

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

Agenda

Tuesday, May 6, 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, May 6, 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**
 - 3.a. Approval of Minutes for April 1, 2025.
 4. **PUBLIC COMMENTS**
 5. **NEW BUSINESS**
 - 5.a. Discussion Of Article 6
 6. **OLD BUSINESS**
 - 6.a. Review Of Board Recommendations
 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



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TOWN OF LAUDERDALE-BY-THE-SEA
CHARTER REVIEW BOARD MEETING
Jarvis Hall
4505 N. Ocean Drive
Tuesday, April 1, 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, Jacquelyn Bonanni-Rubino, Robert Fleishman, Lori Lenoble, and Kym Miranda. Also present were Town Attorney Susan L. Trevarthen and Board Clerk Megan Small.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES

a. Approval of Minutes for 3-4-25 Charter Review Board meeting.

It was noted that the spelling of Ms. Lenoble's first name would be corrected in the March 4, 2025 minutes.

A motion was made, and duly seconded, to approve [as corrected]. In a voice vote, the motion carried 5-0.

4. PUBLIC COMMENTS

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

5. NEW BUSINESS

a. Discussion of Article 4 – Initiative and Referendum

Judeland Jeune, an associate of the Town Attorney, explained that this Article typically outlines the procedures by which citizens may directly participate in the legislative process through initiative and referendum. It outlines how citizens may petition for a referendum or initiative if they wish to place an Ordinance before the Town Commission.

Article 4 provides Town citizens with the power to initiate and reconsider Ordinances, as well as the power to initiate referendums. It provides the timelines in which petitions must be submitted to the Town Clerk, as well as timelines for review by the Town Clerk, Town Attorney, and Commission.

Because these timelines are relatively brief, the Town has been in discussions with the Broward County Supervisor of Elections regarding these timelines and is awaiting feedback. The Town wishes to ensure that its timelines are consistent with those required by the Supervisor of Elections for the submission of ballots for elections. Once feedback from the Supervisor's office is available, Town Staff can bring suggestions for adjusting these time frames before the Charter Review Board (CRB).

Staff would also like the Board to consider a Charter review question that would account for scribes' errors or other amendments, such as citations of Florida Statutes which have been amended or are no longer in effect. Chair Vincent observed that the Board seems to have sufficient time to await and consider feedback from the Supervisor of Elections when it is provided.

Ms. Miranda addressed Article 4, Section 4.5, requesting clarification of why the word "finally" was inserted in relation to initiatives or petitions for the repeal of existing Ordinances. Town Attorney Susan Trevarthen explained that this refers to the completion of the process by the Commission.

No changes to the text of Article 4 were proposed at this time, with the understanding that Staff would come back to the Board at the end of their process with any identified scribes' errors or other minor items. Any question regarding these items would be written to encompass all of them.

Chair Vincent asked if deadlines for initiatives or referendums are common throughout municipalities. Town Attorney Trevarthen confirmed that it is common for Charters to provide for the right of initiative or referendum, although variations in these processes can be expected. In Lauderdale-By-The-Sea, ten residents are sufficient to begin this process; they must then circulate a petition to be signed by 10% of the registered electorate. The petition then comes to the Town to be reviewed for sufficiency.

Chair Vincent requested clarification of the procedure for a special election. Town Attorney Trevarthen pointed out that the Town's Charter clearly restricts the time frame in which changes may be made under Section 7.1. If the item is not subject to Section

7.1, the Commission may hold special elections at its pleasure if they wish to have the voters make a decision on items separate from the general election ballot.

At this time Chair Vincent opened public comment, which he closed upon receiving non input.

Ms. Bonanni-Rubino made a motion, seconded by Ms. Miranda, to move forward with the item as presented. In a voice vote, the motion carried 5-0.

It was clarified that the Board's **motion** acknowledges that Staff will bring technical or timeline errors back to them at a later time.

b. Discussion of Article 5 – Town Officers and Employees

Attorney Jeune explained that Article 5 outlines the organization and operation of the Town's administrative structure, including the roles and responsibilities of the Mayor, the Commissioners, Town Manager, Town Clerk, and Department heads. It governs how these officials and Department heads are selected and appointed. Terms of office are included in Article 6 rather than in Article 5.

Article 5 also outlines the duties and responsibilities of specific officers, including personnel management and organizational structure. It establishes the qualifications for and role of the Town Manager, the processes of appointment or removal, what the Town must do in the event of absence or disability, and the duties of that role. It also establishes the roles of the Mayor and Commissioners in presiding over Town meetings and representing the Town in ceremonial or legal processes. While Article 5 outlines the positions of Town Attorney, Town Clerk, and others, it does not go into depth regarding those roles and how they function.

As the Charter is currently written, the Town Manager has the authority to audit and to submit that audit within six months of the end of the fiscal year, which is September 30; however, Florida Statute Section 218.32 establishes a nine-month deadline. Staff recommends that the Board consider extending the audit submission period from six to nine months.

Chair Vincent recommended that the Board advance Staff's recommendation of changing the audit deadline from six to nine months to the Town Commission for further review. He noted that the Commission has also discussed the duties and qualifications of a Town Manager numerous times. Town Attorney Trevarthen recalled that in 2014, language was

added to allow for alternative equivalent abilities in administration by the Town Manager. This change was approved by the voters.

At this time Chair Vincent opened public comment, which he closed upon receiving non input.

The Board agreed by unanimous consensus to advance Staff's recommendation to change the audit deadline for consistency with Florida Statutes.

6. OLD BUSINESS

None.

7. UPDATES / BOARD MEMBER COMMENTS

Town Attorney Trevarthen recalled that at the March 2025 meeting, the Board had determined that this Agenda Item would serve as an opportunity for any Board member to bring forward ideas about future Charter Sections.

Chair Vincent requested additional information on terms. Town Attorney Trevarthen clarified that terms are included in Article 6, adding that at the March meeting, the Vice Chair had suggested that the Board evaluate whether or not to maintain the Town's North and South Commission Districts.

Chair Vincent advised that he has spoken at length with previous Mayors and Commissioners, as well as with residents, regarding a potential change to terms of public service. The Town provides for up to two consecutive four-year terms for Commissioners and up to three consecutive two-year terms for Mayor. He stated that the Town's dynamics have changed over the last several years, and pointed out that two-year terms require a Mayor to begin running for office again as soon as they are elected, with little time to put forth a platform or agenda. This can detract from the Mayor's ability to do their job as an elected official.

Chair Vincent proposed that the Board recommend moving this issue to the Commission for further discussion and consideration of having the Mayor serve two four-year terms. This term would be equal with those of the Commissioners.

Town Attorney Trevarthen advised that these terms were written in that way to ensure that a majority of the Commission would be on the ballot every two years. This decision

is not legally mandated. If the Board wishes to suggest this change to the Commission, this would fall under the discussion of Article 6. It would also mean changing the overall term limits, as an individual would be able to serve two four-year terms as Commissioner followed by two four-year terms as mayor. She confirmed that Staff can prepare materials for discussion of this option at the next meeting.

Town Attorney Trevarthen continued that the Town's rules also state that once an individual has served as Mayor, they may not serve as Commissioner.

Chair Vincent encouraged the Board members to reach out to past elected officials for additional input on this suggestion.

Mr. Fleishman recalled that the Town had initially added the limit of three two-year terms for Mayor because a previous Mayor had served in that position for several years and had not wanted to leave office. This had led to the clarification of terms in 2006.

It was noted that one item to be advanced to the Commission included a possible change in the residency requirement from six months to 12 months. Section 6.3.1 reflects the current six-month time period and would need to be changed for consistency.

Mr. Fleishman asked if it would be feasible to change the term of a sitting Mayor from three two-year to two four-year terms. Town Attorney Trevarthen advised that Staff would need to examine this further before advising the Board.

It was determined that only Article 6 would be discussed at the next Board meeting.

8. ADJOURNMENT

The meeting was adjourned at 6:32 p.m.

Chairperson Chris Vincent

Megan Small, Clerk

Date Signed



Agenda Item Report

Meeting Date: May 6, 2025

Submitted By: Judelande Jeune, Town Attorney

Submitting Department: Legal

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Discussion Of Article 6

Explanation:

ARTICLE VI. – ELECTIONS

- **Introduction:** An election article within a Florida municipal charter typically outlines the schedule and procedures for conducting regular and special elections, establishes the qualifications and filing requirements for candidates, describes the processes for addressing election-related vacancies, defines the nonpartisan nature of municipal contests, specifies the duration and commencement of terms for elected officials, and includes provisions to ensure compliance with applicable state election laws and procedures.
- **Assessment** – Article VI of the Lauderdale-By-The-Sea Charter establishes the procedures for conducting municipal elections, including the qualifications for candidates, the process for filling vacancies on the Town Commission, and the steps to be taken in the event of extraordinary vacancies, ensuring a clear and orderly election process and continuity of governance.
 - **Mayor-Commissioner and Commissioner; Term of Office; Election Transition (Sec. 6.1)**
 - The Mayor-Commissioner is elected at large for a two-year term beginning with the March 2008 election, and every two years thereafter. The Town Commission consists of four seats.
 - Seats 1 and 2: Established with the March 2006 election and elected every four years thereafter.
 - Seat 1: Candidate must reside in the north district.
 - Seat 2: Candidate must reside in the south district.
 - Both are elected at large for four-year terms.
 - Seats 3 and 4: Established with the March 2008 election and elected every four years thereafter.
 - Seat 3: Candidate must reside in the north district.
 - Seat 4: Candidate must reside in the south district.
 - Both are elected at large for four-year terms.
 - As amended by the voters in November 2024, all future elections for Mayor-Commissioner and Commission seats are to be held during the November general

election of each even-numbered year, or as provided by law. As part of the transition:

- The Mayor elected in 2024 and the Commissioners for Seats 1 and 2 elected in March 2022 will serve until November 2026.
- The Commissioners for Seats 3 and 4 elected in March 2024, will serve until November 2028.
- The northern and southern district boundaries were required to be designated by September 1, 2004, and updated again in 2012, through a contract with a Florida-based accredited four-year college or university. Boundaries are to reflect equal population, be compact and logical, and uphold nondiscrimination and one person, one vote principles.
 - *A note for the Board about the above standard: The requirement for a study and the standards for the district boundaries are derived from those legally required for single member districts, to assure that the federal constitutional principle of "one person, one vote" is respected. Because the Town system is not single member district and all Town electors vote for all candidates, this process and these standards are not strictly necessary. Also, when the Town explored updating the study in 2012, we learned that it was essentially impossible to satisfy all of these standards because the Sea Ranch Lakes condo complex in the middle of the Town should all be in the same district to respect the principle of the boundary being compact and logical, and to reflect the requirement of the background caselaw not to divide communities of interest. In order to reflect equal population, it would have been necessary to divide this complex between the two districts. The Town Commission, therefore, decided not to proceed with redistricting at that time.*
- If no candidate qualifies for a Commission seat within the first 10 calendar days of the qualifying period, any qualified Town resident, regardless of district, may qualify. If the seat remains unfilled, it will be declared vacant and filled according to the Charter.
- Finally, the Town Commission was required to establish the initial northern and southern district boundaries by ordinance no later than January 1, 2005, for implementation beginning with the March 2006 election.
- **Vice Mayor and acting Mayor Pro-Tem (Sec. 6.2)**
 - After each regular election, the Town Commission must designate one of its members as Vice Mayor by resolution no later than the second regular Commission meeting. The Vice Mayor serves in the Mayor-Commissioner's absence. If both the Mayor-Commissioner and Vice Mayor are absent from a meeting, the Commission may designate any member to act as Mayor Pro-Tem for that meeting.
- **Qualifications of Members of Town Commission (Sec. 6.3)**
 - To be eligible to run for or hold the office of Mayor-Commissioner or Town Commissioner in Lauderdale-By-The-Sea, an individual must:
 - Be a bona fide resident and citizen of the Town.
 - Have resided in the Town for at least the six months immediately preceding the election.
 - Be a registered voter under Florida law.
 - Commissioners cannot run or be appointed to the same Commission seat if they have already served in both of the two prior consecutive four-year terms for that seat, unless they take a two-year break in service. Commissioners can run for Mayor-Commissioner and continue serving without a break in service.
 - Mayor-Commissioners are limited to three consecutive two-year mayoral terms. After serving three consecutive terms, they must also take a two-year break before running again or being appointed as Mayor-Commissioner or as Commissioner.
 - Any service of one year or less by someone who had not previously held office does

- not count toward term limits.
 - Term limits are calculated based on the date the person would take office.
 - No person may serve more than 14 consecutive years in any combination of roles (Mayor-Commissioner and/or Commissioner) without a two-year break in service.
- **Qualifications of Candidates; Notice of Candidacy; Payment of Fee (Sec. 6.4)**
 - To run for Mayor-Commissioner or Town Commissioner in Lauderdale-By-The-Sea, a qualified individual must:
 - Submit a verified Notice of Candidacy to the Town Clerk using the official format provided in the Charter.
 - Have the notice notarized to confirm its authenticity.
 - Pay the required qualifying fee in accordance with state law.
 - Once the notice and fee are properly submitted and the candidate is confirmed to meet all eligibility requirements, the individual is entitled to have their name placed on the official election ballot.
- **Vacancies (Sec. 6.5)**
 - Section 6.5 provides that a vacancy in the office of Town Commissioner or Mayor-Commissioner occurs if the officeholder dies, resigns, is removed from office by law, or forfeits the office. Forfeiture must be formally declared by the remaining members of the Town Commission.
- **Forfeiture of Office (Sec. 6.6)**
 - Section 6.6 of the Charter outlines the grounds under which a Town Commissioner or the Mayor-Commissioner may forfeit their office, along with the authority responsible for determining such forfeiture. The Charter states that the Town Commission serves as the judge of its own membership
 - Grounds under which a Town Commissioner or the Mayor-Commissioner may forfeit their office include:
 - Lacks, at any time during a term of office, any qualification for the office prescribed by this Charter or general law.
 - Violates any standard of conduct or code of ethics established by law for public officials.
 - Is convicted of a felony while in office.
 - 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.
 - Becomes incapable of performing the duties of the office for a period of more than three (3) months.
- **Forfeiture Hearing and Process (Sec. 6.7)**
 - Section 6.7 of the Lauderdale-By-The-Sea Charter outlines the procedure for addressing allegations that may lead to the forfeiture of office for a Town Commissioner or the Mayor-Commissioner. If a member is accused of conduct warranting forfeiture, they are entitled to a public hearing upon request.
 - Notice of this hearing must be published in one or more newspapers of general circulation within the Town at least 30 days prior to the scheduled date.
 - The Town Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to the forfeiture of a Commissioner's or Mayor-Commissioner's office.
 - The burden of proving good cause for any absence lies with the Commissioner in question. However, any Commissioner may move to establish good cause for their own or another member's absence during a duly held meeting; if this motion is approved, it is considered conclusive.
 - A Commissioner whose qualifications are under scrutiny or who is subject to forfeiture proceedings is prohibited from voting on related matters.
 - A final decision declaring forfeiture must be made through a resolution passed unanimously by the remaining Town Commission members.

- **Filling of vacancies (Sec. 6.8)**
 - Section 6.8 of the Lauderdale-By-The-Sea Charter outlines the procedures for filling vacancies on the Town Commission, including the Mayor-Commissioner position:
 - *Appointments for Short-Term Vacancies*: If a vacancy occurs with less than 180 days remaining in the term or before the next scheduled election (Federal, State, County, or Town), the remaining Commission members must appoint a qualified successor within 30 days. The appointee serves until the next election, at which point a successor is elected to complete the unexpired term.
 - *Special Elections for Long-Term Vacancies*: If more than 180 days remain in the term and the next election is over 180 days away, the Commission must schedule a special election within 90 to 120 days of the vacancy. The elected individual serves the remainder of the unexpired term.
 - *Interim Leadership*: Upon the Mayor-Commissioner's death, resignation, or removal, the Vice Mayor assumes the role of interim Mayor-Commissioner. The Commission then appoints another Commissioner as interim Vice Mayor. Both interim officials serve until a new Mayor-Commissioner is elected or appointed, after which they return to their original positions for the remainder of their terms.
 - *Filling Vice Mayor Vacancies*: If the Vice Mayor position becomes vacant, the Commission elects a new Vice Mayor from among its members by majority vote.
- **Extraordinary vacancies (Sec. 6.9)**
 - Section 6.9 of the Lauderdale-By-The-Sea Charter addresses the procedure for handling extraordinary vacancies on the Town Commission. If all members of the Town Commission, including the Mayor-Commissioner, are removed from office due to death, disability, or forfeiture, the Governor of Florida is authorized to appoint an interim Town Commission. This interim body is responsible for organizing a special election, as outlined in the Charter, to fill the vacant positions.
- **Vacancy in candidacy for Mayor-Commissioner or Commissioner (Sec. 6.10)**
 - Section 6.10 of the Lauderdale-By-The-Sea Charter outlines procedures for handling vacancies in candidacy for the offices of Mayor-Commissioner or Commissioner due to withdrawal, death, or removal:
 - *Withdrawal*: A candidate may withdraw from the election at any time before the election by submitting a sworn, executed statement of withdrawal to the Town Clerk.
 - *Effect of Death, Withdrawal, or Removal When Candidates Remain on the Ballot*: If such an event occurs after the qualifying period and results in fewer than two candidates for the office, the remaining candidate is declared elected, and no election is held for that office.
 - *Effect of Death, Withdrawal, or Removal When No Candidates Remain on the Ballot*: If no candidates remain for an office after the qualifying period, the resulting vacancy is addressed according to the procedures outlined in Section 6.8 of the Charter.
- Board member requested topics
 - **Removal of residential district requirements (Sec. 6.1)**
 - Section 6.1 establishes a residency-based districting system for Town Commission seats. Although all Commissioners are elected at large by the entire electorate, candidates for Seats 1 and 3 must reside in the Town's north district, while candidates for Seats 2 and 4 must reside in the south district. When the Town doubled in size and population through a series of annexations approved around 2000, this assured that both the "old Town" and the newly incorporated north end of Town would have a voice on the Commission. This structure is allowed under Florida's municipal home rule powers, which grant cities flexibility to establish residency requirements through their charters, so long as they are not discriminatory and serve a legitimate governmental purpose.
 - *Pros and Cons of the System*: From a policy perspective, residency-based

systems can promote geographic diversity in local government by ensuring that different areas of a municipality have a voice on the Commission. This may enhance responsiveness to neighborhood-level issues and foster broader community representation. For example, those who live in the south end of Town are close to the downtown and bridge, and all of the impacts and advantages that location brings; those who live in the north have a different experience of living in the Town. And that experience may inform their perspective on Commission issues. As long as the town-wide electorate chooses all commissioners, commissioners also need to be responsive to the needs of the whole Town. A down side of districts can be the perception that the Town is not unified, and an “us vs. them” mentality. The annexations are nearly 25 years in the past, and perhaps the need for the districts is less now.

- Municipalities in Florida vary in their approach:
 - Some use pure at-large systems for simplicity and cohesion. In other words, any resident can run for any seat on the Commission, regardless of where they live.
 - Others adopt single-member districts, requiring the commissioner to reside in the district and only allowing the residents of that district to vote for them. A down side of this approach is that commissioners are incentivized to focus primarily on the concerns of their own district, in a way that may hinder cooperation and decision-making that benefits the entire Town.
 - There can also be hybrid models to reflect population diversity or geographic size.
- As noted above, the standards for establishing the districts are those generally used for single member districts, and are not strictly required for the Town's residential districting system. If the Board recommends to eliminate the districts, this issue will take care of itself. If the Board recommends to retain the districts, then the Board should discuss whether to revise or remove the standards for the district boundaries. This is advisable since the Town has identified that they cannot all be fully satisfied with the geographic distribution of the Town's electorate (e.g., the size of the Sea Ranch Lakes condo complex), and the standards are not legally mandated for purely residential districts. An alternative would be to simply enshrine the current district boundaries in the Charter.
- **Changes to Term of Mayor-Commissioner (Secs. 6.1 and 6.3)**
 - Changing the mayoral term in Lauderdale-By-The-Sea from two years to four years, and the number of terms from three to two (maximum of 8 years rather than the current 6 years), would align the Town with the majority of municipalities in Broward County, where four-year mayoral terms are common. If the Board recommends such a change, it will also need to recommend that the maximum total years of service be extended from 14 to 16 years.
 - Supporters of such a change argue that longer terms provide elected officials with more time to develop and implement policy initiatives without the immediate pressure of campaigning. This can also reduce the administrative costs and effort associated with more frequent elections.
 - However, others may see longer terms as limiting opportunities for voters to regularly evaluate and respond to elected leadership. A two-year term allows for more frequent electoral accountability and responsiveness to residents' concerns, which some view as a core strength of smaller municipalities. Any proposed change would need to balance the goals of stability and continuity with the community's interest in maintaining regular input through elections.

Recommendation:

- The Article is legally sufficient.
 - Online Notice: However, due to recent amendments to Chapter 50, Florida Statutes—allowing legal advertisements and public notices to be published on publicly accessible websites under certain conditions—the Board may wish to amend the Charter to remove language specifically requiring publication of a notice regarding Commissioner forfeiture in a newspaper of general circulation. (Sec. 6.7)
 - State Law: Additionally, it is recommended that the Charter be amended to explicitly incorporate state law regarding municipal elections. The change should clarify that municipal elections will follow the general election laws of the State of Florida, which governs the qualifying process for all candidates.
 - Length of Residency: Finally, the Board will want to recommend amending Section 6.3, to incorporate its prior recommendation to extend the minimum residency requirement for candidates from 6 months to 1 year.
- The Board should make a decision about whether to retain the current residential districts and standards.
- The Board should also review the other provisions of Article 6, including term limits, procedures for filling vacancies, grounds for forfeiture of office, and public notice requirements, to determine whether any amendments are needed.

Exhibits:

1. ARTICLE VI. - ELECTIONS

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 election date 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.

(Ord. No. 2024-05, § 2, 6-6-2024)

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.
- (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

(Supp. No. 48)

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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.
- (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.

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)



Agenda Item No: 6.a.

Agenda Item Report

Meeting Date: May 6, 2025

Submitted By: Judelande Jeune, Town Attorney

Submitting Department: Legal

Item Type: Presentation

Agenda Section: OLD BUSINESS

Subject Title: Review Of Board Recommendations

Explanation:

Thus far, the Charter Review Board has considered and put forward the following recommendations for the Town Commission's review and consideration.

Recommendation 1:

- Amend Section 3.3 of the Town Charter to extend the residency requirement for candidates seeking the office of Mayor-Commissioner or Commissioner from six months to twelve months prior to the election date.
- This Change will be reflected throughout the entire Charter, including Article 6.

Recommendation 2:

- Amend Section 5.5(10) of the Town Charter to extend the audit completion deadline from six (6) months to nine (9) months after the end of the fiscal year, to align with the timeline established in Section 218.32(d), Florida Statutes.

Recommendation 3:

- Amend the Town Charter in its entirety to correct scrivener's errors, address any need to adjust timelines related to referenda/initiative or other election-related procedures, and update any references to state statutes that are outdated or no longer applicable due to legislative changes.

Recommendation:

Exhibits: None