



Agenda Item No: 3.a.

Agenda Item Report

Meeting Date: June 3, 2025

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Action Item

Agenda Section: APPROVAL OF MINUTES

Subject Title: Approval of Minutes for May 6, 2025.

Explanation: Draft Minutes available for approval for May 6, 2025.

Recommendation:

Exhibits:

1. 5-6-25 Draft Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Jarvis Hall
4505 N. Ocean Drive
CHARTER REVIEW BOARD MEETING
Jarvis Hall
4505 N. Ocean Drive
Tuesday, May 6, 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 6:10 p.m. Board members present were Vice Chair Brian Kuszmar, Jacquelyn Bonanni-Rubino, Robert Fleishman, 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 April 1, 2025.

Motion made, and duly seconded, to approve the minutes as written. In a voice vote, the **motion** passed unanimously.

4. PUBLIC COMMENTS

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

5. NEW BUSINESS

a. Discussion of Article 6

Judelande Jeune, associate of the Town Attorney, stated that Article 6 addresses elections. For most Florida municipalities, this Article establishes qualifications and filing requirements for candidates for local office. It also describes the process for addressing election-related vacancies. Some Charters also include language stating that elections shall be non-partisan in nature, specify the durations and commencement of terms of

elected officials, and include provisions to ensure compliance with applicable state election laws and procedures.

Section 6.1 establishes that the Mayor/Commissioner is elected for a two-year term and that voting is conducted at large based on the Town's northern and southern districts. Section 6.2 states that by the Commission shall designate a Vice Mayor, who will serve if the Mayor is not available.

Section 6.3 includes qualifications for Commissioners, which include the requirement that the candidate must be a Town citizen. While the current language refers to a six-month residency requirement, the Charter Review Board (CRB) has previously voted to change this requirement to one year. A candidate must be a registered voter under Florida law.

Section 6.3 also clarifies that Commissioners may not run for 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 from holding office.

Section 6.4 includes qualifications for candidates including the requirement to take an oath and pay a qualification fee in accordance with state law. This language is included in most charters throughout the state of Florida.

Sections 6.5 through 6.10 include provisions addressing vacancy procedures. Section 6.5 defines that vacancies may occur due to death, resignation, lawful removal, or forfeiture. Forfeiture must be declared by the remaining Commission members. Section 6.6 outlines grounds for forfeiture, which include loss of qualifications, ethical violations, felony convictions, missing four consecutive meetings without excuse, or being unable to perform duties for more than three months.

Section 6.7 provides the process for public hearing of a forfeiture case. The Commissioner may challenge the forfeiture, and a unanimous vote of the Commission is required in order for forfeiture to take place.

Section 6.8 details how vacancies are filled, depending upon the remaining duration of the term. Section 6.9 outlines the scenario for extraordinary vacancies, in which case Florida's Governor may appoint an interim Commission if all members are removed. Section 6.10 addresses candidacies for elected office, specifying that if a candidate withdraws, dies, or is removed post-qualification and fewer than two candidates remain, the remaining candidate is automatically elected.

Attorney Jeune recalled that topics previously requested by the CRB for discussion include the removal of residential district requirements and changing the Mayor's term of office from two to four years.

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

Vice Chair Kuszmar commented that when the Town's districts were originally established, the Town had recently annexed a section of condominiums near Sea Ranch Lakes. He pointed out, however, that this was a long time ago, and he no longer saw a need for establishing districts. The Vice Chair suggested that if the districts remain, they should be more closely defined.

Town Attorney Susan Trevarthen advised that the Board members should discuss the residential districts to determine whether or not there is consensus to remove this concept. Should they decide to eliminate districts, the Commission seats would remain but would be described differently. This could also mean that all five Commissioners could live within the same area of the community. She recommended considering the implications of removing the residential districts.

Should the Board decide to retain the districts, Town Attorney Trevarthen also recommended that they review the Charter's standard for where the district lines are drawn.

Attorney Jeune noted that the Board members received a memorandum from Staff presenting potential pros and cons of an at-large system. The majority of Broward County municipalities operate at-large districts, and some include a combination of at-large and district systems.

Vice Chair Kuszmar observed that larger municipalities are likely to have a need for different districts and areas; however, as Lauderdale-By-The-Sea is a small town, he was in favor of the cohesive nature of at-large voting. He requested input from the other Board members.

Ms. Miranda advised that while she had previously expressed interest in eliminating the Town's districts, upon further consideration she had determined that there are different needs for residents of the north, south, and central portions of the Town. She was currently in favor of retaining representation that is familiar with these needs.

Ms. Bonanni-Rubino agreed that there may be different concerns for residents in the Town's different districts, which could lead to dissatisfaction among those residents. Mr. Fleishman also agreed, pointing out that the needs of the northern district may be different from the needs of the southern district. He was also in favor of retaining the districts so the Commissioners that represent them can advocate for those residents' concerns.

Vice Chair Kuszmar advised that he had proposed elimination of the districts due to the small size of the community, as the districts could limit individuals' abilities to run for local office. He also expressed confidence that no Commissioners would take action that is contrary to the needs of residents in the district they do not represent. Mr. Fleishman reiterated that the districts allow for better understanding of the Town's neighborhoods.

Town Attorney Trevarthen stated that a motion and vote are not necessary if there is Board consensus, although the Board may wish to formalize some decisions with a vote. It was determined that they would proceed at this time with consensus to retain the Town's districts.

Town Attorney Trevarthen referred the Board members to a note in their backup materials addressing Section 6.1, explaining that the Charter currently requires the Town to hire an entity to perform a study that would develop and revalidate the districts' boundaries over time. The principles established in this Section indicate that the districts should seek to reflect equal population, that their boundaries should be compact and logical, and that they generally avoid discrimination and problems with the policy of "one person, one vote."

Town Attorney Trevarthen continued that in a previous incarnation, the CRB reached out to a representative of Florida Atlantic University (FAU) to review the Town's district boundaries. The representative determined that it was not possible to adjust the boundaries in a manner that would reflect the principles mentioned above. The Sea Ranch Lakes condominium complex is located in the center of the Town, which means a great many votes are located there. Allocating the complex to one district or the other would create a significant imbalance in population, and dividing the complex residents' votes would be contrary to the principles involved in districting, as all the residents of the complex clearly have a community interest.

Once this dilemma became clear, the Commission at that time determined that a redistricting study would not be necessary. Town Attorney Trevarthen concluded that there is now an appropriate moment for the CRB to consider whether or not to retain the paragraph addressing district boundaries, or to substitute language clarifying those boundaries.

Town Attorney Trevarthen explained that if the Town wished to retain its districts, this can be done two different ways:

- Drawing a boundary line for the districts
- Retaining current language which the Town is aware it cannot satisfy

Town Attorney Trevarthen continued that if the Board wishes to draw a boundary line, Staff can bring back additional information so the appropriate language may be refined. She pointed out that the existing boundary has been in place for many years.

Mr. Fleishman commented that many residents of the condominium complex's buildings are not registered voters within the Town, as they reside elsewhere for a portion of the year. He estimated there are approximately 250 to 300 votes in the buildings. He also pointed out that not all of the residents within the condominium complex exercise their right to vote. He concluded that it was unlikely the condominium residents' votes could control an election. Vice Chair Kuszmar added, however, that the condominium's demographics may be subject to change.

Town Attorney Trevarthen reiterated that if the Board wishes to explore a process not reflected in the current Charter language, which is difficult to satisfy, Staff can bring additional information, including a map of the district boundary as well as voting data. She also noted that a bloc of 250 votes is a significant number in the Town, as there are few communities with a similar population. In addition, if the districts are redrawn, they would not be based upon the number of residents who vote in an election, but by the number of eligible and registered voters.

Vice Chair Kuszmar observed that demographic and other changes to a community in either district could have an effect on Town policies. He explained that he had been in favor of eliminating districts because the individual Town Commissioners are not working solely for their own districts, although they may have expertise on concerns and conditions in those districts.

Ms. Miranda requested that this Item be continued at a subsequent meeting so Staff can provide additional language and review of geographical areas to consider. Town

Attorney Trevarthen confirmed that the Board members provided consensus to retain the districts, which would be helpful in further discussion, and were also open to reconsidering how those districts are drawn.

Town Attorney Trevarthen continued that at the April 2025 meeting, Board Chair Chris Vincent had requested discussion of possibly lengthening the mayoral term. At present, the Town provides for three two-year terms. Chair Vincent had suggested a maximum of two four-year terms for a Mayor, which would be the same as the Commissioners' terms. The only practical difference would be that in one election cycle there would be two offices on the ballot, while in the alternating cycle there would be three offices, including that of Mayor. Ms. Jeune further clarified that this proposal would also extend the 14 years' cycle to 16 years, which would require an accompanying revision of language.

Mr. Fleishman commented that the reason behind the three two-year terms was that the Town had previously had a Mayor who had not wished to leave office after a lengthy period of service. When a new Mayor and Commission were elected, they implemented term limits for the office of Mayor.

Mr. Fleishman continued that another consideration was to allow the Mayor the same amount of time as the Commissioners so they would not have to run for office every two years, which can be costly and time-consuming. He concluded that he was in favor of ensuring the Mayor has the same amount of time as the Commissioners.

Ms. Miranda agreed that this change would provide greater consistency and lessen the burden on both mayoral candidates and their constituents. Ms. Bonanni-Rubino agreed as well.

The Board members agreed by unanimous consensus to propose a four-year mayoral term, with a maximum of two terms.

Town Attorney Trevarthen asked if this proposal would be included in the full slate of CRB recommendations. The Board members also agreed to this by consensus.

Mr. Fleishman asked if this would mean a Mayor who has served three two-year terms would be allowed a fourth two-year term. Town Attorney Trevarthen replied that the Board's goal is to prepare potential questions that would be included on the November 2026 general election ballot. If this plan is followed, the current Mayor, for example, would be eligible to run for another term in 2026, as he would have just finished his first

two-year term in that office. Because the office of Mayor would be on the same ballot as the question regarding mayoral terms, the winner of that election would either get a two-year or four-year term, depending upon the outcome of the Charter question.

Town Attorney Trevarthen added that the ballot question could be written in a manner clarifying that, should the current Mayor run for reelection, his first two-year term would not prevent him from serving a second term of four years.

Attorney Jeune advised that there are two additional items for consideration under Article 6. One of these addresses language in Florida Statutes Chapter 50, which allows for legal advertisement and public notice to be published on a publicly accessible website. Section 6.7 of the Town's Charter currently requires that forfeiture hearings be published in a newspaper of general circulation. The Town has adopted an Ordinance which provides for notice on publicly accessible websites, but has not yet amended the Charter, as the CRB was not convened at that time. Lauderdale-By-The-Sea does not have a newspaper of general circulation.

Town Attorney Trevarthen clarified that the Town may continue to provide newspaper notice; however, it is presently mandated by the Charter. The suggestion is to consider removing the mandate.

Vice Chair Kuszmar requested clarification of the purpose of posting notice in a newspaper. Town Attorney Trevarthen explained that the question is specific to forfeiture of office by a Commissioner or Mayor. The written procedure documented in the Charter provides for these notices to ensure the general population is aware of the forfeiture hearing.

The Board members agreed by consensus to amend the Charter's language to remove the requirement for newspaper notice.

Attorney Jeune continued that Staff also recommends amending the Charter to explicitly include state law to govern municipal elections. This provides extra protections for Town personnel as well as how elections are conducted.

Town Attorney Trevarthen added that because there has been contention in other local governments regarding language which clarifies that state law governs local elections, her recommendation was to include this language in the Charter to ensure clarity. The Board members also agreed to this change by consensus.

6. OLD BUSINESS

a. Review of Board Recommendations

Town Attorney Trevarthen reviewed a list of all the items recommended by the Board thus far across multiple meetings:

- Section 3.3 and Article 6: change from a six-month to a 12-month residency requirement
- Lengthen the deadline for the Town's audit to nine months in compliance with Florida Statutes
- Address scriveners' errors regarding time frames in relation to initiatives and referenda
- Retain the Town's residential districts
- At the June 2025 meeting, review a map of the current district boundary and related information so the Board can fully understand what it would mean to adopt the existing boundary going forward
- Recommend two four-year terms for the Mayor and draft language so any prior service of a two-year term would not count against a Mayor's ability to serve two four-year terms
- Recommend more generic language regarding public notice of forfeiture hearings
- Recommend addition of a statement indicating that state election law governs local elections

Town Attorney Trevarthen confirmed that information on the district boundary would be provided at the June 2025 meeting, followed by discussion of Article 7. She noted that Article 7 includes three separate dimensions: land use, address and protections of the El Prado property, and advisory bodies.

7. UPDATES / BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

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