokal. Eske yo ta dwe chanje Konstitisyon an pou bay Komisyon Vil la chwaz pou li detèmine si lòt nivo edikasyon ansanm ak eksperyans kapab akseptab paske yo konparab ak nivo ki deja idantifye yo?	(2) Change Time For Town Commission To Designate The Vice-Mayor The Charter currently provides that the Town Commission must designate a Vice Mayor on the second Tuesday following each regular election. Shall the Charter be amended to provide that the Town Commission designate a Vice-Mayor no later than the second regularly scheduled Town Commission meeting following each regular election? (2) Cambiar El Momento En El Que La Comisión De La Ciudad Nombra El Vice Alcalde La Carta Constitucional actualmente dispone que la Comisión de la Ciudad tiene que nombrar al Vice Alcalde el segundo martes después de cada elección regular. ¿Deberá enmendarse la Carta Constitucional para disponer que la Comisión de la Ciudad nombre al Vice Alcalde a más tardar en la segunda reunión normalmente programada de la Comisión de la Ciudad después de cada elección regular? (2) Chanje Lè Pou Komisyon Vil La Deziyen Vis Majistra A Konstitisyon an aktyèlman pèmèt ke Komisyon Vil la deziyen yon Vis-Majistra nan dezyèm madi ki vin apwè chak eleksyon regilye. Eske yo ta dwe chanje Konstitisyon an pou pèmèt ke Komisyon Vil la deziyen yon Vis-Majistra pa pi ta ke dezyèm reyinyon Komisyon Vil la ki pwogram regilyeman apwè chak eleksyon regilye? ☐ YES/SI/VI ☐ NO/NO/NON
21			
40	LAUDERDALE-BY-THE-SEA COMMISSIONER SEAT 1 DISTRICT 1 COMISIONADO ESCAÑO 1 DISTRITO 1 KOMISÉ SYEJ 1 DISTRI 1 (Vote for One/Vote por Uno/Vote pou Youn) ☐ Birute Ann Clotney ☐ Elliot Sokolow ☐ Eric Yankwitt	☐ YES/SI/VI ☐ NO/NO/NON	(3) Allow Mayor-Commissioner To Run For Town Commissioner After Reaching Term Limit As Mayor-Commissioner The Charter currently prohibits a Mayor-Commissioner from running for Town Commissioner immediately following three consecutive terms of service as Mayor-Commissioner. Shall the Charter be amended to allow future Mayor-Commissioners to run for Town Commissioner without a two-year break in service? (3) Permitir Al Alcalde-Comisionado Ser Candidato Para Comisionado De La Ciudad Después De Llegar Al Límite De Su Mandato De Alcalde-Comisionado. La Carta Constitucional actualmente le prohíbe al Alcalde-Comisionado ser candidato para Comisionado de la Ciudad inmediatamente después de tres mandatos consecutivos de servicio como Alcalde - Comisionado. ¿Deberá enmendarse la Carta Constitucional para permitir que los Alcaldes-Comisionados futuros sean candidatos para Comisionado de la Ciudad sin un descanso de dos años de servicio? (3) Pèmèt Ke Majistra-Komisyonè A Prezante Kom Komisyonè Vil La Apwè Ke L Rive Nan Limit Manda Li Kòm Komisyonè Majistra Konstitisyon an aktyèlman entèdi yon Majistra-Komisyonè pou li prezante li pou Komisyonè Vil la touswit apwè twa manda konsekutif sèvis kòm Majistra-Komisyonè. Eske yo ta dwe chanje Konstitisyon an pou pèmèt pwochen Majistra-Komisyonè yo prezante yo pou pòs Komisyonè Vil la san yo pa bezwen tann dezan apwè sèvis yo kòm Majistra-Komisyonè? ☐ YES/SI/VI ☐ NO/NO/NON
41			
42			
44			
51			

D	E	F
(4) Establish Maximum Consecutive Term Limit For Service As Mayor-Commissioner And Town Commissioner The Charter currently limits service as a Mayor-Commissioner to three terms and service as a Town Commissioner to two terms, but does not limit continuous service alternating between the two offices. Shall the Charter be amended to provide that no person may be elected or appointed as Mayor-Commissioner or Town Commissioner if that person has served a total of fourteen years in any combination of offices, without a two year break in service? (4) Establecer Un Límite Máximo De Servicio De Mandato Consecutivo Para El Puesto De Alcalde-Comisionado Y Comisionado De La Ciudad La Carta Constitucional actualmente limita el servicio de Alcalde-Comisionado a tres mandatos y el servicio de Comisionado de la Ciudad a dos mandatos, pero no limita el servicio continuo alternando entre los dos puestos. ¿Deberá enmendarse la Carta Constitucional para disponer que ninguna persona pueda ser elegida o nombrada Alcalde-Comisionado o Comisionado de la Ciudad si esa persona ha servido un total de catorce años en cualquier combinación de puestos, sin un descanso de dos años en el servicio? (4) Etabli Limit Maksimòm Manda Konsekitif Pou Sèvis Kòm Majistra-Komisyonè Ak Komisyonè Vil La. Konstitisyon an aktyèlman limite sèvis kòm Majistra-Komisyonè a twa manda epi sèvis Komisyonè Vil la a de manda, men pa limite sèvis altène kontinyèl yo ant de biwo yo. Eske yo ta dwe chanje Konstitisyon an kote ke pa gen okenn moun ki ap kapab eli oswa nonmen kòm Majistra-Komisyonè oswa Komisyonè Vil la si moun sa a te sèvi pandan yon total katòz lanne nan nenpòt ki konbinezon ant de biwo yo, san yon delè dezan ant sèvis yo? ☐ YES/SI/WI ☐ NO/NO/NON	(5) Amend Procedures And Penalties Applicable To Alleged Commissioner Violations The Charter currently provides that, if the Town Commission finds that one of its members has committed certain acts, that Commissioner shall forfeit office. Shall the Charter be amended to clarify the due process requirements for such hearings, and to allow the Commission to consider lesser penalties (censure and a letter of instruction) for violation of any standard of conduct or code of ethics established by law and for incapacity for three or more months? (5) Enmendar Los Procedimientos Y Las Sanciones Que Se Aplican A Las Supuestas Violaciones De Los Comisionados La Carta Constitucional actualmente dispone que si la Comisión de la Ciudad determina que uno de sus miembros ha cometido ciertos actos, tal Comisionado perderá su puesto. ¿Deberá enmendarse la Carta Constitucional para aclarar los requisitos del proceso legal debido para tales audiencias y permitir que la Comisión considere sanciones menores (censura y una carta de instrucciones) por violar las normas de conducta o el código de ética establecidos por la ley y por incapacidad por tres meses o más? (5) Chanjman Pwosedir Ak Penalite Aplikab A Swadizan Vyolasyon Komisyonè Konstitisyon an aktyèlman pèmèt ke, si Komisyon Vil la ta rive jwenn ke yonn nan manm li yo te komèt sèten zak, Komisyonè sa a va pèdi pòs li a. Eske yo ta dwe chanje Konstitisyon an pou klarifye kondisyon pou jistis legal pou odyans sa yo, epi pèmèt Komisyon an konsidere pi piti penalite (sanski ak yon lèt blam) pou vyolasyon nenpòt ki konpòtman nòmal oswa kod etik ki etabli pa lalwa ak pou enkapasite pou twa oswa plis mwa? ☐ YES/SI/WI ☐ NO/NO/NON	(6) Create Procedures For Vacancies In Candidacy For Town Elected Office Section 166.031(6), Florida Statutes, requires that local governments create a procedure to address vacancies in candidacy before an election. Shall the Charter be amended to add procedures related to candidate vacancies including procedures for withdrawal, supplemental qualifying periods, treatment of remaining candidates, and effects of death, withdrawal or removal of candidates? (6) Crear Procedimientos Para Vacantes En Candidatura Para Puestos Elegidos De La Ciudad La Sección 166.031(6) de las Leyes de Florida exige que los gobiernos locales a crear un procedimiento para tratar vacantes en candidatura antes de una elección. ¿Deberá enmendarse la Carta Constitucional para añadir procedimientos relacionados con las vacantes de candidatos, incluyendo procedimientos para retiro, períodos suplementares para calificación, tratamiento de candidatos restantes, y efectos de muerte, retiro o remoción de candidatos? (6) Kreye Pwosedir Pou Prezante Kandidati Pou Pòs Ki Vid Nan Vil La Seksyon 166.031 (6) Lwa Florid yo, mande pou gouvènman lokal yo kreye yon pwosedir pou rive kouvri pòs ki vid yo anvan yon eleksyon. Eske yo ta dwe chanje Konstitisyon an pou ajoute pwosedir ki gen rapò ak pòs ki vid ki gen ladan pwosedir pou retrè, peryòd siplemantè ki kalifyab, tretman kandida ki rete yo, ak konsekans lanmò, retrè oswa revokasyon yon kandida? ☐ YES/SI/WI ☐ NO/NO/NON

LAUDERDALE-BY-THE-SEA TOWN CHARTER
As Amended by March 11, 2014 Election

ARTICLE I. - TRANSITION FROM ABOLISHED TOWN

Sec. 1.1. - Abolishing existing municipality.

That the existing municipal government of the Town of Lauderdale-By-The-Sea, in the County of Broward and State of Florida, be and the same is hereby abolished. All of the provisions of Chapter 14184, Laws of Florida of 1929, Chapter 24658, Laws of Florida of 1947, and all other laws pertaining to the creation of the Town of Lauderdale-By-The-Sea be and the same are hereby repealed.

Sec. 1.2. - Title to property reserved.

That the title, rights and ownership of all property, both real and personal, uncollected taxes, dues, claims, judgments, decrees, chooses in action and all property and property rights held or owned by the municipalities named "Town of Lauderdale-By-The-Sea," abolished by this act, shall pass to and be vested in the municipal corporation organized under this Charter to succeed the municipality abolished.

Sec. 1.3. - Obligations unimpaired.

That no obligations or contracts of the said municipality hereby abolished, including bonds heretofore issued or any proceeding heretofore begun for any improvement, or for borrowing of money, or issuing of bonds, shall be impaired or avoided by this Charter, but such debts, obligations, contracts and bonds shall pass to and be binding upon the new municipality hereby created and organized, and all such proceedings heretofore begun for the construction of any improvements or for the borrowing of money or issuing of bonds may be continued and completed and binding upon the said new municipality; and likewise all debts of and claims against the abolished municipality shall be valid against the new municipality created.

Sec. 1.4. - Officers held over.

All officers and employees heretofore elected or appointed and holding office under the said municipality hereby abolished, shall continue to hold their respective offices and discharge the respective duties thereof under the new municipality hereby created until their successors are elected and qualified under the provisions of this Charter.

Sec. 1.5. - Ordinances not impaired.

All existing ordinances and resolutions of said abolished municipality, including the printed Code of Ordinances of the Town of Lauderdale-By-The-Sea, as amended, not in conflict with the provisions of this Charter, shall continue in effect unless repealed, amended, or modified by the municipality which is hereby organized or created.

Sec. 1.6. - Establishment of new municipality; streets, highways, public grounds.

The inhabitants of the Town of Lauderdale-By-The-Sea, as its boundaries are hereinafter established and designated, or as may hereinafter be established and designated shall continue to be a body politic and corporate, to be known and designated as "Town of Lauderdale-By-The-Sea," and as such shall have a perpetual succession, may use a common seal, may contract and be contracted with, and may sue and be

LAUDERDALE-BY-THE-SEA TOWN CHARTER

As Amended by March 11, 2014 Election

sued in all the courts of this state and in all matters whatsoever. That all lands heretofore dedicated for the use of the public for streets, highways, parks or public grounds, and all authorized changes or amendments thereto approved by the Board of County Commissioners of Broward County, Florida, whether by plat, act, or otherwise, are hereby vested in the Town of Lauderdale-By-The-Sea, and the control and jurisdiction thereof shall hereafter be vested in the Town Commission of the Town of Lauderdale-By-The-Sea.

Sec. 1.7. - Plat approved.

The recorded plats of the subdivision of Lauderdale-By-The-Sea, as recorded in plat book 6, page 2, and the plat of Lauderdale Surf and Yacht Estates as recorded in plat book 22, page 46 of the public records of Broward County, Florida, are hereby approved.

ARTICLE II. - CORPORATE POWERS

Sec. 2.1. - Legal title.

This Charter is the Charter of the Town of Lauderdale-By-The-Sea, a municipal corporation of the State of Florida.

Sec. 2.2. - Boundaries.

The following shall be the territory, the inhabitants of which are hereby established and organized into a municipal corporation, and over which such municipal corporation shall exercise its jurisdiction and powers, as may be amended from time to time in accordance with State law, to wit:

Beginning at the intersection of the south boundary line of Section 7, Township 49 South, Range 43 East with the centerline of the Intracoastal Waterway (Florida East Coast Canal), the Point of Beginning; thence in a northerly direction along the centerline of the Intracoastal Waterway to the intersection of said centerline with a line located twenty-five (25) feet south of and parallel to the north line of Section 7, Township 49 South, Range 43 East; thence in an easterly direction along a line located twenty-five (25) feet south of and parallel to the north line of said Section 7 to the intersection of said line with the east right-of-way line of the Intracoastal Waterway; thence in a northerly direction along the east right-of-way line of the Intracoastal Waterway to the intersection of said east right-of way line with the southwest corner of Lot 1, Block 16 of Terra Mar Island Estates, Second Addition, as recorded in Plat Book 31, Page 20 of the Public Records of Broward County, Florida; thence in an easterly direction along the south line of said Lot 1, Block 16 to the southeast corner of said Lot 1, Block 16; thence in a northerly direction along the east line of said Lot 1, Block 16 to the intersection of said east line with the westerly extension of the south line of Block 12 of said Terra Mar Island Estates, Second Addition; thence in an easterly direction along the westerly extension of the south line of said Block 12, along the south line of said Block 12 and along an easterly extension of said south line to the intersection of said extended line with the west line of Lot 1, Block 15 of said Terra Mar Island Estates, Second Addition; thence in a southerly direction along the west line of Lot 1, Block 15 and along the west line of Lot 10, Block 11 of Terra Mar Island Estates, First Addition as recorded in Plat Book 31, Page 10 of the Public Records of Broward County, Florida to the southwest corner of said Lot 10, Block 11; thence in an easterly direction along the south line of said Lot 10, Block 11 and along an easterly extension of said south line to the intersection of said extended line with the centerline of Spanish River; thence in a

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southerly direction along the centerline of the Spanish River to a point thirteen hundred and fifty (1,350) feet south of the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6, Township 49 South, Range 43 East; thence in a southerly direction for two hundred (200) feet to a point on a line located fifteen hundred and fifty (1,550) feet south of and parallel to the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6, said point being eleven hundred, twenty-seven and forty-three-hundredths (1,127.43) feet east of the east right-of-way line of the Intracoastal Waterway; thence in an easterly direction along the line located fifteen hundred and fifty (1,550) feet south of and parallel to said north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6 to the intersection of said line with the east right-of-way line of State Road A-1-A; thence in a northerly direction along the east right-of-way line of State Road A-1-A to the intersection of said east right-of-way line with a line located eight hundred and fifty (850) feet south of and parallel to the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6; thence in an easterly direction along said parallel line and an easterly extension of said line, through Government Lot 2, Section 5, Township 49 South, Range 43 East to the intersection of said extended line with the Ordinary Low Watermark of the Atlantic Ocean; thence, continue in an easterly direction along said parallel line a distance of 3 miles (15,840 Ft) to the intersection of said extended line with the eastern boundary of the State of Florida; thence in an southerly direction along said eastern boundary of the State of Florida to the intersection with a line located three hundred and eighty (380) feet north of and parallel to the south line of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Southeast One Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East; thence in a westerly direction along said parallel line to the intersection of said line with the west right-of-way line of State Road A-1-A; thence in a northerly direction along the west right-of-way line of State Road A-1-A to the intersection of said west right-of-way line with the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East; thence in a westerly direction along the north line of the Southeast One-Quarter (SE $\frac{1}{4}$) and the Southwest One-Quarter (SW $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East to the intersection of said north line with the east right-of-way line of the Intracoastal Waterway; thence in a southerly direction along the east right-of-way line of the Intracoastal Waterway to the intersection of said east right-of-way line with the south line of Section 7, Township 49 South, Range 43 East; thence in an easterly direction along the south line of Section 7, Township 49 South, Range 43 East to the intersection of said south line with the west line of the right-of-way of State Road A-1-A; thence in a northerly direction along the west line of the right-of-way of SR A-1-A to the intersection of said west line with a line located one hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N $\frac{1}{2}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East; thence in an easterly direction along a line located one hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N $\frac{1}{2}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East to the intersection of said parallel line with the Ordinary Low Watermark of the Atlantic Ocean; thence continue in an easterly direction along said line located one hundred eighty (180) feet north of and parallel to the south line of the North One-Half (N $\frac{1}{2}$) of the Southeast One Quarter (SE $\frac{1}{4}$) of Section 7, Township 49 South, Range 43 East for a distance of 3 miles (15,840 ft) to the intersection of said parallel line with the eastern boundary of the State of Florida; thence in a southerly direction along the said eastern boundary of the State of Florida to the intersection with the extension of south boundary line of Section 18, Township 49 South, Range 43 East; thence in a westerly direction along the extension of the south boundary line of Section 18, Township 49 South, Range 43 East to the intersection of said south boundary line with the centerline of the right-of-way of the Intracoastal Waterway; thence in a northerly direction along the centerline of the right-of-way of the Intracoastal Waterway to the intersection of said centerline with the north boundary line of Section 18,

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Township 49 South, Range 43 East, the Point of Beginning.

Sec. 2.3. - Definitions.

As used in this Charter, the following words shall have the following meanings:

- (1) The words "abolished municipality" shall mean the municipality formerly existing under the provisions of Chapter 14184, Laws of Florida of 1929, and Chapter 24658, Laws of Florida of 1947.
- (2) The words "new municipality" shall mean the municipality established and created by this act, as may be amended from time to time.
- (3) The masculine pronoun shall designate and include the feminine, and the neuter, where the meaning so permits.
- (4) The word "person" used herein in the masculine gender, shall mean a male or female person, or legal corporate entity.
- (5) The word "municipality" herein shall refer to the municipality of the Town of Lauderdale-By-The-Sea, unless otherwise indicated.
- (6) The words "Town Commission" shall refer to the Town Commission of the Town of Lauderdale-By-The-Sea, Florida.

Sec. 2.4. - Seal.

The official seal of the Town of Lauderdale-By-The-Sea hereby established shall bear the legend "Town of Lauderdale-By-The-Sea, Broward County, Florida, Seal, 1947."

Sec. 2.5. - Jurisdiction.

The jurisdiction and powers of the Town of Lauderdale-By-The-Sea shall extend over all streets, alleys, sewers, parks, and all lands within said area, whether platted or unplatted, and the air above same; and to and over all waters, waterways, streams, bays, bayous, submerged lands, water bottoms and wharves; and to and over all persons, firms, and corporations, property and property rights, occupations, businesses and professions whatsoever within said boundaries.

The title to and jurisdiction over all streets, thoroughfares, parks, alleys, public lots, sewers, within the Town, and all other property and municipal plants of the Town now owned, possessed or operated by it, and all property of every kind and character which the Town may hereafter acquire within or outside the Town, or which may vest in it, or be dedicated to it, for its use or for the public use, shall be vested in the Town of Lauderdale-By-The-Sea, as created under this Charter.

Sec. 2.6. - General powers.

The Town of Lauderdale-By-The-Sea is hereby created, established and organized, and shall have full power and authority to exercise all of the powers of local self-government and to do whatever may be deemed necessary or proper for the safety, health, convenience or general welfare of the inhabitants of

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said Town; to exercise full police powers; to do and perform all acts and things permitted by the laws of the State of Florida, and comprehend as duties in the performance of anything recognized as a "municipal purpose," whether now existing and recognized, or hereafter recognized as a municipal purpose by statute law or court decision. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the Town of Lauderdale-By-The-Sea shall have and may exercise all other powers under the Constitution and Laws of Florida.

In addition, the Town has the authority to codify its ordinances into a Code of Ordinances of the Town of Lauderdale-By-The-Sea, and by a single ordinance to adopt such "Code of Ordinances of the Town of Lauderdale-By-The-Sea" as a complete revision of all existing and applicable ordinances on the date of such adoption; to adopt a decimal system similar to that used in Florida Statutes of 1941, and to amend such Code, once adopted, by reference to any section or sections. The "Code of Ordinances of the Town of Lauderdale-By-The-Sea" of 1940, as amended from time to time, except as modified by this Charter, is declared to be the existing Codified Ordinances of the Town of Lauderdale-By-The-Sea; and such Code of Ordinances may be amended from time to time by reference to any section or sections, and as many sections as desired may be amended by one (1) ordinance. Such "Code of Ordinances of the Town of Lauderdale-By-The-Sea," as amended from time to time, may be revised and codified or recodified, and such revised Code may be adopted by a single ordinance, and upon such revision shall be in full force and effect. The Town Attorney of the Town of Lauderdale-By-The-Sea shall have power and authority to codify any duly adopted ordinance of the Town of Lauderdale-By-The-Sea and assign proper section numbers and headings to various parts of such ordinances, and thereafter such section shall be cited in referring to such ordinances.

Sec. 2.7. - Review of charter provisions.

As often as the Town Commission may deem necessary, but in any event, not less frequently than every twelve (12) years, the terms and provisions of this Charter shall be reviewed.

ARTICLE III. - ADMINISTRATION AND LEGISLATION

Sec. 3.1. - Commission-manager form of government.

The form of government of the Town of Lauderdale-By-The-Sea, provided for under this Charter, shall be known as the "commission-manager" form of government.

Sec. 3.2. - Creation of Town Commission.

There is hereby created a Town Commission consisting of five (5) Commissioners, each of whom shall be elected at-large in the manner provided in this Charter. The Mayor-Commissioner and each Town Commissioner shall take and hold office for the term(s) provided in this Town Charter.

Sec. 3.3. - Qualifications of members.

Only qualified electors who have resided in the Town of Lauderdale-By-The-Sea for at least six (6) months immediately prior to qualifying for office and who shall have attained the age of eighteen (18) years of age on or before the date the candidate files and qualifies in accordance with this Charter as a

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candidate for office, shall be eligible to hold the office of Commissioner.

Each Commissioner and candidate for Commissioner shall be elected from the election district in which he or she is domiciled for at least six (6) months immediately prior to qualifying for such office by the greatest number of votes of all registered electors residing within the Town. Once elected, a Commissioner from an election district shall remain a domiciliary of the election district during his or her term of office. Any Commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office, except a Commissioner holding office will not have his/her term cut short by the establishment of or subsequent change of district boundary lines.

Sec. 3.4. - Standards of conduct; code of ethics.

In addition to the ethical standards of conduct established by general law for elected officials, appointed officials, and employees, the Town Commission may, by ordinance, establish ethical conduct standards for elected officials, appointed officials, and employees of the Town.

Sec. 3.5. - Legislative powers.

The legislative powers of the Town shall be vested in and exercised by the Town Commission, consistent with the provisions of the Constitution of the United States of America, the Constitution and statutes of the State of Florida, this Charter, and the laws and ordinances of the Town of Lauderdale-By-The-Sea. Except as otherwise provided in Article IV or elsewhere in this Charter, or by the Constitution or statutes of the State of Florida, the Town Commission may by ordinance or resolution prescribe the manner in which any powers of the said Town shall be exercised.

Sec. 3.6. - Non-interference in Town Administration.

The Town Commission or its members shall not give orders to any Town officer or employees who are subject to the direction and supervision of the Town Manager, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the Town Commission from examining by question and personal observation all aspects of Town government operations so as to obtain independent information to assist the members in the formulation of policies to be considered by the Commission and assure the implementation of such policies as have been adopted. It is the express intent of this provision, however, that such inquiry shall not interfere directly with the regular municipal operations of the Town and that recommendations for change or improvements in Town government operations be made to and through the Town Manager.

ARTICLE IV. - INITIATIVE AND REFERENDUM

Sec. 4.1. - Power to initiate and reconsider ordinances.

(1) *Initiated ordinances.* The registered voters of the Town shall have power to propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it by a referendum vote at a Town election.

(2) *Repeal and amendment of adopted ordinances.* The registered voters of the Town shall have power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal or amend as proposed in the initiative petition an ordinance so reconsidered, to amend or repeal it

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by a referendum vote at a Town election.

Sec. 4.2. - Commencement of initiative.

(1) *Filing with Town Clerk.* A minimum of ten registered electors (voters) of the Town may commence initiative, repeal or amendment proceedings by filing with the Town Clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the petitioners' committee are to be sent, and setting out in full the proposed initiated ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of a petitioners' committee is filed, the Town Clerk may, at the committee's request and at their expense, issue the appropriate petition blanks to the petitioners' committee.

(2) *Review by the Town Attorney.* Prior to circulation, a petition and the proposed ordinance, if any, shall be reviewed as to legal form by the Town Attorney. The Town Attorney's review of a petition package shall not extend to review of the substance of a proposed ordinance, or an ordinance proposed for repeal or amendment, but shall be strictly limited to a review as to legal form. No later than fourteen (14) calendar days from filing date of a petition with the Town Clerk, the Town Attorney shall, by hand delivery or registered mail, inform the petitioners' committee and Town Clerk either that the petition and ordinance, if any, are in proper legal form or, if not, then specifically what measures are required to render them in proper form. Upon request by the petitioners' committee, the Town Attorney will assist the committee to render documents in proper legal form for consideration by the Town Commission, but will not offer legal counsel or opinions to the petitioners' committee or its representative. Failure by the Town Attorney to inform the petitioners' committee and Town Clerk of his or her determination as to form within fourteen (14) calendar days after the petitioner files a petition and proposed ordinance, or petition for reconsideration of an ordinance, with the Town Clerk shall be deemed a determination that the document(s) is/are in proper legal form.

Sec. 4.3. - Execution of petitions; requirements.

(1) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the Town equal in number to at least ten (10) percent of the total number of those registered to vote in the Town at the last general municipal election.

(2) *Form and content.* All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or required to be reconsidered.

(3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or required to be reconsidered.

(4) *Filing deadline.* All initiative and referendum petitions must be filed with 60 days of the date on which proceedings with respect to such initiatives are commenced.

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Sec. 4.4. - Filing procedure.

(1) *Certificate of Clerk; amendment.* Within 20 days after an initiative petition is filed or within five days after a petition for repeal or amendment of an ordinance is filed, the Clerk shall complete a certificate as to its sufficiency (the "Certificate"). Grounds for insufficiency are only those specified in Sec. 4.3 of this Article. If insufficient, the Certificate shall specify the particulars of the deficiency. A copy of the Certificate shall be promptly sent to the petitioners' committee by hand delivery or registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within fourteen (14) calendar days after receiving the copy of the Certificate. Such supplementary petition shall comply with the requirements of Sec. 4.3 of this Article. Within five business days after a supplementary petition is filed, the Clerk shall complete a Certificate as to the sufficiency of the petition, as amended, and shall promptly send a copy of such Certificate to the petitioners' committee by registered mail or hand delivery as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Commission review under subsection (2) of this Section 4.4 within the time required, the Clerk shall promptly present the Certificate to the Commission and such Certificate shall then be a final determination as to the sufficiency of the petition.

(2) *Commission review as to sufficiency.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two business days after receiving the copy of such Certificate, file a request that it be reviewed by the Commission. The Commission shall then review the Certificate at its next meeting following the filing of such request and approve or disapprove it, and the Commission's determination shall then be a final determination as to the sufficiency of the petition.

Sec. 4.5. - Action on petitions.

(1) *Action by Town Commission.* When an initiative petition or a petition for the repeal or amendment of an existing ordinance has been finally determined to be sufficient, the Town Commission shall promptly consider or reconsider the ordinance. Whether or not the Commission approves at first reading an initiated ordinance, or the repeal or amendment, as proposed, of a referred ordinance, the Commission shall proceed to a second reading at its next scheduled meeting, and shall otherwise comply with all requirements under Sec. 166.041 F. S. for public notice and public hearings prior to the adoption of an ordinance. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) calendar days, or fails to repeal or amend a referred ordinance in accordance with the initiative petition within thirty (30) calendar days, it shall submit the proposed or referred ordinance to the registered voters of the Town by referendum vote at an election. The referendum vote by registered Town voters shall constitute an "additional requirement for the enactment of ordinances" as specified in paragraph (6) of Section 166.041 F.S., in lieu of and as a greater, increased requirement than the affirmative majority vote of the governing body referred to in paragraph (4) of Sec. 166.041 F. S. If the Commission fails to act on a proposed initiative ordinance or a referred ordinance within the time period specified in this paragraph, the Commission shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal or amend the referred ordinance on

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the last day that the Commission was authorized to act on such matter. In that event, the Commission shall nevertheless comply with the public notice and public hearing requirements of Sec. 166.04 F.S. relative to the ordinance in question.

(2) *Submission to voters.* The vote of the Town on a proposed referred ordinance shall be held not less than ninety (90) days nor more than one hundred twenty (120) days from the date of Commission acted or was deemed to have acted pursuant to paragraph (1) of this section. If no regular election is to be held within the period described in this paragraph, the Commission shall provide for a special election, except that the Commission may, in its discretion provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by at least eight-tenths of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 4.6. - Results of election.

(1) *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greater or greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) *Repeal and amendment of referred ordinances.* If a majority of the registered voters voting on a referred ordinance vote for repeal or for amendment, it shall be considered repealed or amended, as appropriate, upon certification of the election results.

Sec. 4.7. - Ordinances affecting initiated ordinances; procedure for adoption.

An ordinance passed as a result of a vote of the registered voters of the Town, whether prior or subsequent to the effective date of this Article, may be repealed or amended only by a similar vote of the registered voters of the Town. The Town Commission may, by resolution, submit to the registered voters of the Town at any regular or special election for a referendum vote, a proposed ordinance to repeal or amend any such ordinance. Notice of the Town Commission's intention to submit such a proposed ordinance to the registered voters shall be published by the Town Commission no less than ninety (90) days nor more than one hundred twenty (120) days prior to such election, in the manner required for the publication of initiated ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. The Town Commission's submittal of such an ordinance shall be in the same manner, and the vote shall have the same effect as in cases of ordinances submitted to a vote of the registered voters of the Town by popular petition.

ARTICLE V. - TOWN OFFICERS AND EMPLOYEES

Sec. 5.1. - Vesting of administrative and executive powers.

The executive and administrative powers of the Town, not herein otherwise provided for, shall be vested

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in and exercised by the following officers:

- (1) Mayor-Commissioner;
- (2) Town Manager;
- (3) Town Attorney;

The Town Manager and Town Attorney shall be appointed by the Town Commission. The Town Commission may by ordinance create, change and abolish offices, department or agencies other than the offices, departments or agencies established by this Charter.

Sec. 5.2. - Functions and duties of Mayor-Commissioner.

The Mayor-Commissioner or, in his/her absence or disqualification, the Vice Mayor or Mayor Pro Tem shall perform the following functions:

- (1) The Mayor-Commissioner shall preside at all meetings of the Town Commission and perform all duties consistent with his/her office, and shall have a voice and vote in the proceedings of the Town Commission, but no veto power. The Mayor-Commissioner shall vote last upon the roll call of Commissioners.
- (2) The Mayor-Commissioner shall use the title of Mayor in any case in which the execution of legal instruments, writings, or other papers so require; but this shall not be considered as conferring upon the Mayor-Commissioner any of the administrative or judicial functions of a Mayor under the general laws of the state, except as herein provided.
- (3) The Mayor-Commissioner shall be recognized as the official head of the Town by the courts for the purposes of serving civil processes; by the government in the exercise of military law; and by the public in general for all ceremonial purposes.
- (4) The Mayor-Commissioner may govern the Town by proclamation, under the direction of the Town Commission, during times of grave public danger or emergency, and the Town Commission shall be judge of what constitutes such public danger or emergency.
- (5) The Mayor-Commissioner shall exercise all the powers and duties of the Mayor-Commissioner as provided in the Charter, as well as all those powers and duties that may be conferred upon the Mayor-Commissioner by the Town Commission in pursuance of the provisions of this Charter.

Sec. 5.3. - Town Manager—Appointment, qualifications and compensation.

The Town Commission shall appoint a Town Manager who shall be the administrative head of the municipal government under the direction and supervision of the Town Commission. The Town Manager shall hold office at the pleasure of the Town Commission. The Town Manager shall receive such compensation as determined by the Town Commission through the adoption of an appropriate resolution. The Town Manager shall be appointed by resolution approving an employment contract between the Town and the Town Manager. The Town Manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local public management

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including, a graduate degree with a concentration in public administration, public affairs, public policy, or public finance and two (2) years' experience as an appointed city manager or county manager, or four (4) years' experience as an assistant or deputy city manager or assistant or deputy county manager. Alternatively, the Town Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local public management that is determined by the Town Commission to be commensurate to those listed in the prior sentence.¹

Sec. 5.4. - Town Manager—Absence or disability; removal.

During the absence or disability of the Town Manager, the Town Commission may by resolution designate some properly qualified person to temporarily execute the functions of the Town Manager. The person thus designated shall have the same powers and duties as the Town Manager, and shall be known while so serving as "Acting Town Manager." The Town Manager or Acting Town Manager may be removed by the Town Commission at any time.

Sec. 5.5. - Town Manager—Powers and duties.

The Town Manager shall be responsible to the Town Commission for the proper administration of all affairs of the Town coming under the Town Manager's jurisdiction, and the Town Manager's powers are and they shall be:

- (1) To see that the laws and ordinances of the Town are enforced.
- (2) To appoint or remove all subordinate officers and employees.
- (3) To exercise, control and direct supervision over all departments and divisions of the municipal government under the classified service, except where otherwise provided.
- (4) To see that all terms and conditions imposed in favor of the Town or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the Town Attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
- (5) To attend all meetings of the Town Commission, with right to take part in the discussions, but without having a vote.
- (6) To recommend to the Town Commission for adoption such measures as the Town Manager may deem necessary or expedient in the interest of the Town.
- (7) To keep the Town Commission fully advised as to the financial conditions and needs of the Town and at the proper time to submit to the Town Commission for its consideration an annual budget.
- (8) To advise and consult with all officers and official heads of the several departments of the Town relative to the affairs of such department, and to make recommendations to the Town

¹ Additions are shown in underlined text; deletions are shown in ~~strikethrough~~ text.

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Commission respecting such departments as the Town Manager may see fit.

(9) To perform such other duties as may be prescribed under this Charter, or may be required of the Town Manager by motion, direction, ordinance or resolution of the Town Commission.

(10) To prepare and submit to the Town Commission an annual financial audit of its accounts and records, completed no later than six (6) months after the end of its fiscal year by an independent certified public accountant retained by the Town Commission and paid from its public funds.

(11) To sign all checks, warrants, bonds and agreements issued by the Town of Lauderdale-By-The-Sea.

(12) To assist the Town Commission to develop long-term goals for the Town and strategies to implement these goals.

(13) To encourage and provide staff support for regional and intergovernmental cooperation.

(14) To promote partnerships among the Town Commission, staff, and citizens in developing public policy and building a sense of community.

ARTICLE VI. - ELECTIONS.

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

(1) Beginning with the regular election to be held on the second Tuesday in the month of March, 2008, and every two (2) years thereafter, a Mayor-Commissioner shall be elected for a term of two (2) years until his successor is elected and qualifies.

(2) Commencing with the regular election of the Town held in March, 2006, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commissioner Seat 1 and Town Commissioner Seat 2, each elected at large. Town Commission Seat 1 and Town Commission Seat 2 shall replace the two Commission seats vacated by the expiration of the term of the two Commissioners in March, 2006. The candidate for Seat 1 shall reside in the north district of the Town. The candidate for Seat 2 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four (4) years.

(3) Commencing with the regular election of the Town held in March, 2008, and continuing with successive elections at intervals of four years, candidates may qualify for the offices of Town Commission Seat 3 and Town Commissioner Seat 4, each elected at large. Town Commission Seat 3 and Town Commission Seat 4 shall replace the two Commission seats vacated by the expiration of the term of two Commissioners in March of 2008. The candidate for Seat 3 shall reside in the north district of the Town. The candidate for Seat 4 shall reside in the south district of the Town. The candidates receiving the most votes for each seat shall be elected, and shall serve a term of four years.

(4) All elections for the position of Town Commissioner or Mayor-Commissioner shall be held on the second Tuesday of March of each even-numbered year, or as provided for by law.

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(5) The geographic boundary for the northern and southern districts shall be designated, prepared and identified no later than the first of September, 2004, and again in 2012 through a contract entered into by the Town with an accredited four (4) year college or university located within the state of Florida for the purpose of identifying and designating the northern and southern election districts within the Town. The Town Commission district boundaries shall be of equal population, compact, proportional, and logically related to the natural internal boundaries of the neighborhoods within the Town. The principal of nondiscrimination and one person/one vote shall be adhered to strictly.

(6) In the event no candidate qualifies for election for any designated Town Commission seat within the first ten (10) calendar days of the qualifying period, then any qualified person who resides anywhere in the Town may qualify for such seat. Thereafter, if no person qualifies for such seat, a vacancy shall be declared and filled in accordance with this Charter.

(7) The Town Commission shall adopt by Ordinance the creation and establishment of the boundaries of the initial northern and southern Town Commission seat districts no later than January 1, 2005. The Ordinance shall provide for the implementation of said election districts to be effective for the elections to be held in the Town commencing in March, 2006.

Sec. 6.2. - Vice Mayor and acting Mayor Pro-Tem.

No later than ~~On~~ the second regularly scheduled Town Commission meeting to occur ~~Tuesday~~ following each regular election, one (1) member of the Town Commission may be designated, by resolution, as Vice Mayor to preside in the absence of the Mayor-Commissioner. In the event that the designated Mayor-Commissioner and the Vice Mayor are absent at any meeting of the Town Commission, any member of the Town Commission may be designated by the Town Commission to act as Mayor Pro-Tem for such meeting.

Sec. 6.3. - Qualifications of members of Town Commission.

(1) To be eligible to hold the office of Mayor-Commissioner or Commissioner of the Town of Lauderdale-By-The-Sea, or to qualify for candidacy for Mayor-Commissioner or Commissioner, the individual shall be a bona fide resident and citizen of the Town of Lauderdale-By-The-Sea, shall have resided in the said town for the six (6) months immediately preceding the date of election, shall be a registered voter pursuant to Florida law, and shall be otherwise qualified as provided for in the Charter.

(2) No person may be a candidate for Commissioner, nor may be appointed to fill a vacancy as a Commissioner, if that person has served during both of the two preceding consecutive Commission terms for that seat as a Commissioner or a Mayor-Commissioner or both, without a two year break in service.

(3) No person may be a candidate for Mayor-Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner, if that person has served during each of the three preceding consecutive Mayor-Commissioner terms as a Mayor-Commissioner.

(4) Service of one year or less of a term by a person who had not previously served as either a Commissioner or Mayor-Commissioner shall not be considered for purposes of term limits.

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(5) Service for purposes of term limits shall be determined as of the time the person would take office.

(6) No person may be a candidate for Mayor-Commissioner or Town Commissioner, nor may be appointed to fill a vacancy as the Mayor-Commissioner or Town Commissioner, if that person has consecutively served fourteen (14) years in any combination of offices without a two-year break in service.

Sec. 6.4. - Qualifications of candidates; notice of candidacy; payment of fee.

Any individual who possesses the qualifications as provided in this Charter, may be a candidate for the office of Mayor-Commissioner or Commissioner by filing a verified notice of candidacy for Town Commission with the Town Clerk. Such notice shall be in the following form:

NOTICE OF CANDIDACY FOR
TOWN COMMISSIONER OR MAYOR-COMMISSIONER

I, _____ (Name of Candidate) _____, residing at _____ (Residence Address of Candidate) _____/_____/_____,
Lauderdale-By-The-Sea, Broward County, Florida, do hereby give notice of my candidacy for the office of Town Commissioner/Mayor-Commissioner of the Town of Lauderdale-By-The-Sea, Florida, in the forthcoming election to be held in said Town on _____ (Date of Primary)_____. I do further state that I am a citizen of the United States of America, and a resident of the Town of Lauderdale-By-The-Sea; that I have resided in the Town of Lauderdale-By-The-Sea for the six (6) months immediately preceding the date of the election to be held; and that I have fully satisfied all conditions precedent to such candidacy, pursuant to the provisions of the laws of the State of Florida and the Town Charter.

(Candidate's Signature)

STATE OF FLORIDA
COUNTY OF BROWARD

Before me, the undersigned authority, this day personally appeared _____ (Name of Candidate) _____ who, upon being duly sworn, deposed and said: that he/she is the candidate referred to in the foregoing Notice; that he/she is familiar with the contents of said Notice, and that the facts and matters therein stated are true; and that he/she did sign said Notice for the purpose therein specified.

(Candidate)

Sworn to and subscribed before me, this the _____ day of _____/_____/_____, 20____.

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Notary Public, State of Florida

My commission expires: _____

The individual who files the notice as prescribed, and who pays the qualifying fee as prescribed, if otherwise found to be qualified, shall be entitled to have his/her name printed upon the official ballot at such town election.

Sec. 6.5. - Vacancies.

The office of a Commissioner, or the office of the Mayor-Commissioner, shall become vacant upon the person's death, resignation, removal from office in any manner authorized by law, or forfeiture of the office, such forfeiture to be declared by the remaining members of the Town Commission.

Sec. 6.6. - Forfeiture of office.

A Commission member, or the Mayor-Commissioner, shall forfeit the office if the person:

- (1) Lacks, at any time during a term of office, any qualification for the office prescribed by this Charter or general law;
- (2) Violates any standard of conduct or code of ethics established by law for public officials;
- (3) Is convicted of a felony while in office;
- (4) Fails to attend four (4) consecutive regular meetings of the Town Commission without being excused by the Town Commission by formal action entered upon the minutes; or
- (5) Becomes incapable of performing the duties of the office for a period of more than three (3) months.

In all circumstances arising under this section, the Town Commission shall be the judge of its own membership.

Sec. 6.7. - Forfeiture hearing and process.

A member of the Town Commission charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least thirty days before the scheduled hearing. The Town Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commissioner's or Mayor-Commissioner's office, including whether or not good cause for absence has been, or may be, established. The Commissioner in question shall have the burden of establishing good cause for absence; provided, however, that any Commissioner may at any time during any duly held meeting move to establish good cause for his or her absence or the absence of any other Commissioner, from any past, present, or future meeting(s), which motion, if carried, shall be conclusive. A Commissioner whose qualifications are in question, or who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. Any final determination by the Town Commission that a Commissioner or the Mayor-Commissioner has forfeited his or her office shall be made by resolution approved by a unanimous vote of the remaining members of the Town

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Commission. All votes and other acts of the Commissioner in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

Sec. 6.8. - Filling of vacancies.

A vacancy on the Town Commission, including the office of Mayor-Commissioner, shall be filled in the following manner:

(1) If there are less than one hundred eighty (180) days remaining in the unexpired term, or if there are less than one hundred eighty (180) days before the next federal, state, county or Town election, the remaining Commissioners, including the Mayor-Commissioner, shall, by majority vote, appoint a successor within thirty (30) days of the occurrence of the vacancy from among all qualified applicants. The person or persons so appointed must possess all of the required qualifications to be a member of the Town Commission. The Commissioner or Mayor-Commissioner appointed by the Town Commission to fill the vacancy as specified herein shall serve only until the next federal, state, county, or Town election. Further, the Commissioner or Mayor-Commissioner elected at such election shall serve only the unexpired term of the Commissioner or Mayor-Commissioner whose position became vacant.

(2) If there are more than one hundred eighty (180) days remaining on an unexpired term, or if there are more than one hundred eighty (180) days before the next federal, state, county, or Town election, the Town Commission shall schedule a special election to be held no sooner than ninety (90) days nor more than one hundred twenty (120) days following the occurrence of the vacancy. The Commissioner or Mayor-Commissioner elected to fill the vacancy at any special election shall serve only the unexpired term of the Commissioner or Mayor-Commissioner whose position became vacant.

(3) In the event of the death, resignation, or removal of the Mayor-Commissioner, the Vice Mayor shall forthwith commence to serve as interim Mayor-Commissioner until the position of Mayor-Commissioner is filled by election or appointment. When the Vice Mayor becomes interim Mayor-Commissioner, the Town Commission, by majority vote shall appoint one of the remaining Commissioners to become interim Vice Mayor. The Commissioner serving as Mayor-Commissioner, or the Vice Mayor, shall serve as Commission-Mayor, or Vice Mayor, until the newly elected or appointed Commissioner-Mayor, or Vice Mayor, is sworn into office. The interim Mayor-Commissioner, and interim Vice Mayor shall then return to the positions of Vice Mayor and Commissioner which he/she previously held to serve the remainder of his or her unexpired term.

(4) In the event of the death, resignation, or removal of the Vice Mayor, the Town Commission shall, by majority vote, elect one of the Commissioners to serve as Vice Mayor.

Sec. 6.9. - Extraordinary vacancies.

In the event that all members of the Town Commission are removed by death, disability, or forfeiture of office, the Governor of the State of Florida shall appoint an interim Town Commission that shall call a special election as provided above to fill the vacancies.

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Sec. 6.10. - Vacancy in candidacy for Mayor-Commissioner or Commissioner.

(a) Withdrawal. A candidate for Mayor-Commissioner or Commissioner may withdraw at any time prior to the election by filing a sworn, executed statement of withdrawal with the Town Clerk.

(b) Effect of death, withdrawal or removal where candidate remains on the ballot.

(1) No supplemental qualifying period. If the death, withdrawal or removal from the ballot of a qualified candidate or candidates for office following the end of the qualifying period leaves less than two candidates for that office, the remaining candidate shall be declared elected and no election shall be held for that office.

(2) Changes in ballot. The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.

(c) Effect of death, withdrawal or removal where no candidate remains on the ballot. Should a vacancy in candidacy leave no candidate remaining for an office after the conclusion of the qualifying period, the resulting vacancy shall be handled as provided in Section 6.8 of the Charter.

ARTICLE VII. - PLANNING AND ZONING.

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

(1) No building within the jurisdictional boundaries of the Town, as they existed on March 20, 2006, shall have more than four (4) stories above grade, and the maximum height of buildings within the Town that have four (4) stories above grade shall be forty-four (44) feet above grade, as defined in the Florida Building Code, or above a horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, whichever of those two levels is higher. The maximum height for all other buildings within the Town shall be thirty-three (33) feet

- (a) Above grade, as defined in the Florida Building Code, or
- (b) Above a horizontal plane eighteen inches above the crown if the roadway at the highest point adjoining the property on which the building is located, or
- (c) Above the minimum elevation for a habitable, finished floor permitted under applicable federal or Florida state regulations,

Whichever of those three levels is highest. Height shall be measured from the applicable base level specified above to the highest point on a flat roof, or to the median elevation between the peak of a sloped roof and the lowest edge of the sloped roof. In accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height; all other roofs structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

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(2) In any building within the Town that has more than three (3) stories above grade, the first story shall be at grade level and shall be used for parking, either with or without toll collection booths. The first story may also be used for storage, refuse, security, registration, maintenance, and/or access, either with or without a lobby, provided that at least one-half ($\frac{1}{2}$) of the square footage of the first story is used for parking. Only within districts of the Town zoned for business ("B") use, the first story of buildings having more than three (3) stories above grade may also be devoted to non-residential commercial uses, provided that dedicated parking required by Town ordinance or code for the proposed buildings is provided off-street at a location on or adjacent to the property on which the buildings are situate, and designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic. In any building within the Town that has more than three (3) stories above grade, the first story shall be restricted to the above enumerated uses, and may be used for no other purpose whatsoever. For the purposes of this provision of the Charter, a story is at grade level if its floor is at or below grade and its ceiling is above grade; a story that is at grade level is also above grade. Nothing in this paragraph shall be construed so as to prohibit any building within the Town that has more than three (3) stories above grade from also having one (1) or more subterranean stories below grade, provided, however, that in any building within the Town that has more than three (3) stories above grade, all subterranean stories shall be subject to the same restrictions on use as are established in this paragraph for the first story.

(3) Buildings which exceed thirty three (33) feet above grade, and which exceed thirty three (33) feet above the horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, but which are nevertheless allowed under subparagraph (1)(c) of this Section, and which do not include a non-habitable first floor with ample parking as required by Town ordinance or code, in accordance with the number and type of units in those buildings, must have dedicated off-street parking at a location on or adjacent to the property on which the buildings are situate. Parking for buildings in this category must be designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic.

(4) All existing buildings within the Town that were legally in compliance with existing height and use restrictions on March 20, 2006, or were grandfathered on that date, but that either exceed the maximum building height limit established in paragraph (1), above, of this section of the Charter, or that fail to comply, where applicable, with the restrictions on use established in paragraph (2), above, of this section of the Charter, (hereinafter referred to as "Non-conforming Buildings") shall be considered legal, but non-conforming.

(5) Notwithstanding the maximum building height limit established in paragraph (1), above, of this section of the Charter, an existing non-conforming building may be replaced by a new nonconforming building when, and only when:

- (a) The existing non-conforming building has:
 - (i) Been destroyed by fire, natural disaster, or other act of God; and
 - (ii) The property owner has submitted and received Town approval of a site plan depicting the replacement building; and
 - (iii) Construction of the replacement building is commenced within twelve (12) months of the date of destruction; or

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- (b) The existing non-conforming building is:
 - (i) Demolished as part of a Town approved redevelopment of the property; and
 - (ii) Prior to demolition, the property owner has submitted and received Town approval of a site plan depicting the replacement building; and
 - (iii) Construction of the replacement building is commenced within six (6) months of the date of site plan approval.

- (c) The Town Commission may grant one (1) or more six (6) month extensions to the time periods for commencement of construction established in paragraphs (5)(a)(iii) and (5)(b)(iii), above, provided a written request for extension is filed with the Town Clerk prior to (in the case of a first request for extension) the expiration of the initial applicable time period for commencement of construction or prior to (in the case of a subsequent request for extension) the expiration of the most recent extension of the applicable time period for commencement of construction.

- (d) All new non-conforming buildings constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall comply, where applicable, with the restrictions on use established in paragraph (2), above, and the provisions for parking availability established in paragraph (3), above, of this section of the Charter.

- (e) The maximum allowable height of any new non-conforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original height of the non-conforming building which it replaces, plus any additional height which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the charter) may be necessary to obtain the same number of habitable stories as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new non-conforming building from being constructed to a lesser height or from containing fewer habitable stories than that of the original non-conforming building which it replaces. For the purposes of this provision of the Charter, the term "habitable story" means any story or part thereof that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

- (f) The maximum allowable square footage of any new nonconforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original square footage of the non-conforming building which it replaces, plus any additional square footage which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the Charter) may be necessary to obtain the same number of habitable square feet as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new nonconforming building from being constructed either with less total square footage or with less habitable square footage than that of the original non-conforming building which it replaces. For the purposes of this section of the Charter, the term "habitable square footage" means the square footage of that portion of a building that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

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(6) The maximum building height limits, the restrictions on use and the maximum allowable square footage, and the provisions governing parking established in paragraphs (1), (2), (3) and (5), above, of this section of the Charter, shall be applicable to all real property located within the boundaries of the Town as the boundaries exist on March 20, 2006.

(7) Every resident of the Town shall have the standing to enforce the maximum building height limits and the maximum allowable square footage established in paragraphs (1), (2) and (5), above, of this section of the Charter, by means of a suit in equity seeking either mandamus; prohibition; or any combination thereof, but nothing in this provision of the Charter shall be construed to either create a cause of action at law for money damages, or to authorize a court of equity to award money damages as an incident to equitable relief, or to authorize an award of attorney's fees to the prevailing party or to any other party.

(8) The maximum building height limit established in paragraph (1), above, of this section of the Charter, supersedes any existing zoning ordinance or land development regulation to the extent that said zoning ordinance or land development regulation establishes anywhere within the Town a maximum building height limit greater than that established in paragraph (1), above, of this section of the Charter, but nothing in this section of the Charter shall be construed to supersede, modify or repeal any existing zoning ordinance or land development regulation that establishes anywhere within the Town a maximum building height limit lower than that established in paragraph (1), above, of this section of the Charter.

(9) The Town Commission may not increase, by ordinance or by variance, the maximum building height limits established in paragraphs (1) and (5), above, of this section of the Charter, nor may the Town Commission modify, amend or repeal, by ordinance or by variance, the restrictions on use established in paragraph (2), above, or the provisions for parking availability established in paragraphs (2), (3) or (5), above, of this section of the Charter, nor may the Town Commission increase, by ordinance or by variance, the maximum allowable square footage established in paragraph (5), above, of this section of the Charter. The maximum height limits established for residential zoning districts including, but not limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and PUD in the Town's land development code as of March 20, 2006, may be increased, or such districts re-zoned for any other use whatsoever, only by a referendum vote of the registered voters of the Town in the manner established in Article IV, Section 4.7[50] of this Charter for the repeal or amendment of initiated ordinances. The Town may not create new categories of zoning without approval of such categories by a similar referendum vote; and all provisions of such new categories of zoning must be submitted to the voters for approval.

(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

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majority vote of the registered voters of the Town at a 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.

(11) These provisions of the Charter shall be effective immediately upon adoption by a majority of the registered voters of the Town voting in a referendum to amend the Charter so as to include these provisions. Upon adoption, the maximum building height limits, the restrictions on use, the maximum allowable square footage and the provisions governing parking availability established in paragraphs (1), (2), (3) and (5), above, of this section of the Charter, shall immediately apply to all real property located within the boundaries of the entire Town. Upon adoption of these provisions, and pending amendment of any portion or portions of the Town's Code of Ordinances inconsistent with this section of the Charter, the more stringent provisions of this section shall apply.

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

(1) As used in this section of the Charter, the term "the El Prado Property" shall refer to the following described real property situate, lying and being in the Town of Lauderdale-By-The-Sea, Florida:

The real property bounded on the west by the eastern boundary line of the Ocean Drive (also known as State Road A1A right-of-way, bounded on the east by the western boundary line of the El Mar Drive right-of-way, bounded on the north by the south boundary line of Lots 1, 2, 3, 4 and 5 of Block 11, and bounded on the south by the north boundary line of Lots 11, 12, 13, 14 and 15 of Block 12, all said Lots, Blocks and rights-of-way as set forth in the Plat of the Lauderdale-By-The-Sea Subdivision as recorded in Plat Book 6, at Page 2 of the Public Records of Broward County, Florida;

and

The real property bounded on the west by the eastern boundary line of the El Mar Drive right-of-way, bounded on the east by the western shore of the Atlantic Ocean, bounded on the north by the southern boundary line of Lot 1, Block 8, and bounded on the south by the north boundary line of Lot 13, Block 7, all said Lots, Blocks and rights-of-way as set forth in the Plat of the Lauderdale By-The-Sea Subdivision as recorded in Plat Book 6, at Page 2 of the Public Records of Broward County, Florida.

(2) The Town may not vacate, abandon, lease, sell, transfer possession or transfer ownership of the El Prado Property without first obtaining a majority vote of the Town's electors at a referendum election

LAUDERDALE-BY-THE-SEA TOWN CHARTER
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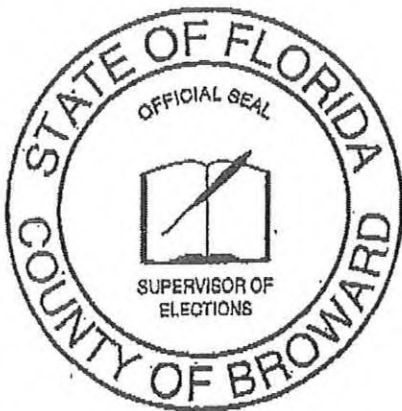
held for the specific purpose of authorizing said vacating, abandonment, lease, sale, transfer of possession or transfer of ownership of the El Prado Property.

(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.

(4) Every resident of the Town shall have standing to enforce the restrictions on the vacating, abandonment, lease, sale, transfer of possession or transfer of ownership of the El Prado Property established in paragraphs (2) and (3), above, of this provision of the Charter, by means of a suit in equity seeking either mandamus, prohibition, or injunction, or any combination thereof, but nothing in this provision of the Charter shall be construed to either create a cause of action at law for money damages, or to authorize a court of equity to award money damages as an incident to equitable relief, or to authorize an award of attorney's fees to the prevailing party or to any other party.

Sec. 7.3. Advisory boards; how constituted.

The Town Commission may at any time by resolution appoint advisory boards, composed of residents of the Town of Lauderdale-By-The-Sea, qualified to act in an advisory capacity to the Town Commission, the Town Manager, or to any department of the Town. The members of such boards shall serve without compensation at the pleasure of the Commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the Town.

**DR. BRENDA C. SNIPES****SUPERVISOR OF ELECTIONS****BROWARD COUNTY****BROWARD COUNTY GOVERNMENTAL CENTER****FORT LAUDERDALE, FLORIDA 33301****Phone: (954) 712-1950****Fax: (954) 357-7070**

VOTE WITH CONFIDENCE

FAX TRANSMISSION COVER SHEET

TO: Municipal Clerks FAX#: _____

FROM: Andrea C. Perri NUMBER OF PAGES: _____ DATE: 03/13/14
INCLUDING COVER SHEET

REGARDING: Official Results for the March 11, 2014 Municipal Election.

COMMENTS: _____

FOR TRANSMISSION PROBLEMS PLEASE CALL (954) 712-1950

THERE ARE BRANCH OFFICES LOCATED THROUGHOUT THE COUNTY FOR
YOUR CONVENIENCE. PLEASE CALL (954) 357-7050 FOR THE LOCATION OF
THE OFFICE NEAREST YOU.

SUMMARY REPT-GROUP DETAIL

MUNICIPAL GENERAL
BROWARD COUNTY, FLORIDA
MARCH 11, 2014

LAUDERDALE BY THE SEA

RUN DATE:03/13/14 04:24 PM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	EDAY 200	EDAY IVO	ABSENTEE	PROVISION
PRECINCTS COUNTED (OF 2)	2	100.00				
REGISTERED VOTERS - TOTAL	5,170					
BALLOTS CAST - TOTAL	1,154		715	0	439	0
VOTER TURNOUT - TOTAL		22.32				
COMMISSIONER SEAT 1 DISTRICT 1 LAUD-BY-THE-SEA						
Vote for 1						
Birute Ann Clotney	445	39.24	272	0	173	0
Elliot Sokolow	486	42.86	284	0	202	0
Eric Yankwitz	203	17.90	153	0	50	0
LAUDERDALE-BY-THE-SEA 1						
Vote for 1						
YES/SI/NI	703	63.11	457	0	246	0
NO/NO/NON	411	36.89	230	0	181	0
LAUDERDALE-BY-THE-SEA 2						
Vote for 1						
YES/SI/NI	658	60.59	387	0	271	0
NO/NO/NON	428	39.41	289	0	139	0
LAUDERDALE-BY-THE-SEA 3						
Vote for 1						
YES/SI/NI	372	35.16	236	0	136	0
NO/NO/NON	686	64.84	429	0	257	0
LAUDERDALE-BY-THE-SEA 4						
Vote for 1						
YES/SI/NI	737	67.49	420	0	317	0
NO/NO/NON	355	32.51	262	0	93	0
LAUDERDALE-BY-THE-SEA 5						
Vote for 1						
YES/SI/NI	485	44.66	316	0	169	0
NO/NO/NON	601	55.34	364	0	237	0
LAUDERDALE-BY-THE-SEA 6						
Vote for 1						
YES/SI/NI	902	83.13	560	0	342	0
NO/NO/NON	183	16.87	119	0	64	0

COUNTY JUDGE

COUNTY COMMISSIONER

SUPERVISOR OF ELECTIONS