

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **Special Meeting Minutes**

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, May 15, 2012**

**5:00 P.M.**

#### **1. CALL TO ORDER, MAYOR ROSEANN MINNET**

Mayor Roseann Minnet called the meeting to order at 5:00 p.m. Vice Mayor Scot Sasser, Commissioner Stuart Dodd, Commissioner Chris Vincent, and Commissioner Mark Brown were present. Also present were Town Manager Connie Hoffmann, Town Attorney Susan Trevarthen, and Town Clerk June White.

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

#### **3. ITEMS FOR DISCUSSION AND/OR ACTION**

##### **a. Charter Review Board Recommendation Regarding Mayor's Term Length**

Mayor Minnet stated that public comment would be taken out of order and allowed with each item as it came up.

Mayor Minnet stated she would be abstaining from the vote on this issue and passed the gavel to Vice Mayor Sasser.

Vice Mayor Sasser opened the item for public comments.

Edmund Malkoon favored placing the Mayoral term limit on the ballot. Mr. Malkoon was unsure of the reason to rush it to the November 2012 ballot. He thought it could go on the March 2014 ballot.

Diana Kugler asked whether the 4 year term would be retroactive and whether the current Mayor's term would be extended 2 years. She believed it should happen in a timely fashion. Ms. Kugler thought 2 years was a tough amount of time as 2 years come quickly and then the Mayor has to campaign again. She did not want to stall the issue.

With no one else wishing to speak, Vice Mayor Sasser closed public comments.

Vice Mayor Sasser asked how this change would affect the current Mayor's term.

Attorney Trevarthen stated that the Charter Review Board recommended that the Commission consider placing on the November 2012 ballot the question of whether the

Town Commission Special Meeting Minutes  
May 15, 2012

Mayoral term, beginning in 2014, would be extended to 4 years. However, the Commission had the power to form the question however they saw fit. They could write that there shall be a 4 year term and apply that term to the current office, if they so desired.

Commissioner Brown questioned whether the current three consecutive 2 year terms, were changed to two consecutive 4 year terms, would that have to be done in tandem with another Charter amendment which would change the terms of term limits, to make it consistent with the longer term.

Attorney Trevarthen said it would not have to be changed with another Charter amendment. The Commission may choose to change the current three term limit. She explained the issues being discussed guided the form of ordinance that would place the question on the ballot that would change the Charter. The number of terms in the term limit can be changed with or without the other as they were independent of each other.

Commissioner Vincent was concerned with losing the option for majority change every 2 years. For informational purposes he explained that three seats had the potential to change every 2 years. It gave the taxpayers control to make elected officials step up and make changes or not every 2 years. Commissioner Vincent stated that by doing this, the option for majority change would occur every 4 years not every two years. He wondered if the term changed would it apply so that current mayor sat 2 more years to 2014. If the current Mayor sat for 4 years, to 2016, the Mayor's term would always cycle with seats 1 and 3 only. If the current Mayor sat for a 2 year term her seat would come up for election at the same four year cycle as seats 2 and 4. . Therefore, the Mayor elect would always cycle with either seat 1 and 3 or seat 2 and 4. This is a decision the Commission will have to make. He pointed out that if a Commissioner wanted to run for the Mayor elect, no matter the seat number, they would have to forfeit the remaining 2 years of their term.

Attorney Trevarthen said the Commission could decide whether to do this or not. It was not a legal issue; it was a political or policy question. The circumstance to be evaluated was the person in the seat that was out of cycle with the Mayoral seat had two choices. They could either resign early to enter the Mayoral cycle or they could take a two year break and run for the Mayoral seat two years after they complete their commission term.

Commissioner Vincent commented that two seats would be affected by the change. He believed the Commission should discuss whether the cycle should be 2016 or 2018. If they extended the term to 2016 it would affect seat 2 and 4 and 2018 would affect seat 1 and 3, or will the Commission leave it in the hands of the people to make a decision on a majority basis.

Attorney Trevarthen pointed out the Commissioner could either resign to run or he could wait.

Town Commission Special Meeting Minutes  
May 15, 2012

Vice Mayor Sasser pointed out the decision of the Commission was to allow the people to decide.

Commissioner Dodd believed there was a burden put upon the Mayor to campaign every 2 years. He favored extending the term to two terms of 4 years. He raised the issue as to whether Mayor Minnet would want to continue for another term.

Vice Mayor Sasser inquired as to whether the Commission wanted to put the issue on the ballot and then debate the term.

Attorney Trevarthen stated that motions would be required to address all the relevant issues.

Vice Mayor Sasser believed there was Commission consensus for the question to go to the voters as to whether they want a 2 year or 4 year Mayoral term.

Mayor Minnet asked whether she had the option to abstain from the vote because it would be a benefit to her.

Attorney Trevarthen said the ethics law allowed her to vote on this issue as there was no personal financial gain. She added this was a political aspect, such as in redrawing districts.

Attorney Trevarthen said State Statute stated if the Mayor felt there would be an appearance of a conflict of interest, she could abstain if she chose to do so.

Commissioner Dodd made a motion to approve move forward with an ordinance placing the question of whether the Mayor's term should be a 4 years on the November 2012 ballot.

Commissioner Brown questioned whether the motion required that the 4 year term be retroactive to the January 2012 election, or to begin with the March 2014 election, or to extend the term of the current Mayor 2 years.

Commissioner Dodd said the motion was to put the Mayoral term before the people to vote for 4 years with a two term limit; a total of 8 years. Once that was done, the Commission could decide how they would do it. The motion did not address an effective date.

Commissioner Brown seconded the motion.

Commissioner Vincent questioned whether the vote was for discussion, or to put it on the ballot for people to vote for a 4 year Mayoral term. He asked what the criteria would be, whether the change would be retroactive and whether the Commission will discuss the criteria at this meeting or at a future meeting.

Town Commission Special Meeting Minutes  
May 15, 2012

Vice Mayor Sasser explained the Commission was voting on whether to begin with an ordinance for the next meeting that would begin the process of putting the question on the ballot. He believed there was a consensus to let the people vote on this and as was pointed out, many details surrounded it. Vice Mayor Sasser stated the Commission could vote for an ordinance for a 4 year term, and once that vote was done the Commission would discuss and vote on those details. He believed there could be two questions on the ballot; let them vote on the 4 year term and then, below that question they could vote on whether the term should be retroactive.

Commissioner Brown asked whether this motion was to instruct the Town Attorney to draft an ordinance.

Attorney Trevarthen explained the purpose of the meeting was so the Commission would have something to vote on at the May 22, 2012 Commission meeting. Nothing can become law until it is properly advertised and goes to first and 2nd reading. While it is a vote to do something, it is really a vote to give direction for a particular wording to come back for a vote. Or, the commission could decide they don't like this idea, and the ordinance would not be prepared. The purpose of the meeting is to have guidance to prepare an ordinance for first reading on May 22, 2012, if that was the Commission's desire.

The motion carried 4-0. Mayor Minnet abstained.

Vice Mayor Sasser requested Commissioner comments for direction on particular wording regarding the procedure and the criteria.

Commissioner Brown felt that people should have the opportunity to give their input. He wanted an ordinance drafted for 1st reading so people can speak. He questioned whether the extended term should take affect with 2014 Municipal election or will it extend the current Mayor's term 2 years. He hoped people would give their views on that matter.

Commissioner Dodd said the Commission could put any question they wanted on the ballot for the people to vote on. In order for the question to be placed on the ballot the Commission needed to have two public hearings on 1st and 2nd reading of an ordinance and adopt the ordinance. He added that if Mayor Minnet would like to remain then one option could be that the wording should state the term would be retroactive from 2012. If Mayor Minnet only wished to finish her term then the wording could state an effective date of 2014.

Attorney Trevarthen stated that any question can go on the ballot to the people. If Mayor Minnet would like to remain, the wording could be made for that to take effect; otherwise the wording could make the start date in 2014.

Commissioner Vincent favored a 4 year term and to make it retroactive from 2012 and extend the Mayor's term to 2016. It would be her choice in 2 years as to whether she

Town Commission Special Meeting Minutes  
May 15, 2012

wanted to continue to 2016 or end her term in 2014, if it was not mandated for her to continue. Campaigning every 2 years is a financial burden for both the Mayor and for a Commissioner that wished to campaign for that office, should the Mayor decide not to run again. Commissioner Vincent pointed out these are choices the Commission had. He noted a 4 year Mayoral term removed the potential for the majority to be unseated by the people every two years, which was also choice of the people.. He questioned whether the Commission wanted to remove that cycle of choice.

Vice Mayor Sasser believed the Commission needed to focus on how they would present this to the public to allow them to vote on it. He noted they could only vote on what was presented to them, such as an effective date. Vice Mayor Sasser requested input from Mayor Minnet.

Mayor Minnet stated she will be termed out in 2014. She understood the Mayor's term was three consecutive 2 year terms when she ran for office. It was the Commission's choice as to how they want to present term limits to the people. Mayor Minnet felt that the term for the Mayor should have been 8 years, two 4 year terms. Had that been the case, she would be running again in 2014.

Vice Mayor Sasser requested the Commission discuss how they wanted to present this to the voters.

Attorney Trevarthen advised, legally the wording on the ballot would not be "retroactive". The nature of the act would be for the voters to extend the Mayor's term from 2014 to 2016.

Vice Mayor Sasser asked whether the Commission should decide the ballot entry be to extend the Mayoral term for an additional 2 years. He asked whether an election would be required at that point, or can the voters say they want to extend the term to 2016 and the Mayor would sit for an additional 2 years.

Attorney Trevarthen said the ballot question could read "there shall be a 4 year Mayoral term and it shall be effective with the current Mayoral term" so that the current Mayoral term would be extended. It could also say "effective with the 2014 election", or "effective with the 2016 election", or whatever the Commission desired. It would not be presented as a retroactive act. The voters have to power to redefine the current term of office.

Vice Mayor Sasser preferred to present two separate questions to the voters. Whether they want two 4 year terms, and when they want the change to become effective. Commissioner Brown, Commissioner Vincent and Commissioner Dodd agreed.

Attorney Trevarthen believed the Commission was seeking a motion that called for a second ballot question which will ask the voters whether the 4 year Mayoral term was approved will it apply to the current Mayor's term of office.

Town Commission Special Meeting Minutes  
May 15, 2012

Commissioner Dodd made the motion as presented by the Town Attorney. Commissioner Brown seconded the motion. The motion carried 4-0. Mayor Minnet abstained.

Attorney Trevarthen clarified the first question was a 4 year term, 2 terms, for a total of 8 years. She said an ordinance will be drafted making that term conditional. If the voters do not pass it, the current three 2 year term would remain. The second question was whether it will apply to the current Mayoral term.

Attorney Trevarthen inquired whether the Commission wanted to place these questions on the November 2012 ballot, on a ballot for a special election, or on the March 2014 ballot.

Commissioner Dodd asked whether there were additional costs to add to the November Ballot. Attorney Trevarthen was not aware of whether there were costs involved. Town Manager Hoffmann recalled the cost was minimal to move their March 2012 election to the Presidential Primary Election in January 2012. Clerk White stated she would find out what costs were involved.

Commissioner Dodd made a motion to place both questions on in the November 2012 ballot. Commissioner Brown seconded the motion. The motion carried 4-0. Mayor Minnet abstained.

Attorney Trevarthen stated she would draft an ordinance for first reading. She noted second reading of the ordinance would only be possible on June 5th, 6th or 7th due to advertising requirements and the June 8th deadline date.

Town Manager Hoffmann asked the Commission to set the date for second reading of the ordinance so the advertisement could be made ready to go to publication, should 1st reading of the ordinance pass at the May 22, 2012 Commission meeting. Attorney Trevarthen added that it was calculated that the ad would be sent on the 23rd to meet advertising requirements.

It was the consensus of the Commission to schedule a Special Meeting on June 5, 2012 at 7:00 p.m.

Vice Mayor Sasser passed gavel back to Mayor Minnet.

**b. Schedule for Presentation of East Commercial Schematic Design**

Town Manager Hoffmann said that Commissioner Dodd requested the item be rescheduled. The designers would be available to make their presentation at the June 12, 2012 Commission meeting. She said that would allow time to review the design. Commissioner Dodd said he wanted to give the residents and businesses ample time to look at the schematic diagrams and offer their comments to the Commission.

Commissioner Brown asked whether there could be presentation to the public prior before the Commission actually votes on the design.

Town Manager Hoffmann advised that schematic plans contain much detail and that it is more effective if people can peruse them, as opposed to see them at a presentation. She said the schematic plans would be available in Town Hall 10 days prior to the June 12, 2012 Commission meeting for public viewing.

It was the consensus of the Commission to place the item on the June 12, 2012 Commission meeting. At that time the Commission will take a vote.

Mayor Minnet opened the item for public comments.

Marie Chiarello urged the Commission to continue going forward with the East Commercial Boulevard project.

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

4. PUBLIC COMMENTS

Mayor Minnet took public comments out of order. Public comments were taken when the item was considered.

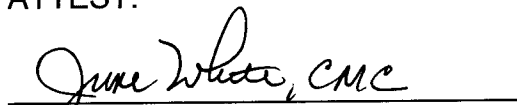
5. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 5:55 p.m.



Mayor Roseann Minnet

ATTEST:

  
Town Clerk, June White, CMC

5/23/2012  
Date

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                                  |        |                                                                                                           |  |
|------------------------------------------------------------------|--------|-----------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>MINNET ROSEANN Alexis</b> |        | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>Commission</b>                          |  |
| MAILING ADDRESS<br><b>2000 S Ocean Blvd Broward</b>              |        | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <b>TOWN</b>         |  |
| CITY<br><b>Lauderdale-By-the-Sea</b>                             | COUNTY | <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| DATE ON WHICH VOTE OCCURRED<br><b>May 15, 2012</b>               |        | NAME OF POLITICAL SUBDIVISION:<br><b>Lauderdale By the Sea</b>                                            |  |
|                                                                  |        | MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE          |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Roseann A Minnet, hereby disclose that on MAY 15, 20 12

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ITEM AFFECTED MY MAYOR'S TERM

May 15, 2012

Date Filed

Roseann A Minnet

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.