

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

**Agenda**

Tuesday, March 4, 2025

6:00 PM



Jarvis Hall 4505 N. Ocean Drive  
[www.Lauderdalebythesea-fl.gov](http://www.Lauderdalebythesea-fl.gov)

**LAUDERDALE-BY-THE-SEA TOWN COMMISSION**

# Charter Review Board Meeting

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

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1. **CALL TO ORDER**
  2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
  3. **APPROVAL OF MINUTES**
    - 3.a. Approval of Minutes for 2-4-25 Charter Review Board meeting.
  4. **PUBLIC COMMENTS**
  5. **NEW BUSINESS**
    - 5.a. Discussion of Article 1 - Transition From Abolished Town
    - 5.b. Discussion of Article 2 - Corporate Powers
    - 5.c. Discussion of Article 3 - Administration and Legislation
  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

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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: 3.a.**

## **Agenda Item Report**

**Meeting Date:** March 4, 2025

**Submitted By:** Megan Small, Planning Tech

**Submitting Department:** Administration

**Item Type:** Presentation

**Agenda Section:** APPROVAL OF MINUTES

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**Subject Title:** Approval of Minutes for 2-4-25 Charter Review Board meeting.

**Explanation:** Draft Minutes available for approval for 2-4-25 meeting.

**Recommendation:** Approve/Accept

### **Exhibits:**

1. 2-4-25 LBTS CRB Draft Minutes



**DRAFT**  
**TOWN OF LAUDERDALE-BY-THE-SEA**  
**CHARTER REVIEW BOARD MEETING**  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, February 4, 2025  
6:00 PM

**1. CALL TO ORDER**

The Charter Review Board for the Town of Lauderdale-By-The-Sea was called to order at 6:09 p.m. Board members present were Jacquelyn Bonanni-Rubino, Robert Fleishman, Brian Kuzmar, Lori Lenoble, Kym Miranda, and Chris Vincent. Also present were Town Manager Linda Connors, Town Attorney Susan L. Trevarthen, and Board Clerk Megan Small.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. APPROVAL OF MINUTES**

None.

**4. PUBLIC COMMENTS**

None.

**5. NEW BUSINESS**

Town Manager Linda Connors welcomed the members of the Charter Review Board, emphasizing the significance of this advisory body. The Town's Charter is reviewed every 10 years. Board members are asked to examine this document and make thoughtful and thorough recommendations for any changes and updates.

**a. Oath of Office**

Board Clerk Megan Small provided the members with copies of the Oath of Office for their signatures and administered the Oath at this time.

**b. Appointment of Chairperson**

Mr. Fleishman nominated former Mayor Chris Vincent as Chair. Mr. Kuzmar seconded the nomination. In a show of hands, Mr. Vincent was unanimously elected as Chair.

**c. Appointment of Vice-Chairperson**

Mr. Fleishman nominated Brian Kuszmar as Vice Chair. Ms. Bonanni-Rubino seconded the nomination. In a show of hands, Mr. Kuszmar was unanimously elected Vice Chair.

**d. Training – Public Records, Sunshine Law & Ethics**

Town Attorney Susan Trevarthen introduced Judelande Jeune, an associate with her firm, who provided training for the Board members. She began with the Sunshine Law, which is governed by Section 286.011 of Florida Statutes. It states that all meetings of any board in the state of Florida must be open to the public, reasonable notice must be provided, and minutes must be taken.

The purpose of the Sunshine Law is to ensure that decisions by a public body are made in an open forum that is accessible to the public. A decision is defined as an official action which may include but is not limited to recommendations, discussions, and deliberations. A meeting is defined as any formal or informal gathering of two or more members of the same body to discuss matters that may foreseeably be included in an upcoming agenda. A quorum is not necessarily required to constitute a meeting, and the members must be on the same board. The location of the meeting is not relevant and includes contact in writing, such as email or social media.

The subject matter to be discussed at a meeting includes any matters which may foreseeably come before an advisory body for discussion. In the case of the Charter Review Board (CRB), this may include current Charter provisions, proposed Charter amendments, and other aspects of Town business that interact with or implement the Charter.

Attorney Jeune offered the example of two or more members of the CRB attending a civic association meeting. If more than one member of the CRB is present, that can be considered a meeting. She advised against this activity, recommending that if two members attend a meeting and are asked, for example, to provide an update on CRB business, one of the two members must step outside to ensure no meeting has occurred.

Board members may not conduct private discussions of Board business over the telephone or email. A Board member may send only a one-way communication without violating the Sunshine Law.

Consequences for violations of the Sunshine Law include fines not to exceed \$500. A knowing violation of the Sunshine Law means the member in violation could be found guilty of a misdemeanor of second degree per Florida Statutes. Individuals who violate the Sunshine Law may be subject to jail time and a fine as well as responsibility for court fees.

A question was asked regarding how Board members are permitted to communicate with one another outside of meetings. Town Attorney Trevarthen advised that the best means of communication is on the record at Board meetings. Should an issue arise between meetings, Town Staff may serve as a conduit for communication to the Board members. She emphasized that members responding to emails, for example, may communicate only with Staff members rather than with one another.

Town Attorney Trevarthen continued that the Board members may choose to create their own separate email addresses for the purposes of Board business. All Town communications would go through these separate addresses.

Attorney Jeune continued that Public Records Law is governed by Florida Statute Chapter 119. Public records include all documents, including letters, maps, films, photos, and recordings made or received pursuant to law or Ordinance in connection with the transaction of official business. These records are considered relevant even if they are not stored in a Town-owned property: while they may be stored in personal email accounts, once that email account has been used to send an email related to Board business, it becomes a public record.

Digital records include information stored in a public agency's computer. Notes taken by Board members would be considered part of the public record. Email messages made or received by an agency employee in connection with official business are also public record, such as emails sent by the Board Clerk.

Other items considered to be public record include texts and social media posts on any platforms. Any posts, images, or other materials which meet the standards for public records must be retained throughout the course of the individual's participation on the Board, as well as for an established period after service on the Board has concluded. The Town Clerk will oversee most public record requests and work with members if necessary to provide those records.

If a public records request is made, the requester is not required to show a legitimate or non-commercial interest as a condition of access. Should a public records request be

made of the CRB, it does not have to be consistent with the purpose served by the Board. Unless authorized by another statute, an agency may not require that public records requests be submitted in writing, and the requester is not required to share their identity.

When a public records request is made, the custodian of records must promptly acknowledge it and respond in good faith. There is a timeline by which reasonable efforts must be made to provide the record.

In order for an agency to withhold a record from disclosure, it must be under statutory exemption. Only the Florida Legislature may create these exemptions. Examples of exemptions are included in Chapter 119 of Florida Statutes and include information such as bank account, credit card, or Social Security numbers. Items not considered to be public records do not need to be provided by Board members. There is also a difference between public and confidential records.

Chair Vincent asked if it would be best for Staff to establish email addresses specifically intended for use in Board business. Staff would also be able to monitor these addresses should it become necessary for purposes related to public records requests. Town Manager Connors confirmed that the Town can provide email addresses. There was consensus from the Board members to proceed in this manner.

Town Attorney Trevarthen clarified that this would mean the Board members will be provided with Town email addresses. If there is an inquiry into public records, this could be handled directly by the Town. The addresses are to be used for Board business only and can be posted to the Town's website.

Attorney Jeune next addressed Ethics Law, which is governed by Chapter 112 of Florida Statutes. Ethics are defined as of or relating to moral actions, conduct, motive, or character professionally right or befitting. Members are encouraged to reach out to the Town Attorney with any ethical concerns or questions.

Ethics as discussed in the Florida Constitution are primarily related to requirements for financial disclosure and reporting, campaign finance reporting, and imposing the forfeiture of pensions. Local governments, as well as Broward County, have different ethics rules that must also be followed. The Code of Ethics for public officers and employees is governed by Chapter 112 of Florida Statutes.

Attorney Jeune advised that most ethics issues the Board may encounter will involve voting conflicts of interest. Individuals may not participate or vote on an item if that vote

would mean they receive special or private gains. This conflict would also apply to close relatives or business associates.

When a conflict exists, the Board member must disclose the nature of the conflict in advance of the meeting or as soon as they discover it. If a conflict is perceived, the member should contact Town Staff. The individual must also publicly announce the nature of the conflict before the item is heard, and must refrain from participating in discussion of the item. They must also file a memo of conflict with the Board Clerk within 15 days after the vote occurs.

There are also restrictions in Florida Statutes on the receipt of gifts if that gift is related to the work done by the Board. Gifts with a value of less than \$100 do not need to be reported; if a gift is over \$100 and is not given by a political committee, lobbyist, or vendor, it may be accepted but must be reported. Gifts over \$100 from one of those three entities may not be accepted. Board members may not solicit or accept anything of value from any party based upon the understanding that their vote, official action, or judgment would be influenced.

Penalties for violating Ethics Code include impeachment, public censure, or reprimands. There may also be civil penalties which may not exceed \$10,000. Town Code also permits removal of advisory body members from those advisory entities as a penalty.

The Florida Commission of Ethics provides rules and guidelines which determine voting conflict or ethics violation. The Broward County Inspector General may also investigate ethics violations.

Chair Vincent asked if it would be necessary for the CRB to implement a Code of Conduct which may follow the requirements of the Commission on Ethics. Town Attorney Trevarthen replied that she did not see a need for a Code of Conduct, as the ethics requirements are generally applicable rules applying to advisory bodies. The County rules do not apply to Board members.

#### **e. Board Rules and Procedures**

Town Attorney Trevarthen explained that the CRB will follow the same meeting procedures as the Town Commission, as the community is familiar with those procedures. This means a majority of four members would be considered a quorum. Staff also recommends a limit of two unexcused absences for members due to the limited time that the CRB will be active.

With regard to placing items on the Agenda, a Board member may bring forward an item for consideration, and the Board would vote on whether or not to hear this item. If a member of the public is in attendance and proposes the addition of an item, Staff recommends that the Board first discuss whether or not they wish to take up that item or not. If so, Staff would prepare backup information on that item and schedule it for placement on an Agenda.

Proposed meeting dates are based on previous coordination between Staff and the Board members. Meetings will be held on the first Tuesday of each month. These dates were included in the members' backup materials. Town Attorney Trevarthen noted that the Town typically takes a recess from public meetings during the month of August, which means the Board may determine whether they would like to follow the same practice. In addition, the September 2025 meeting date immediately follows the Labor Day holiday, and the Board may wish to adjust that date.

The CRB is expected to complete its work by April or May 2026. This gives them ample time to make recommendations to the Commission for their deliberation and possible proposal as Ordinances in time to place those items on the November 2026 ballot.

Chair Vincent noted that even if an item discussed by the Board is not recommended to the Commission, the Commission may look at and consider that item. Town Attorney Trevarthen confirmed that the CRB's function is to provide their best judgment to the Commission. At the conclusion of the Charter review process, the Commission will ultimately decide how to proceed with the results of the Board's work. They may not move forward with all items recommended by the Board, or may take up items the Board discussed but did not recommend.

A correction was noted to p.9 of the Board Rules and Procedures: the recommended quorum is four rather than five members.

A question was also asked regarding whether or not Board members may discuss Board business with members of the Town Commission. Town Attorney Trevarthen explained that members may speak with individual Commissioners as much as they like without violating the Sunshine Law. This is because the Board members serve a different public advisory body from the Commission. She cautioned, however, that both the Board member and the Commissioner must take care not to serve as a conduit between the two entities.

**A motion was made, and duly seconded, to approve the Board Rules and Procedures as listed. Motion carried 6-0.**

**f. Agenda Topics**

Town Attorney Trevarthen advised that Town administration has made two requests of the Town Commission regarding the CRB:

- That the Board review the Charter requirement to complete the Town's audit by March of each year, which is significantly earlier than what is required by state law
- That the Board consider the adoption of the "plain English" version of Section 7-1 of the Charter

The Commission agreed to have the CRB address both of these items.

Town Attorney Trevarthen explained that the current language in Section 7-1 is dense and complex. The previous Charter Review Board had struggled with this Section and requested that it be translated into clearer, more understandable language. She had worked with the Board to develop a recommended version, although the Commission ultimately did not choose to place that item on the ballot. The Town continues to refer to the recommended language to help with the day-to-day administration of Section 7-1.

In addition to those two specific requests, the Board will adopt a similar process to what was done by the previous CRB. They will address the Charter bit by bit, beginning with one to two Sections at the March 2025 meeting. Staff would prepare documentation with the relevant information about those Sections and provide a brief introduction to them for the Board. The Board will then discuss the Sections and determine whether or not to move forward with any proposed changes. This may take multiple meetings.

Chair Vincent recommended proceeding in numerical order through the Sections of the Charter. Town Attorney Trevarthen noted that the two items requested by the Commission would be folded into discussion of their Sections.

**6. OLD BUSINESS**

None.

**7. UPDATES / BOARD MEMBER COMMENTS**

It was requested that the process for placing an item on a meeting Agenda be further clarified. Town Attorney Trevarthen replied that if Sections 1 and 2, for example, are to be discussed at the March meeting, Staff would take members' suggestions on those two Sections at that meeting. Another option is for the members to have a more open dialogue at the March meeting to discuss items which they would like to address. Members may reach out to Town administration or the Board Clerk with these requests as well. There may also be time scheduled at future meetings for a more wide-ranging conversation on these items.

Town Manager Connors stated that the information packet printed for the Board members is also available online. Staff typically sends members an email including a link to that packet; if they would prefer a printed copy, this may be provided and delivered to the members' homes the Friday before each meeting.

Chair Vincent asked if it would be possible to provide the link or physical copy at an earlier date, such as the Wednesday before each meeting, to allow for more review time. Town Manager Connors confirmed that Staff would try to meet this goal, and if it is not possible, would send an email to the members advising them to expect the link or copy on Friday.

Town Manager Connors added that she would email the Board members with their Town email addresses.

A question was asked whether the Agenda for each meeting will be posted on the Town's website. It was confirmed that this will be done as part of the public notice process.

## **8. ADJOURNMENT**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:04 p.m.

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Chairperson Chris Vincent

\_\_\_\_\_  
Megan Small, Clerk

\_\_\_\_\_  
Date Signed



## Agenda Item No: 5.a.

### Agenda Item Report

**Meeting Date:** March 4, 2025

**Submitted By:** Judelande Jeune, Town Attorney

**Submitting Department:** Legal

**Item Type:** Action Item

**Agenda Section:** NEW BUSINESS

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**Subject Title:** Discussion of Article 1 - Transition From Abolished Town

#### Explanation:

ARTICLE I. - Transition From Abolished Town

- **Introduction:** When a municipality is abolished and transitioned into another form of government or jurisdiction, this part of the charter typically includes provisions to ensure a smooth legal and administrative transition. Here are the key provisions that are commonly included:
  1. Continuation of Laws and Ordinances
  2. Transfer of Assets and Liabilities
  3. Establishment of the new municipality
- **Assessment :** The Article contains the provisions necessary to accomplish the transition and establish the Town.

#### Recommendation:

Do not amend. Implemented at transition, and needs to remain in place.

#### Exhibits:

1. ARTICLE I - TRANSITION FROM ABOLISHED TOWN

## **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 sued in all the courts of this

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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.



## Agenda Item Report

**Meeting Date:** March 4, 2025

**Submitted By:** Judelande Jeune, Town Attorney

**Submitting Department:** Legal

**Item Type:** Action Item

**Agenda Section:** NEW BUSINESS

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**Subject Title:** Discussion of Article 2 - Corporate Powers

### Explanation:

#### ARTICLE II. - CORPORATE POWERS

- **Introduction:** This part of a charter typically outlines the legal powers and authority granted to the municipal corporation. This Article establishes the Town's ability to function as a governmental entity and exercise self-governance. Common provisions include:
  1. Municipal Powers – Grants the Town all powers of a municipal corporation, including the ability to sue and be sued, contract and be contracted with, and hold property.
  2. Home Rule Authority
  3. Property and Land Use Powers
  4. Police Power and Public Safety – Establishes the Town's power to enact ordinances and regulations to protect public health, safety, and welfare, including law enforcement, fire protection, and emergency services.
  5. Legislative and Ordinance Power – Confirms the Town's power to adopt and enforce ordinances, resolutions, and regulations necessary for governance.
  6. Miscellaneous Powers – May include specific provisions for economic development, environmental protection, zoning and planning authority, and other powers necessary to fulfill municipal functions.
- **Assessment:** Article II establishes the geographic boundaries of the Town, defines terms used throughout the Charter, dictates the wording on the Town seal, and provides for the regulatory jurisdiction and ownership of Town property and assets. It also broadly establishes the municipal powers of the Town, including all those available to it under the US and Florida Constitutions and Florida Statutes, and provides for the adoption and maintenance of the Code of Ordinances. Finally, it provides for the charter review process to take place at least every 12 years.

**Recommendation:** From a legal perspective, no changes are necessary or recommended.

Other than the timing of the charter review process, most aspects of this Article present few policy choices.

**Exhibits:**

1. ARTICLE II - CORPORATE POWERS

## 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

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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 ¼) of the Southeast One Quarter (SE ¼) 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 ¼) of Section 7, Township 49 South, Range 43 East; thence in a westerly direction along the north line of the Southeast One-Quarter (SE ¼) and the Southwest One-Quarter (SW ¼) 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 ½) of the Southeast One-Quarter (SE ¼) 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 ½) of the Southeast One-Quarter (SE ¼) 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 ½) of the Southeast One Quarter (SE ¼) 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.

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#### **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.





## Agenda Item Report

**Meeting Date:** March 4, 2025

**Submitted By:** Judelande Jeune, Town Attorney

**Submitting Department:** Legal

**Item Type:** Action Item

**Agenda Section:** NEW BUSINESS

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**Subject Title:** Discussion of Article 3 - Administration and Legislation

### Explanation:

ARTICLE III. - Administration and Legislation

- **Introduction:** An Administrative and Legislation article in a charter typically defines the structure, powers, and functions of the municipality's administrative and legislative branches. This article establishes how the government operates, including the roles of elected officials, appointed officers, and legislative procedures. Common provisions include:
  1. Form of government
  2. Governing body, including the size of the body, terms, qualifications
  3. Municipal officers (which will be further discussed in Article V)
- **Assessment:** Article III is where the Town Charter begins to present more policy choices for the consideration of the Charter Review Board and the Town Commission.
  1. The Town has elected to adopt a commission-manager form of government, which is by far the most common form of Florida municipalities and is considered a best practice for most modern local governments.
  2. The Article provides for a 5-member Town Commission elected at large by majority vote. A candidate for Commissioner must be at least 18 years old, and be a qualified elector domiciled in the Town for at least 6 months immediately prior to qualifying to run for office, which is typical of Broward County municipalities. (The details regarding Town elections generally are addressed in Article VI, and details regarding the Mayor-Commissioner are in Article V).
  3. Commissioners are required to reside within one of the Town's two electoral districts, and remain residents of that district for their term of service. (The Mayor-Commissioner may reside anywhere in the Town – See Section 6.1(1).)
  4. The Charter allows the Town Commission to establish ethical standards for elected and appointed officials and employees, by ordinance.
  5. Article III vests the legislative powers of the Town in the Town Commission, and empowers the Commission to determine by resolution or ordinance how the Town's powers may be exercised.

6. Finally, the Charter has a non-interference clause typical of municipalities with a commission-manager form of government. It allows Commissioners to inquire and obtain information about the operations of the Town, but prohibits them from giving orders or recommending changes or improvements to the Administration except through the Town Manager.

**Recommendation:** The Article is legally sufficient. The Board could consider whether to revisit any of the policy choices in this Article, such as form of government, and the size of and qualifications to be elected to the Commission.

**Exhibits:**

1. ARTICLE III. - ADMINISTRATION AND LEGISLATION

## **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

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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.