



**TOWN OF LAUDERDALE-BY-THE-SEA
CHARTER REVIEW BOARD MEETING**

**Jarvis Hall
4505 N. Ocean Drive
Tuesday, March 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 6:00 p.m. Board members present were Chair Chris Vincent, Vice Chair Brian Kuszmar, Jacquelyn Bonanni-Rubino, Robert Fleishman, Lori Lenoble, Kym Miranda, and Patrick Ucci. Also present were Town Attorney Susan L. Trevarthen and Board Clerk Megan Small.

Board member Patrick Ucci, who was not present at the February 4, 2025 meeting, was sworn in at this time.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES

a. Approval of Minutes for 2-4-25 Charter Review Board Meeting.

Ms. Miranda made a motion, seconded by Mr. Fleishman, to approve. In a voice vote, the motion passed 7-0.

4. PUBLIC COMMENTS

At this time Chair Vincent opened public comment, which he closed upon receiving no input.

5. NEW BUSINESS

Chair Vincent requested clarification of how the Board would address specific sections of the Charter going forward. Town Attorney Susan Trevarthen recalled that at the previous meeting, the Board had agreed to proceed on an article-by-article basis, with members bringing forward any proposals as each article is discussed.

a. Discussion of Article 1 – Transition from Abolished Town

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Judelande Jeune, an associate of the Town Attorney, explained that this Article typically includes provisions to ensure a smooth legal and administrative transition, including Ordinances that will continue from the previous government to the new government, transition of assets and liabilities, and establishment of the new municipality.

It was asked if all portions of Article 1 continue to be relevant, such as Section 1.4, which addresses officers held over. Town Attorney Trevarthen advised that while this Section's purpose was historical, she would not recommend its repeal, as it establishes that the Town was properly created and assumed all powers from the former municipality.

A question was also asked regarding whether there have been any changes to streets, highways, or public grounds, as referred to in Section 1.6, since the adoption of the Charter. Town Attorney Trevarthen replied that the Town created its current boundaries through various maneuvers, including special acts of the Florida Legislature. She recalled that this required three separate annexations. No new streets have been created.

At this time Chair Vincent opened public comment, which he closed upon receiving no input.

Motion made by Mr. Ucci, seconded by Ms. Lenoble, that the Board recommends no changes to Section 1. In a voice vote, the motion passed 7-0.

b. Discussion of Article 2 – Corporate Powers

Attorney Jeune explained that this part of the Charter outlines the legal powers and authorities granted to a municipal corporation. This Article typically includes provisions such as municipal powers, home rule authority, property and land use powers, and Police and public safety powers. It may also include miscellaneous powers such as the following:

- Provisions for economic development
- Environmental protections
- Zoning and planning authority

Article 2 also establishes the Town's geographic boundaries, defines terms used throughout the Charter, dictates the wording of the Town's seal, and provides for regulatory jurisdiction and ownership of Town property and assets. No changes to this Article were recommended.

Vice Chair Kuszmar requested clarification of the most recent time the Town's boundaries were checked. He also asked if incorrect aspects of the boundaries could create any

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future problems for the Town. Town Attorney Trevarthen replied that the Charter was substantially reorganized, rewritten, and simplified in approximately 2004, which immediately followed the annexations. All special acts required precise boundaries and descriptions of the new Town. She was not aware of any reason to doubt the accuracy of the description in the Charter.

Town Attorney Trevarthen continued that verifying the boundaries would require a survey, which could be done; she also noted that there may be an existing survey in the Town's official records.

Chair Vincent clarified that the Board's role is not to approve specific items in the Charter, but to review them and make recommendations to the Town Commission.

A question was also asked regarding how ownership of the Town's beach is divided between the Town, the state of Florida, or the federal government. Town Attorney Trevarthen explained that this is a complex issue that is not governed by the Charter. In the 1960s, the Florida Legislature passed a Statute which stated that any beach which had undergone publicly funded beach renourishment would be considered public. She advised that every part of the Town's beach has received publicly funded renourishment since that time, which means it must be publicly accessible.

Town Attorney Trevarthen continued that there are additional considerations that may come into play for various beach settings, including how the beach is used on a daily basis and how the Broward Sheriff's Office (BSO) has chosen to patrol the beach. She acknowledged that ownership of the beach can be surprisingly complicated, but concluded that it is not a Charter issue.

Vice Chair Kuszmar addressed Section 2.5, Jurisdiction, noting that the Town's jurisdiction extends as far as the high tide watermark, while the state of Florida's ownership extends up to three miles seaward, after which jurisdiction becomes federal. The Town is not permitted to legislate beyond the high tide line; however, Section 2.5 states that the Town has the right to legislate within the waterways. He asked if this should be amended for clarification.

Town Attorney Trevarthen stated that there are several legal concepts involved: for example, while public trust doctrine shows the Town's jurisdiction ending at the high tide line, the aforementioned Florida Statute converts the dry beach into public land. There is also a practical aspect, as it is not feasible for the State Legislature to micromanage Florida's shoreline. The state expects the Town to manage the beach.

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Chair Vincent noted that Section 2.4 addresses the Town's seal, and requested clarification of the legal status of the Town's incorporation. While the seal includes a reference to 1947, there is some confusion over whether or not this date should be 1949. Town Attorney Trevarthen replied that she did not know, but suggested that the official Town records could be consulted if that is the Board's wish.

It was clarified that no changes were recommended for Article 2.

Ms. Bonanni-Rubino made a motion, seconded by Ms. Miranda, to accept the Article as presented. In a voice vote, the motion passed 7-0.

c. Discussion of Article 3 – Administration and Legislation

Attorney Jeune explained that Article 3 addresses administration and legislation, which are typically defined within a Charter as the structure, powers, and functions of the municipality's administrative and legislative branch. It may include the roles of elected officials and appointed officers, as well as legislative procedures.

Common provisions in this Article include:

- Forms of government
- Size of the governing body
- Terms of the governing body
- Qualifications for service on the governing body

Article 3 of the Town's Charter states that the Town has elected to adopt a Commission/Manager base form of government. It also specifies a five-member Town Commission which is elected at large by majority vote. A candidate for Commissioner must be at least 18 years old and must live in the Town for at least six months immediately prior to running for office. Commissioners must reside within one of the Town's two electoral districts and must remain residents of that district during their terms.

The Charter also allows the Commission to establish ethical standards, vests the legislative powers of the Commission, and empowers the Commission to determine how the Town's power may be exercised by Resolution or Ordinance.

Attorney Jeune concluded that Article 3 is legally sufficient; however, the Board may wish to consider whether or not to revisit any policies.

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At this time Chair Vincent opened public comment, which he closed upon receiving no input.

Town Attorney Trevarthen recalled that in an earlier time, Town Commissioners were elected not only to serve on the Commission but to run the Town's specific Departments at the same time. This has been replaced by a more modern practice, which ensures that the Commission operates primarily as a legislative body and employs a Town Manager with the authority to administer and follow the direction given by the Commission.

Vice Chair Kuszmar asked if other municipalities of similar size to Lauderdale-By-The-Sea have made improvements to their Charters that the Town may wish to consider. Town Attorney Trevarthen replied that some research has been done on Charters of similarly situated Broward County municipalities, which showed that it is typical to have a five-member Commission, a residency requirement of six months to one year, and a qualifying age of 18 to 21 years.

Chair Vincent addressed Section 3.6, Non-Interference with Town Administration, pointing out that authority over personnel decisions is granted to the Town Manager by the Commission. He requested clarification of the "Strong Mayor" form of government and what that would involve.

Town Attorney Trevarthen replied that there are multiple examples of this form of government throughout South Florida, typically occurring in larger communities. The meaning of a Strong Mayor government is dictated by how it is written in the municipality's Charter; for example, the Mayor of Sea Ranch Lakes cannot vote, but is involved in the city's day-to-day operation. In the City of Plantation, the Mayor hires a City Manager who is accountable solely to the Mayor.

Town Attorney Trevarthen emphasized that every municipality with a Strong Mayor government will define the Mayor's powers differently. In Lauderdale-By-The-Sea, the Mayor is elected separately from the members of the Commission, which can be considered a minor step toward having a stronger Mayor. In other examples, such as the Broward County Board of County Commissioners, all Commissioners are elected and then select the individual who will serve as Mayor.

Ms. Miranda suggested that the Board consider recommending an increase to the Town's domicile requirement from six months to 12 months. She felt the Town's unique nature can make six months' residency somewhat premature for an elected official.

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Chair Vincent asked if six months' residency is considered standard for most local municipalities. Town Attorney Trevarthen replied that both six and 12 months' residency is common in South Florida.

A question was also asked regarding the definition of "domicile," such as whether a resident could live elsewhere for some time while their homesteaded property is undergoing renovation. Town Attorney Trevarthen replied that this requirement is governed largely by intent, recalling that there have been situations in other municipalities when an elected official moved elsewhere during renovations but maintained their address and voter registration, returning to their domicile once renovations were complete.

In a voice vote, the Board indicated consensus to recommend the Commission consider increasing the residency requirement from six to 12 months.

Town Attorney Trevarthen advised that the Articles to be presented at subsequent meetings will cover more lengthy topics, including administration and elections.

6. OLD BUSINESS

None.

7. UPDATES / BOARD MEMBER COMMENTS

Chair Vincent emphasized the importance of the Charter to the Town, and encouraged interested residents to attend future meetings and/or provide feedback.

Vice Chair Kuszmar advised that he would like to make some proposals in advance of those Articles' appearance on Board Agendas. This could provide members with some early knowledge of proposed changes. The Vice Chair explained that this would prevent members from being caught by surprise when certain issues are raised, and would provide additional time to consider them.

Town Attorney Trevarthen stated that one option would be for the Board members to discuss these types of proposals at the meetings themselves. Another option would be for Vice Chair Kuszmar to communicate his proposals in writing to Staff, who would then attach these to the Agendas at which the appropriate Articles will be discussed. She cautioned that if the second option is selected, members may not respond to those attachments, but would need to wait until the Board meets to discuss them.

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It was determined that the Board's Agendas would be provided to the members on the Thursday preceding their meeting, which would mean any members with specific proposals must send them to Staff in advance of that day. Vice Chair Kuszmar indicated that he would be willing to provide some information on upcoming proposals during Board Member Comments at the end of each meeting. He emphasized that these would be informal comments that would allow the members to consider those issues further before the next meeting.

It was clarified that the Board would review Article 4 and possibly Article 5 at the next meeting. Article 4 includes Initiative and Referenda, while Article 5 addresses Town Officers and Employees.

Vice Chair Kuszmar stated that one issue he has heard from other residents is the suggestion that the Town remove its Commission Districts. He wished to discuss the need for those districts. Town Attorney Trevarthen clarified that this is part of Article 6.

It was asked whether or not the Board members would see presentations on the upcoming Articles at the meetings at which they are discussed, or if they would immediately begin discussion of those Articles. Town Attorney Trevarthen observed that as the Board addresses parts of the Charter which directly affect the day-to-day administration of the Town, it may be more likely that recommendations are made; the three Articles reviewed at today's meeting, however, are more straightforward. She added that the Vice Chair's suggestion would mean members may indicate their intent to offer ideas or request more discussion of certain items.

Town Attorney Trevarthen suggested that the Board adopt a standard practice of mentioning upcoming issues of interest during Board Member Comments. It was further clarified that the Board would not deliberate on these issues during Comments, but would provide advance notice of their wish to discuss them in the future.

Town Attorney Trevarthen also noted that meetings may increase in length as more weighty issues are discussed, and members of the public may attend to share their comments as well.

8. ADJOURNMENT

The meeting was adjourned at 6:58 p.m.

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Chris Vincent

Chairperson Chris Vincent

Megan Small

Megan Small, Clerk

4/17/2025 | 10:10 AM EDT

Date Signed